Family Law: Service by Publication or Posting

Service by publication or posting are alternate methods of service permitted by the court when the other party's whereabouts are unknown. You must receive permission from the court in order to perform service by publication or posting. The court can only approve your request to serve documents by publication or posting if you show that the other party cannot be served in any other manner. You will need to prove to the court that you have made exhaustive attempts to locate the other party.

Templates and Forms

Service of Summons by Publication or Posting (Sacramento Court Packet) (https://www.saccourt.ca.gov/family/docs/fiservice-by-publication-or-posting-packet.pdf)

CAUTION!

The information in this guide applies only to family law cases. For other types of civil cases, see:

Publication of Summons (https://www.saclaw.org/resource_library/publication-of-summons/)

Common Questions

How do I search for the respondent?

The Sacramento County Superior Court's packet (https://www.saccourt.ca.gov/family/docs/fl-service-by-publication-or-posting-packet.pdf) offers some suggestions for locating the other party. Additional tips and resources are described in the "Finding People and Businesses (https://www.saclaw.org/resource_library/finding-people-and-businesses/)." The Court requires you to make diligent attempts to locate the other party before permitting you to serve your documents by publication or posting. Be sure to keep detailed records of your search.

Should I apply to publish or post my documents?

Service by posting is only available to parties meeting the low income guideline used for fee waivers. This means you either need to have an approved fee waiver on file with the court, or you must apply for a fee waiver

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at the time you file your application for service by posting. If your income is above that level, you must apply for service by publication.

Where do I publish my documents?

You must publish your documents in a newspaper of general circulation in the county where the respondent was last known to reside. A list of these newspapers in Sacramento County is available on the court's website (county is available on the http://www.saccourt.ca.gov/general/docs/newspapers-gen-circulation.pdf). You may select any of the newspapers on this list. You may want to call several of the newspapers since fees vary greatly.

Does the court arrange for publication?

No. You, as the party serving documents via publication, are responsible for arranging for publication of your documents. You are also responsible for ensuring that proof of publication is filed with the court. Many newspapers will automatically file this for you; be sure to confirm if the newspaper you choose will do this for you. If not, be sure to pick up the proof of publication from the newspaper, and file it with the court.

Where do I post my documents?

If the respondent's last known address is in Sacramento County, your documents will be posted at the Family Relations Courthouse, 3341 Power Inn Road, Room 100 Bulletin Board, Sacramento, CA 95826. If the last known address is outside Sacramento County, contact the family law courthouse in that county to ask for the posting location.

Does the court arrange for posting?

Yes, if the respondent's last known address is in Sacramento County. After your Application for Publication or Posting is approved, the court will post your documents for you at the courthouse. Court staff will also mail a copy of the appropriate documents to absent party's last known address.

If posting will occur in another county, you will need to make those arrangements yourself. You will need someone over the age of 18 who is not a party to the case to post your documents and complete the <u>Proof of Service by Posting</u> (FL-985) (http://www.courts.ca.gov/documents/f1985.pdf) at the end of the posting period. You will also

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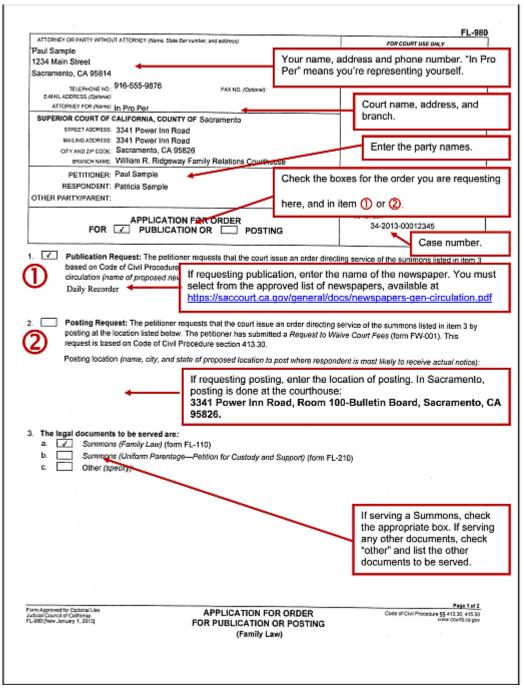
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need to have someone over 18 who is not a party to the case mail a copy of your documents, along with a copy of the *Order for Publication or Posting*, to the opposing party's last known address. This person must then complete a *Proof of Service By Mail* (Form FL-335) (http://www.courts.ca.gov/documents/fl335.pdf) and file it with the court.

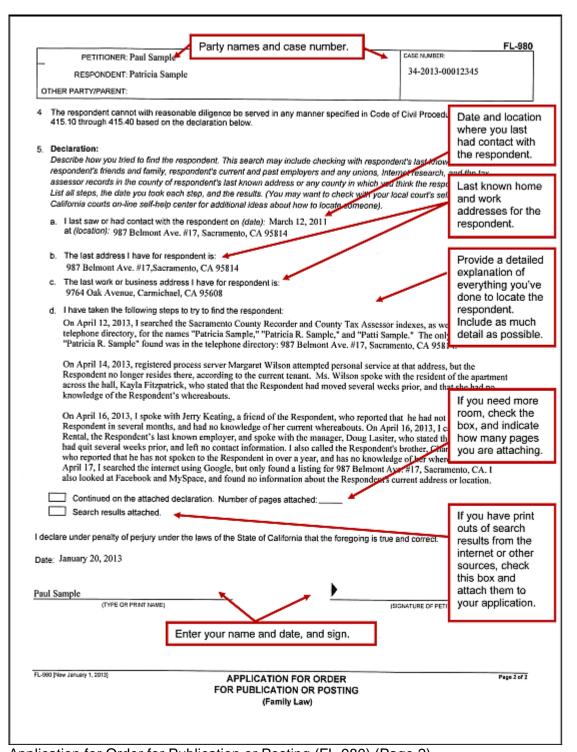
The <u>Sacramento County Superior Court's packet (http://www.saccourt.ca.gov/family/docs/fi-service-by-publication-or-posting-packet.pdf)</u> includes detailed instructions on this procedure in family court. Be sure to read those instructions carefully. Instructions for completing the forms commonly used in this procedure can be found below.

Samples

Application for Order for Publication or Posting

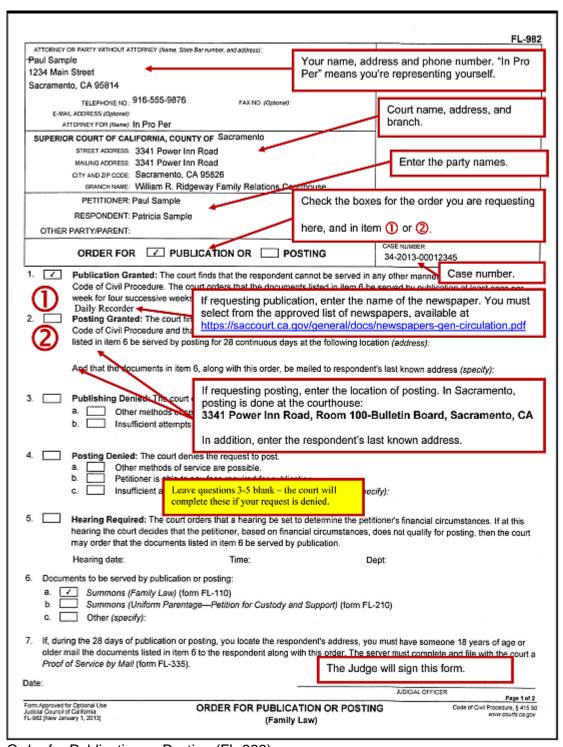


Application for Order for Publication or Posting (FL-980) (Page 1)



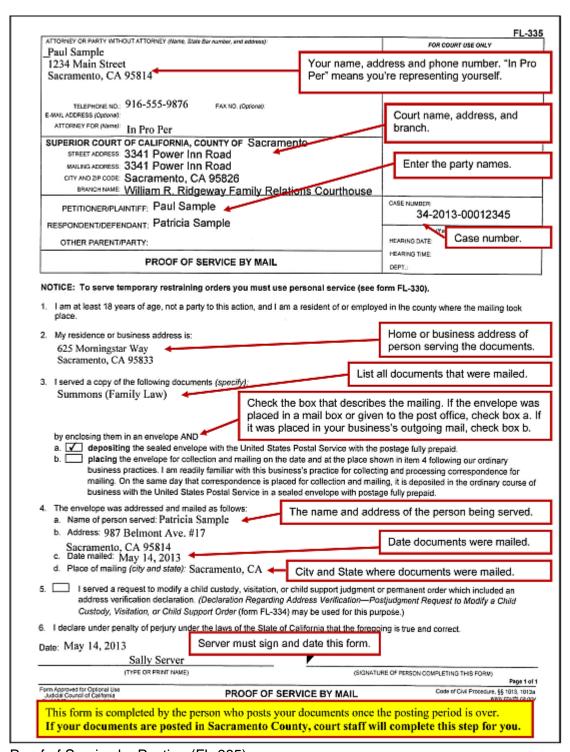
Application for Order for Publication or Posting (FL-980) (Page 2)

Order for Publication



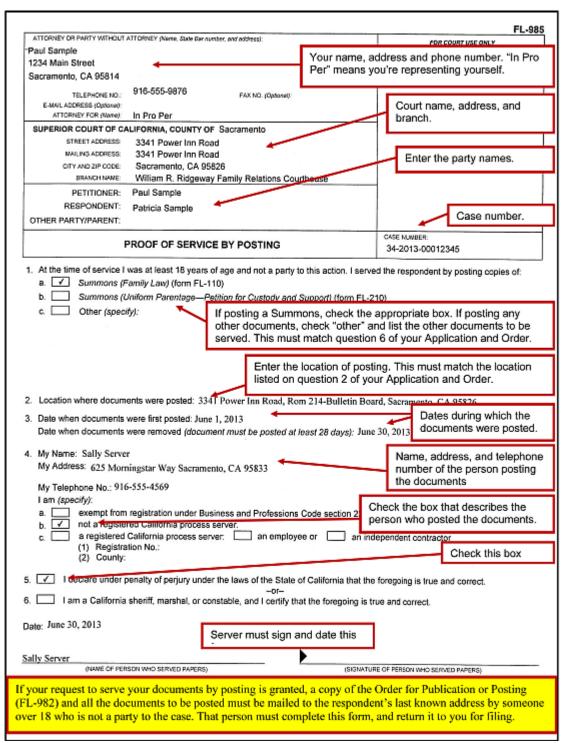
Order for Publication or Posting (FL-982)

Proof of Service by Posting



Proof of Service by Posting (FL-985)

Proof of Service by Mail



Proof of Service by Mail (FL-335)