

# Alternative Form of Service

## Instructions for Packet 6A

This packet is for a person who has filed a petition for divorce, separation, custody or parenting time (visitation), and cannot complete service by the usual methods, including:

- personal service (having the papers delivered directly to respondent),
- substitute service (delivery of papers to a person living at respondent's home who is at least 14 years old, and mailing of documents to home address),
- office service (delivery of papers to the person apparently in charge at respondent's office during working hours), and
- service by mail (delivery to respondent by first class mail and by certified, registered or express mail provided respondent signs a receipt for the certified, registered or express mail. The respondent must not be a minor or incapacitated.)

The law requires that you try to locate respondent through all possible methods before an alternative method of service is allowed. This may include:

- Certified letter sent to respondent with FORWARDING REQUESTED and with ADDRESS CORRECTION REQUESTED endorsements;
- Call made to Information with the telephone company showing no telephone listing in the city of last known residence, and if possible, in state of last known residence;
- Contact with at least three known relatives and/or close friends and/or business associates who say they do not know respondent's whereabouts;
- Check with the business directory in the city of last known residence;
- If incarceration is suspected, verification with the Department of Corrections that respondent is not in custody;
- Any equivalent method to search for respondent's whereabouts. If any of these produces a new address, or location where the respondent resides, that must be explored to make sure it is not the current address or will lead directly to current address through forwarding.

If you cannot locate the respondent, these forms allow you to request permission from the Court to use one of the following methods of service: publication, posting, or mailing to a specified post office address.

### STEP 1

- Fill out the Affidavit in Support of Motion for Alternative Form of Service (AFFIDAVIT) and Motion for Order to Allow an Alternative Form of Service (MOTION).
- Fill out the case heading on the Order Regarding Request for Alternative Form of Service (ORDER).
- Fill out the Certificate of Document Preparation (CERTIFICATE).
- Make two copies of the MOTION, ORDER AND AFFIDAVIT. One is for your records and the other is to mail, post, or published on the respondent.

### STEP 2

- File the **original** AFFIDAVIT, MOTION, ORDER and CERTIFICATE with the court clerk.

### **STEP 3**

Check back in a week to 10 days to see if the ORDER was signed by a judge, and if so, what method of service the judge has allowed you to use (if any).

### **STEP 4**

- If an alternative method was allowed in the ORDER, follow the instructions in the ORDER to complete service.
- To serve by publication, you must fill out the Summons in this packet completely and have it published in the newspaper specified in the ORDER. You must also mail a copy of the summons and petition to the respondent if you know his or her post office box number or can find out what the post office box number is with reasonable diligence. If you can't find out the post office box number by exercising reasonable diligence, you may mail the documents to the respondent's last known address. If you can't find out the last known address using reasonable diligence, you don't have to mail the documents.
- To serve by mail, send the documents by first class mail and by any of the following: certified or registered mail, return receipt requested or express mail.

### **STEP 5**

Once service is complete, file a proof of service with the court. You may do this by filing the Affidavit of Service if service was completed by posting or mailing. If service was completed by publication, submit the Affidavit of Publication and the Certificate of Mailing (if you are able to mail; see Step 4).

### **STEP 6**

Wait until the period for the respondent to file a response has passed. If you don't receive a copy of a response in the mail, check with the court clerk to see if one was filed. If no response was filed, you may file your request for a default according to the instructions in the packet you used to file your petition.



IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF LINN

IN THE MATTER OF )  
 THE MARRIAGE OF )  
 SEPARATION OF )  
 CUSTODY PROCEEDING )  
 OTHER )  
\_\_\_\_\_)  
PETITIONER, )  
AND )  
\_\_\_\_\_)  
RESPONDENT, )

Case No. \_\_\_\_\_

**MOTION FOR ORDER TO ALLOW  
AN ALTERNATIVE FORM OF  
SERVICE**

Motion

I, \_\_\_\_\_, request that the court issue an Order allowing service by publication, mailing or posting based on unsuccessful attempts to locate and serve the other party detailed in the attached affidavit. If the court orders service by publication, I request that I be allowed to publish notice in \_\_\_\_\_, a newspaper of general circulation in \_\_\_\_\_ County.

Points and Authorities

ORCP 7D(6)(a) allows the court to order service by any method or combination of methods which under the circumstances is most reasonably calculated to apprise the party of the existence and pendency of the action, upon a showing that service cannot be made by any method otherwise specified by law.

Dated: \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Petitioner, Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Contact Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Contact Telephone

**I certify that this is a true copy.**

\_\_\_\_\_  
Petitioner, Signature

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF LINN

IN THE MATTER OF )  
 THE MARRIAGE OF )  
 SEPARATION OF )  
 CUSTODY PROCEEDING )  
 OTHER )  
\_\_\_\_\_)  
PETITIONER, )  
AND )  
\_\_\_\_\_)  
RESPONDENT, )

Case No. \_\_\_\_\_

**AFFIDAVIT IN SUPPORT OF  
MOTION FOR ALTERNATIVE  
FORM OF SERVICE**

STATE OF \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

I, \_\_\_\_\_, being first duly sworn, say that the following is true:

1. I am the petitioner in this case.
2. I have had no contact with the respondent since (date)\_\_\_\_\_. His/Her last known address is \_\_\_\_\_, and I am not presently aware of his/her whereabouts, mailing address or how to get in contact with him/her.
3.  I attempted to have the respondent personally served at his or her dwelling house or usual place of abode located at \_\_\_\_\_.  
Service at this address has not been successful because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
4.  I attempted to complete substitute service on respondent but was unsuccessful because:  
\_\_\_\_\_  
\_\_\_\_\_.

5. Check one:  I attempted to complete office service on respondent but was unsuccessful because:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 The respondent does not have an office for the conduct of business.
6.  I attempted to mail the documents to respondent at the following address(es): \_\_\_\_\_ by \_\_\_\_\_  
 first class mail and  certified or registered mail, return receipt requested, or  express mail, but was not able to get a receipt signed by Respondent because: \_\_\_\_\_  
 \_\_\_\_\_
7. I  have  have not found a post office address for the respondent. I have made the following efforts to locate a post office address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
8. In addition to the methods described above, I have tried to locate the other party using the following methods: (Describe methods, list dates they were used, and explain why efforts to locate through utility company records, driving records, postal records, family members, friends and any other reasonable means has not been successful. Attach additional pages if necessary). \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 See Attached Exhibit A or \_\_\_\_\_, incorporated herein as if fully set out in this document.
9. Check one:  I know of a specific location outside of \_\_\_\_\_ County where  
(List county of filing)  
 publication might reasonably result in actual notice to the respondent: \_\_\_\_\_.  
(List county and state)  
 I do not know of a specific location where publication might result in actual notice to the respondent.

10.  I am without funds to pay for publication by newspaper. A copy of the order deferring or waiving my filing fee is attached.

Dated: \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Petitioner, Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Contact Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Contact Telephone

SIGNED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public for \_\_\_\_\_/Court Clerk  
My Commission Expires: \_\_\_\_\_

**I certify that this is a true copy.**

\_\_\_\_\_  
Petitioner, Signature

I have contacted people who are or at one time were acquaintances, friends, relatives, or neighbors of the respondent as follows:

| Name | Relationship to Respondent | Date contacted | Contacted by Phone, Mail, Other (describe) | Phone# and/or Address used for Contact | Detailed Results |
|------|----------------------------|----------------|--|--|------------------|
|      |                            |                |  |  |                  |
|      |                            |                |  |  |                  |
|      |                            |                |  |  |                  |
|      |                            |                |  |  |                  |
|      |                            |                |  |  |                  |
|      |                            |                |  |  |                  |
|      |                            |                |  |  |                  |
|      |                            |                |  |  |                  |

I have searched the Internet as follows: (If you do not have Internet access, it may be available at your local public library)

| <b>Site Address</b>         | <b># of Name Matches Found</b> | <b>Name Matches Contacted by Phone, Mail, Other (describe)</b> | <b>Phone # and/or Address</b> | <b>Detailed Results</b> |
|-----------------------------|--------------------------------|--|-------------------------------|-------------------------|
| www.whitepages.com          |                                |  |                               |                         |
| www.dexknows.whitepages.com |                                |  |                               |                         |
|                             |                                |  |                               |                         |
|                             |                                |  |                               |                         |
|                             |                                |  |                               |                         |
|                             |                                |  |                               |                         |

I have contacted utility companies, Post Offices and motor vehicle offices as follows:

| <b>Company or Agency Name and City</b> | <b>Date Contacted</b> | <b>Company or Agency Phone # and/or Address</b> | <b>Detailed Results</b> |
|--|-----------------------|---|-------------------------|
|  |                       |   |                         |
|  |                       |   |                         |
|  |                       |   |                         |

I have contacted former or likely employers as follows:

| <b>Company or Agency Name and City</b> | <b>Date Contacted</b> | <b>Company or Agency Phone # and/or Address</b> | <b>Detailed Results</b> |
|--|-----------------------|---|-------------------------|
|  |                       |   |                         |
|  |                       |   |                         |
|  |                       |   |                         |
|  |                       |   |                         |

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF LINN

IN THE MATTER OF )  
 THE MARRIAGE OF )  
 SEPARATION OF )  
 CUSTODY PROCEEDING )  
 OTHER )  
\_\_\_\_\_)  
PETITIONER, )  
AND )  
\_\_\_\_\_)  
RESPONDENT. )

Case No. \_\_\_\_\_

**ORDER REGARDING REQUEST  
FOR ALTERNATIVE FORM OF  
SERVICE**

Based upon the motion and affidavit of the petitioner on file herein, the request for the use of an alternative service method is hereby:

- allowed
- denied.

IT IS HEREBY ORDERED that service shall be made upon respondent as follows:

**By publication.** The summons shall be published once a week for four consecutive weeks in the \_\_\_\_\_, which is hereby found to be a newspaper of general circulation in \_\_\_\_\_ County, \_\_\_\_\_ (state).

**By mailing.** The summons and petition shall be mailed to respondent at the following address: \_\_\_\_\_ by first class mail and by certified or registered mail, return receipt requested or express mail. Respondent shall have \_\_\_\_\_ days to respond from the following date: the signing of the receipt of mailing (if applicable), three days after the mailing if mailed to an Oregon address, or seven days after the mailing if mailed to an out of state address, whichever comes first.

**By posting.** The summons and petition shall be posted at the following location(s): \_\_\_\_\_

\_\_\_\_\_ for  
a period of four (4) weeks. Respondent shall have \_\_\_\_\_ days to respond from the date of first posting  
(insert date): \_\_\_\_\_.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Circuit Court Judge

\_\_\_\_\_  
Print Name

Submitted by:

\_\_\_\_\_  
Petitioner, Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Contact Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Contact Telephone

**I certify that this is a true copy:**

\_\_\_\_\_  
Petitioner, Signature

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF LINN

IN THE MATTER OF )  
 THE MARRIAGE OF )  
 SEPARATION OF )  
 CUSTODY PROCEEDING )  
 OTHER )  
\_\_\_\_\_)  
PETITIONER, )  
AND )  
\_\_\_\_\_)  
RESPONDENT. )

Case No. \_\_\_\_\_

**CERTIFICATE OF DOCUMENT  
PREPARATION**

You are required to truthfully complete this certificate regarding the documents you are filing with the court.

Check all boxes and complete all blanks that apply:

I selected these documents for myself, and I completed them without paid assistance.

I paid or will pay money to \_\_\_\_\_ for assistance in preparing this document.

Dated: \_\_\_\_\_, 20\_\_\_\_.

**Submitted by:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Contact Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Contact Telephone

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF LINN

IN THE MATTER OF )  
 THE MARRIAGE OF )  
 SEPARATION OF )  
 CUSTODY PROCEEDING )  
 OTHER )

Case No. \_\_\_\_\_

**AFFIDAVIT OF PUBLICATION**

\_\_\_\_\_  
PETITIONER,  
AND )  
\_\_\_\_\_  
RESPONDENT.

STATE OF \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

I, \_\_\_\_\_, being first duly sworn, say that I am the  
\_\_\_\_\_ of \_\_\_\_\_, a newspaper of general circulation  
(job title/description)  
published in \_\_\_\_\_ located in \_\_\_\_\_ County; that I know from my  
(town/state)  
personal knowledge that the summons and summary of the petition, a printed copy of which is  
attached, were published in the entire issue of said newspaper four times in the following  
issues: \_\_\_\_\_

**Certificate of Document Preparation.** You are required to truthfully complete this certificate  
regarding the document  
you are filing with the court. Check all boxes and complete all blanks that apply:  
 I selected this document form myself, and I completed it without paid assistance.  
 I paid or will pay money to \_\_\_\_\_ for assistance in preparing his form.

\_\_\_\_\_  
Signature Print Name

\_\_\_\_\_  
Contact Address City, State, Zip Contact Telephone

SIGNED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public for \_\_\_\_\_/Court Clerk  
My Commission Expires: \_\_\_\_\_

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF LINN

IN THE MATTER OF )  
 THE MARRIAGE OF )  
 SEPARATION OF )  
 CUSTODY PROCEEDING )  
 OTHER )

Case No. \_\_\_\_\_

**AFFIDAVIT OF SERVICE**

\_\_\_\_\_  
PETITIONER,  
AND )  
\_\_\_\_\_  
RESPONDENT.

STATE OF \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

I, \_\_\_\_\_, being first duly sworn, say: I am a resident of the County of \_\_\_\_\_, State of \_\_\_\_\_. I am a competent person 18 years of age or older.

**Service by Posting.** I am not a party to or attorney in this proceeding. I personally posted the summons and petition at (location): \_\_\_\_\_ for a period of four (4) weeks, beginning \_\_\_\_\_ and ending \_\_\_\_\_.

**Service by Mailing.** I personally deposited a true copy of the summons, petition, and \_\_\_\_\_ in the United States first class mail and by: ' certified mail or ' registered mail, return receipt requested, or 'express mail on \_\_\_\_\_. ' The return receipt is attached to this affidavit. (Date)

**Certificate of Document Preparation.** You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

I selected this document form myself, and I completed it without paid assistance.

I paid or will pay money to \_\_\_\_\_ for assistance in preparing this form.

\_\_\_\_\_  
Signature of Server

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Contact Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Contact Telephone

SIGNED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public for \_\_\_\_\_/Court Clerk  
My Commission Expires: \_\_\_\_\_

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF LINN

IN THE MATTER OF )  
 THE MARRIAGE OF )  
 SEPARATION OF )  
 CUSTODY PROCEEDING )  
 OTHER )  
\_\_\_\_\_)  
PETITIONER, )  
AND )  
\_\_\_\_\_)  
RESPONDENT. )

Case No. \_\_\_\_\_

CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 20\_\_\_\_\_, I mailed a true copy  
of: \_\_\_\_\_  
(List documents)

previously filed in this case:  to the other party directly, at the following address, because s/he  
has no attorney: \_\_\_\_\_

to the other party's attorney \_\_\_\_\_ at the  
(Name of other party's attorney)

following address: \_\_\_\_\_

Mailing was done by  first class mail and by  certified or  registered mail, return  
receipt requested, or  express mail.

**Certificate of Document Preparation.** You are required to truthfully complete this  
certificate regarding the document you are filing with the court. Check all boxes and complete  
all blanks that apply:

I selected this document form myself, and I completed it without paid assistance.

I paid or will pay money to \_\_\_\_\_ for assistance in preparing  
this form.

Dated: \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Petitioner, Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Contact Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Contact Telephone