

FAMILY LAW

Service by Publication or Posting

To apply for an order for service by publication or posting in a Sacramento **Family Law** case, download the court's Service by Publication or Posting Packet from www.saccourt.ca.gov/family/docs/fl-service-by-publication-or-posting-packet.pdf.

BACKGROUND

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.

The [Sacramento County Superior Court's packet](#) 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 at the end of this Guide.

COMMON QUESTIONS

How do I search for the respondent?

The [Sacramento County Superior Court's packet](#) offers some suggestions for locating the other party. Additional tips and resources are described in the "Finding People and Businesses" guide on the Law Library's website at saclaw.org/finding-people. 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 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.

CAUTION!

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

- [Publication of Summons](#)

Disclaimer: This Guide is intended as general information only. Your case may have factors requiring different procedures or forms. The information and instructions are provided for use in the Sacramento County Superior Court. Please keep in mind that each court may have different requirements. If you need further assistance consult a lawyer.

>>[Home](#) >>[Law 101](#)

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 online at 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 [Proof of Service by Posting \(FL-985\)](#) at the end of the posting period. You will also 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 \(Form FL-335\)](#) and file it with the court.

IF YOU HAVE QUESTIONS ABOUT THIS GUIDE, OR IF YOU NEED HELP FINDING OR USING THE MATERIALS LISTED, DON'T HESITATE TO ASK A REFERENCE LIBRARIAN.

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updated 9/20 mpj

ATTACHMENTS: FORMS AND INSTRUCTIONS

The Judicial Council forms commonly used in this procedure are included in the Sacramento County Superior Court's packet:

- [Service by Publication or Posting Packet](#)

You may also need:

- [Proof of Service By Mail \(FL-335\)](#)

Sample filled-in forms with instructions are available at the end of this Guide.

FL-980

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Paul Sample 1234 Main Street Sacramento, CA 95814</p> <p>TELEPHONE NO.: 916-555-9876 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): In Pro Per</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento</p> <p>STREET ADDRESS: 3341 Power Inn Road MAILING ADDRESS: 3341 Power Inn Road CITY AND ZIP CODE: Sacramento, CA 95826 BRANCH NAME: William R. Ridgeway Family Relations Courthouse</p>	<p>CASE NUMBER: 34-2013-00012345</p>
<p>APPLICATION FOR ORDER FOR <input checked="" type="checkbox"/> PUBLICATION OR <input type="checkbox"/> POSTING</p>	

Your name, address and phone number. "In Pro Per" means you are representing yourself.

Court name, address, and branch.

Enter the party names.

Case number.

Check the box for the order you are requesting.

1. **Publication Request:** based on Code of Civil Procedure section 413.30 (name of newspaper): Daily Recorder

If requesting publication, enter the name of the newspaper. You must select from the approved list of newspapers, available at www.saccourt.ca.gov/general/docs/newspapers-gen-circulation.pdf

2. **Posting Request:** The petitioner requests that the court issue an order directing service of the summons listed in item 3 by posting at the location listed below. The petitioner has submitted a *Request to Waive Court Fees* (form FW-001). This request is based on Code of Civil Procedure section 413.30.

If requesting posting, enter the location of posting. In Sacramento, posting is done at the courthouse: **3341 Power Inn Road, Room 100-Bulletin Board, Sacramento, CA 95826**

3. **The legal documents to be served are:**

- a. *Summons (Family Law)* (form FL-110)
- b. *Summons (Uniform Parentage—Petition for Custody and Support)* (form FL-210)
- c. Other (specify):

If serving a Summons, check the appropriate box. If serving any other documents, check "other" and list the other documents to be served.

>>Home >>Law 101

Party names and case number.

PETITIONER: Paul Sample	CASE NUMBER: 34-2013-00012345
RESPONDENT: Patricia Sample	
OTHER PARTY/PARENT:	

FL-980

4 The respondent cannot with reasonable diligence be served in any manner specified in Code of Civil Procedure sections 415.10 through 415.40 based on the declaration below.

5. Declaration:

Describe how you tried to find the respondent. This search may include checking with respondent's last known address; respondent's friends and family, respondent's current and past employers and any unions, Internet research, and the tax assessor records in the county of respondent's last known address or any other source. List all steps, the date you took each step, and the results. (You may want to visit the California courts on-line self-help center for additional ideas about how to find a respondent.)

Date and location where you last had contact with the respondent.

a. I last saw or had contact with the respondent on (date): March 12, 2011 at (location): 987 Belmont Ave. #17, Sacramento, CA 95814

Last known home and work addresses for the respondent.

b. The last address I have for respondent is: 987 Belmont Ave. #17, Sacramento, CA 95814

c. The last work or business address I have for respondent is: 9764 Oak Avenue, Carmichael, CA 95608

d. I have taken the following steps to try to find the respondent:

On April 12, 2013, I searched the Sacramento County Recorder and County Tax Assessor indexes, as well as the telephone directory, for the names "Patricia Sample," "Patricia R. Sample," and "Patti Sample." The only listing for "Patricia R. Sample" found was in the telephone directory: 987 Belmont Ave. #17, Sacramento, CA 95814.

On April 14, 2013, registered process server Margaret Wilson attempted personal service at that address, but the Respondent no longer resides there, according to the current tenant. Ms. Wilson spoke with the resident of the apartment across the hall, Kayla Fitzpatrick, who stated that the Respondent had moved several weeks prior, and that she had no knowledge of the Respondent's whereabouts.

On April 16, 2013, I spoke with Jerry Keating, a friend of the Respondent, who reported that he had not seen the Respondent in several months, and had no knowledge of her current whereabouts. On April 16, 2013, I called Ajax Car Rental, the Respondent's last known employer, and spoke with the manager, Doug Lasiter, who stated that Ms. Sample had quit several weeks prior, and left no contact information. I also called the Respondent's brother, Charles Rodgers, who reported that he has not spoken to the Respondent in over a year, and has no knowledge of her whereabouts. On April 17, I searched the internet using Google, but only found a listing for 987 Belmont Ave. #17, Sacramento, CA. I also looked at Facebook and MySpace, and found no information about the Respondent's current address or location.

If you have print outs of search results from the internet or other sources, check this box and attach them to your application.

- Continued on the attached declaration. Number of pages attached: _____
- Search results attached.

Provide a detailed explanation of everything you've done to locate the respondent. Include as much detail as possible. If you need more room, check the box, and indicate how many pages you are attaching.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 20, 2013

Paul Sample
(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

Enter your name, and date and sign.

FL-982

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Paul Sample 1234 Main Street Sacramento, CA 95814 TELEPHONE NO.: 916-555-9876 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): In Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento STREET ADDRESS: 3341 Power Inn Road MAILING ADDRESS: 3341 Power Inn Road CITY AND ZIP CODE: Sacramento, CA 95826 BRANCH NAME: William R. Ridgeway Family Relations Courthouse	
PETITIONER: Paul Sample RESPONDENT: Patricia Sample OTHER PARTY/PARENT:	
ORDER FOR <input type="checkbox"/> PUBLICATION OR <input type="checkbox"/> POSTING	CASE NUMBER: 34-2013-00012345

Your name, address and phone number. "In Pro Per" means you are representing yourself.

Court name, address, and branch.

Case number.

Enter the party names.

Check the box for the order you're requesting.

If requesting publication, enter the name of the newspaper. This must be the paper listed in question 1 of your Application.

If requesting posting, enter the location of posting and the respondent's last known address. These must match the locations listed on questions 2 and 5 of your Application.

Leave questions 3-5 blank – the court will complete these if your request is denied.

If serving a Summons, check the appropriate box. If serving any other documents, check "other" and list the other documents to be served. This must match question 6 of your Application.

The Judge will sign this form.

1. **Publication Granted:** The court finds that the respondent cannot be served in any other manner specified in the California Code of Civil Procedure. The court orders that the documents listed in item 6 be served by publication for four successive weeks in the following manner: **Daily Recorder**
2. **Posting Granted:** The court finds that the respondent cannot be served in any other manner specified in the California Code of Civil Procedure and that the petitioner cannot afford to serve by publication. The court orders that the documents listed in item 6 be served by posting for 28 continuous days at the following location: _____
And that the documents in item 6, along with this order, be mailed to _____
3. **Publishing Denied:** The court denies the request to publish.
 - a. Other methods of service are possible.
 - b. Insufficient attempts have been made to locate the respondent (*specify*): _____
4. **Posting Denied:** The court denies the request to post.
 - a. Other methods of service are possible.
 - b. Petitioner is able to pay for service.
 - c. Insufficient attempts have been made to locate the respondent (*specify*): _____
5. **Hearing Required:** The court orders that a hearing be set to determine the petitioner's financial circumstances. If at this hearing the court decides that the petitioner, based on financial circumstances, does not qualify for posting, then the court may order that the documents listed in item 6 be served by publication.
Hearing date: _____ Time: _____
6. Documents to be served by publication or posting:
 - a. Summons (Family Law) (form FL-110)
 - b. Summons (Uniform Parentage—Petition for Custody and Support) (form FL-111)
 - c. Other (*specify*): _____
7. If, during the 28 days of publication or posting, you locate the respondent's address, you may order mail the documents listed in item 6 to the respondent along with this order. The respondent must file a *Proof of Service by Mail* (form FL-335).

Date: _____

JUDICIAL OFFICER _____

This form is completed by the person who posts your documents once the posting period is over. If your documents are posted in Sacramento County, court staff will complete this step for you.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY	
Paul Sample 1234 Main Street Sacramento, CA 95814		The party's name, address and phone number. "In Pro Per" means you're representing yourself.	
TELEPHONE NO.: 916-555-9876	FAX NO. (Optional):		
E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): In Pro Per			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento			
STREET ADDRESS: 3341 Power Inn Road		Court name, address, and branch.	
MAILING ADDRESS: 3341 Power Inn Road			
CITY AND ZIP CODE: Sacramento, CA 95826			
BRANCH NAME: William R. Ridgeway Family Relations Courthouse			
PETITIONER: Paul Sample		Enter the party names.	
RESPONDENT: Patricia Sample			
OTHER PARTY/PARENT:		Case number.	
PROOF OF SERVICE BY POSTING		CASE NUMBER: 34-2013-00012345	

1. At the time of service I was at least 18 years of age and not a party to this action. I served the respondent by posting copies of:

- a. Summons (For)
- b. Summons (Un)
- c. Other (specify)

If posting a Summons, check the appropriate box. If posting any other documents, check "other" and list the other documents to be served. This must match question 6 of your Application and Order.

Enter the location of posting. This must match the location listed on question 2 of your Application and Order.

2. Location where documents were posted: 3341 Power Inn Road, Rom 214-Bulletin Board, Sacramento, CA 95826

3. Date when documents were first posted: June 1, 2013

Date when documents were removed (document must be posted at least 28 days): June 30, 2013

Dates during which the documents were posted.

4. My Name: Sally Server

My Address: 625 Morningstar Way Sacramento, CA

My Telephone No.: 916-555-4569

I am (specify):

- a. exempt from registration under Business and Professions Code section 22350(b)
- b. not a registered California process server.
- c. a registered California process server: an employee or an independent contractor

Name, address, and telephone number of the person posting the documents.

Check this box.

Check the box that describes the person who posted the documents.

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

6. I am a California sheriff, marshal, or constable, and I certify that the foregoing is true and correct.

Date: June 30, 2013

Sign and date this form.

Sally Server

(NAME OF PERSON WHO SERVED PAPERS)

(SIGNATURE OF PERSON WHO SERVED PAPERS)

If your request to serve your documents by posting is granted, a copy of *the Order for Publication or Posting* (FL-982) and all the documents to be posted must be mailed to the respondent's last known address by someone over 18 who is not a party to the case. That person must complete this form, and return it to you for filing. **If your documents are posted in Sacramento County, court staff will complete this step for you.**

Paul Sample 1234 Main Street Sacramento, CA 95814 TELEPHONE NO. 916-555-9876 FAX NO. E-MAIL ADDRESS (Optional) ATTORNEY FOR (Name) In Pro Per		The party's name, address and phone number. "In Pro Per" means you're representing yourself.
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento STREET ADDRESS: 3341 Power Inn Road MAILING ADDRESS: 3341 Power Inn Road CITY AND ZIP CODE: Sacramento, CA 95826 BRANCH NAME: William R. Ridgeway Family Relations Courthouse		
PETITIONER/PLAINTIFF: Paul Sample RESPONDENT/DEFENDANT: Patricia Samp OTHER PARENT/PARTY:		Enter the party names.
CASE NUMBER: 34-2013-00012345 (If applicable, provide) HEARING DATE: HEARING TIME: DEPT.:		
PROOF OF SERVICE BY MAIL		Case number.

NOTICE: To serve temporary restraining orders you must use personal service (see form FL-330).

- I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place.
- My residence or business address is:
 625 Morningstar Way
 Sacramento, CA 95833

Home or business address of person serving the documents.

- I served a copy of the following documents (specify):
 Summons (Family Law)

List all documents that were mailed.

by enclosing them in an envelope AND

- depositing** the sealed envelope with the United States Postal Service in a sealed envelope with postage fully prepaid.
- placing** the envelope for collection in a mail box or given to the post office, check box a. If it was placed in your business's outgoing mail, check box b.

Check the box that describes the mailing. If the envelope was placed in a mail box or given to the post office, check box a. If it was placed in your business's outgoing mail, check box b.

- The envelope was addressed and mailed as follows:
 - Name of person served: Patricia Sample
 - Address: 987 Belmont Avc. #17
 Sacramento, CA 95814
 - Date mailed: May 14, 2013
 - Place of mailing (city and state): Sacramento, CA

The name and address of the person being served.

Date and location where documents were mailed.

- I served a request to modify a child custody, visitation, or child support judgment or permanent order which included an address verification declaration. (*Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order* (form FL-334) may be used for this purpose.)
- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: May 14, 2013

Sally Server

Sign and date this

(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON COMPLETING THIS FORM)