

FAMILY LAW

SERVICE BY PUBLICATION AND POSTING PACKET

What you will find in this packet:

- **Requirements for Filing Court Papers (MC-500-INFO)**
- **Publication and Posting Instructions (FamLaw-900a)**
- **Application for Order for Publication or Posting (FL-980)**
- **Order for Publication or Posting (FL-982)**
- **Proof of Service by Posting (FL-985)**
- **Proof of Service by Mailing (FL-335)**
- **Newspapers used for Legal Publications (PI-02)**

You Can Get Court Forms FREE at: www.cc-courts.org/forms

The Clerk of the Court cannot accept for filing any papers that do not comply with California Rules of Court 2.100 et seq. (CRC 2.118)

To avoid having your papers rejected by the clerk:

Use Judicial Council forms whenever possible

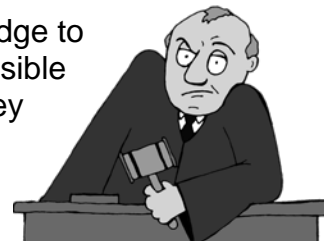
If you print Judicial Council forms from your computer, print them out single-sided. (Don't print double-sided unless you know how to tumble the pages). Judicial Council forms can be found at <http://www.courts.ca.gov/forms.htm>.

If the form you need is not on the Judicial Council website, you will have to make your own form which follows these rules

1. White or unbleached paper – 8 1/2 by 11 inches
2. One-sided paper – only one side of each page may be used
3. 12 pt font (Courier, Times New Roman, Arial or equivalent (Handwritten papers are OK – but write legibly)
4. Line spacing - One and one-half or double-spaced (use pleading paper – either the Judicial Council form MC-20 or create your own using the legal template in your word processor)
5. Margins – at least 1 inch from the left edge and ½ inch from right edge
6. Page Numbers – pages must be numbered consecutively on the bottom (1, 2, 3 ...)
7. Binding – Original and copies must be firmly bound (e.g. stapled) AND the Original must be 2-hole punched at the top.

You will need the **Original document**, signed in ink (blue is best), and correct number of identical copies (***original for the Court, a copy for each party***) for the clerk to file.

The Rules are important – Remember - You want the Judge to understand what you have written. Don't make that impossible by submitting papers that are too hard to read because they are upside down, the print is too small or too light, or the pages have fallen out of the file because they are too small or too large and/or not properly fastened.



FAMILY LAW SERVICE BY PUBLICATION AND POSTING PACKET

INFORMATION

1. You can use the forms in this packet if you are unable to locate the Respondent in your divorce, legal separation, nullity, termination of a domestic partnership case, or parentage case.
2. Before you ask the court for an order to serve the respondent by publication or posting, you must have checked everywhere you can think of to find the respondent.
 - a. Check with relatives, friends, co-workers, former employers.
 - b. Check online sources such as Facebook, Twitter, etc.
 - c. Do an online person search to see if you can locate him or her.
 - d. Check with the County Assessor's Office.
3. You may want to contact an attorney if you are unsure whether or not you should serve the respondent by posting or publication. Court staff, including Family Law Facilitators, can provide procedural assistance; they cannot give legal advice. Check the court website at www.cc-courts.org/findlawyer for information about attorney referral services if you need legal advice.

INSTRUCTIONS

1. Complete Form FL-980, Application for Order for Publication or Posting (Family Law) and indicate whether service will be by publication or posting. **You can only serve by posting if you qualify for a waiver of court filing fees.**
2. Complete Section 3, indicating what documents are to be served.
3. Complete section 5; provide a detailed statement of the steps you have taken to locate the respondent. Attach any proof of your efforts to locate the other party; for example: attach internet search results or copies of returned letters.
4. Complete the top section of FL-982, Order for Publication or Posting.
5. Make 2 copies of each document.
6. Take the completed FL-980 and FL-982 forms and the copies to the Restraining Order / Ex Parte Window at 751 Pine Street; a judge will review the application.
7. After the judge reviews your order, you will pick the documents up from the Clerk's Office and file them.

**IF YOUR REQUEST FOR SERVICE BY PUBLICATION IS GRANTED,
FOLLOW THE INSTRUCTIONS BELOW**

8. FOR PUBLICATION:

- a. Follow the instructions on page 2 of FL-982.
- b. A list of Contra Costa County newspapers used for legal publication is included in the packet.
- c. Take the order for publication with a copy of the documents to be published to the approved newspaper.
- d. After the newspaper publication is complete, the newspaper will send you a declaration or affidavit of publication. Make a copy of the declaration and file it at the Clerk's Office. Sometimes the newspaper files the declaration; check with the newspaper to see what their procedure is.

**IF YOUR REQUEST FOR SERVICE BY POSTING IS GRANTED,
FOLLOW THE INSTRUCTIONS BELOW**

9. FOR POSTING:

- a. Read form FL-982, Order for Publication or Posting. It will tell you where you can post a filed copy of the Summons. Have an adult (18 or over) who is not you, post the Summons on the bulletin board at that location. If ordered to post at the courthouse at 751 Pine Street, Martinez, CA, the bulletin board is located in the back of the lobby between the copy machines and the bathrooms. If ordered to post at the courthouse at 725 Court Street, Martinez, CA, the bulletin board is located across from the elevator outside of Room 103. The courthouse buildings are open Monday through Friday 8 am to 5 pm.
- b. The Summons must be posted for 28 days.
- c. After the 28 days, have the person who posted the Summons remove the document from the bulletin board. Have them fill out form FL-985, Proof of Service by Posting. Make a copy of the completed form. File the original and copy.
- d. Form FL-982, Order for Publication or Posting, may also require you to have the forms mailed to the other parties' last known address. Have an adult (18 or over) who is not you, mail a filed copy of the Summons and any other forms listed in Item 6 of form FL-982, Order for Publication or Posting, to the other parties' last known address. The person who mailed the forms fills out form FL-335, Proof of Service by Mail. Make a copy of the completed form. File the original and the copy.
- e. You can take the other parties' default 30 days after the posting and mailing is completed.

1. ☐ **Publication Request:** The petitioner requests that the court issue an order directing service of the summons listed in item 3 based on Code of Civil Procedure section 413.30, and that the summons be published in the following newspaper of general circulation (*name of proposed newspaper of general circulation where respondent is most likely to receive actual notice*):

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.

Posting location (name, city, and state of proposed location to post where respondent is most likely to receive actual notice):

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):*

PETITIONER:	CASE NUMBER:
RESPONDENT:	
OTHER PARTY/PARENT:	

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 county in which you think the respondent may live. List all steps, the date you took each step, and the results. (You may want to check with your local court's self-help center or the California courts on-line self-help center for additional ideas about how to locate someone).

- a. I last saw or had contact with the respondent on (date):
at (location):
- b. The last address I have for respondent is:
- c. The last work or business address I have for respondent is:
- d. I have taken the following steps to try to find the respondent:

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

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

Date:

(TYPE OR PRINT NAME)

_____
(SIGNATURE OF PETITIONER)

PETITIONER: RESPONDENT: OTHER PARTY/PARENT:	CASE NUMBER:
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INSTRUCTIONS

Publication:

1. **Publication:** Take this order to the approved newspaper for publication and pay the fee to publish the documents listed in item 6 of this order for at least once a week for four successive weeks.
2. **Proof of Service by Publication:** After the newspaper publication is complete, the newspaper will send you a declaration or affidavit of publication and a copy of the publication notice that appeared in the newspaper. You must file this declaration or affidavit of publication with the court clerk if it has not been filed by the newspaper. Be sure to make a copy for yourself.
3. **Service by Publication Completed:** Service by publication is complete at the end of the 28th day of publication in the newspaper. If no response has been filed by the respondent, the petitioner may file a *Request to Enter Default* (form FL-165) starting on the 59th day after the first day of publication.
4. **Mailing:** If during the time of publication, you locate the respondent's address, you must have someone 18 years of age or older mail the this order and all documents listed in item 6 of this order to the respondent. Be sure the person who mails these documents completes and files a proof of service of this mailing. The server may use *Proof of Service by Mail* (form FL-335).

Posting:

1. **Posting Location:** You must have someone, 18 years of age or older and not a party to the case, post a copy of this *Order for Publication or Posting* (form FL-982) and all documents listed in item 6 of this order at the court-ordered posting location leaving it posted for 28 days in a row.
2. **Mailing to last known address:** You must have someone, 18 years or older and not a party to the case, mail this *Order for Publication or Posting* (form FL-982) and all documents listed in item 6 of this order to the respondent's last known address. The person who mails these documents completes a proof of service of this mailing. The server may use *Proof of Service by Mail* (form FL-335).
3. **Proof of Service by Posting:** The person (server) who posts and/or mails these documents must complete and file a declaration under penalty of perjury of such proof of posting. The server may use *Proof of Service of Posting* (form FL-985).
4. **Service by Posting Completed:** Service by posting is complete at the end of the 28th day of posting. If no response has been filed by the respondent, the petitioner may file a *Request to Enter Default* (form FL-165) on the 59th day after the first day of posting.
5. **Mailing:** If during the time of posting, you locate the respondent's address, you must have someone 18 years of age or older mail the this order and all documents listed in item 6 of this order to the respondent. Be sure the person who mails these documents completes and files a proof of service of this mailing. The server may use *Proof of Service by Mail* (form FL-335).

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

3. Date when documents were first posted:

Date when documents were removed (*document must be posted at least 28 days*):

My Address:

My Telephone No.:

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
(1) Registration No.:
(2) County:

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

—or—

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

Date:

(NAME OF PERSON WHO SERVED PAPERS)

(SIGNATURE OF PERSON WHO SERVED PAPERS)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> <div style="display: flex; justify-content: space-between;"> <div>TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):</div> <div>FAX NO. (Optional):</div> </div>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER: <div style="text-align: center; font-size: small;">(If applicable, provide):</div> HEARING DATE: HEARING TIME: DEPT.:
PROOF OF SERVICE BY MAIL	

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

1. 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.
2. My residence or business address is:

3. I served a copy of the following documents (*specify*):

by enclosing them in an envelope AND

- a. ☐ **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
- b. ☐ **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
4. The envelope was addressed and mailed as follows:
 - a. Name of person served:
 - b. Address:

 - c. Date mailed:
 - d. Place of mailing (*city and state*):
5. ☐ 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.)
6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:



(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON COMPLETING THIS FORM)



CONTRA COSTA COUNTY NEWSPAPERS USED FOR LEGAL PUBLICATIONS

NAME/ADDRESS	PHONE	ADJ DATE	GENERAL AREA OF PUBLICATION
East County Times 5179 Lone Tree Way Antioch, CA 94509	(925) 779-7115 Fax (925) 779-7114	6/16/34 # 19589	Antioch, Bethel Island, Brentwood, Byron, Knightsen, Oakley
Brentwood Press 248 Oak Street Brentwood, CA 94513	(925) 634-1441 Fax (925) 634-1975	9/25/02 # NO2-1273	Antioch, Bethel Island, Brentwood, Byron, Knightsen, Discovery Bay, Oakley
Concord Transcript PO Box 4718 Walnut Creek, CA 94596 2640 Shadelands Drive Walnut Creek, CA 94598	(925) 943-8019	10/19/1988 # C8803788	Clayton, Concord
Contra Costa Times PO Box 4718 Attn: Legal Dept. Walnut Creek, CA 94598 175 Lennon Lane, #100 Walnut Creek, CA 94598	(925) 943-8019	6/11/52 # 55193	East / Central Contra Costa County
Contra Costa News Register 617 Main Street Martinez, CA 94553	(925) 229-2910	4/16/56 # 65576	All of Contra Costa County
El Cerrito Journal 1050 Marina Way South Richmond, CA 94804	(510) 262-2740 Fax (510) 262-2776	12/31/87 # 038046	El Cerrito
San Ramon Valley Times 175 Lennon Lane, #100 Walnut Creek, CA 94598	(925) 779-7115 Fax (925) 779-7114	5/1/47 # 39468	Alamo, Blackhawk, Danville, Diablo, San Ramon
Rossmoor News P.O. Box 2190 1006 Stanley Dollar Drive Walnut Creek, CA 94595	(925) 988-7800 Fax (925) 935-8348	5/22/71 # 120869	Walnut Creek
West County Times 1050 Marina Way South Richmond, CA 94804	(510) 262-2740 Fax (510) 262-2667	8/29/78 # 188884	Crockett, El Sobrante, Pinole, Richmond, Rodeo, San Pablo,