

PROCEDURES: HOW TO SERVE THE COURT PAPERS BY PUBLICATION



YOU MUST ASK THE JUDGE IN WRITING FOR PERMISSION TO SERVE A PARTY USING THE “PUBLICATION” METHOD. The Court MAY permit service by publication if service by publication is the best means practicable in the circumstances for providing the person with notice of the action’s commencement. ARFLP 41(m)(1)(B)

1. **YOU MUST FILE A MOTION with the JUDGE requesting PERMISSION to serve by publication,**
2. **In the MOTION, YOU MUST SHOW that you have made REASONABLY DILIGENT EFFORTS to identify the person’s current address, or that the person has INTENTIONALLY AVOIDED service of process.**
3. **Examples of REASONABLY DILIGENT EFFORTS may include, but are not limited to:**
 - **Address:** Verifying the Respondent is not at any last known address(es).
 - **Mailing:** MAIL a copy of the documents to be served to the last known address, even if it’s your OWN address. (He or she may have put in a mail forwarding order with the Post Office. If it comes back marked “undeliverable,” you may present that envelope as proof of your efforts.
 - **Talk:** Talk to the party’s friends, family members, current or former employers, coworkers, or anyone else you think may have a current address.
 - **Search:** Search telephone directories and obituaries online or in print (phone book and newspaper).
 - **Corrections:** Check the county jail and the state prisons. (Department of Corrections)
 - **Online:** Search online networking sites such as Facebook, MySpace, Hi5, Friendster, LinkedIn and Plaxo, as well as the internet “people search” sites such as Spokeo.com and ZabaSearch.com.
 - **Email:** If the party has a working email account, you may also consider mailing scanned copies of all the documents to his or her email address.
 - **Hire:** You may also consider hiring a private detective or a company that charges a fee to do computer searches to help you track down the other party.

WARNING: If the Court is not satisfied that you have made EVERY REASONABLE EFFORT to locate and actually serve notice on the other party **BEFORE** publishing, the Court will NOT order service by publication; Your case will be delayed, could be **DISMISSED**, and you may be required to take additional steps to serve the Party at your own expense.



DO NOT USE THE STEPS BELOW UNTIL YOU 1) COMPLETE THE STEPS ON PAGE 1 ABOVE AND 2) HAVE A COURT ORDER TO USE PUBLICATION as a method of SERVICE

STEP 1 COMPLETE ATTACHED LETTER to NEWSPAPER describing the documents that need to be referenced by the newspaper, and submit copies of those documents along with the letter to the paper.

A. IF YOU HAVE A COURT ORDER WAIVING/DEFERRING COSTS of PUBLICATION, YOU MUST PUBLISH IN *The Phoenix Record Reporter*.

MAIL OR DELIVER the letter attached to this form, a copy of the documents you filed, and the **CERTIFIED ORDER WAIVING/ DEFERRING COSTS of PUBLICATION** to:

The Record Reporter, 2025 N. Third Street, #160, Phoenix AZ 85004-1425.

You may also **fax** the documents to **(602) 417-9910**,

– OR –

B. IF YOU ARE PAYING THE COST of PUBLICATION, YOU MAY USE ANY NEWSPAPER OF “GENERAL CIRCULATION” in Maricopa County. Note that:

1. There are **numerous** eligible publications **other than** the one mentioned above;
2. The Arizona Corporation Commission maintains a list of eligible publications along with their contact information online at

<http://www.azcc.gov/Divisions/Corporations/Newspaper-list-for-publishing.pdf>.

3. Fees vary. You may call and ask for “Legal Advertising” to compare prices.

C. How to publish service if the other party’s last known address is in Arizona and that address is not in Maricopa County where your case is pending:

1. You must publish in the county in which your case is pending **and** you must publish in a newspaper in the county of the last known residence of the person to be served.
2. To publish in Maricopa County follow the instructions in “A” and “B” above: how to publish service of process if the other party lives in the same county in which your case is pending.
3. To publish in another county (not Maricopa County) you must contact a newspaper company in that county.

STEP 2: WAIT. Wait for the newspaper to mail you the original of the document called **“AFFIDAVIT OF PUBLICATION”** in about five weeks.

STEP 3: COMPLETE YOUR PAPERWORK:

- A. Fill out the “**DECLARATION SUPPORTING PUBLICATION**”, where you will list everything you did to attempt to find the other party before resorting to publication.
- B. **ATTACH** a copy of the published notice from the newspaper(s).
- C. **KEEP A COPY** for yourself of the “**DECLARATION SUPPORTING PUBLICATION**”.

STEP 4: FILE THE COURT PAPERS:

- A. File the original of the “**DECLARATION SUPPORTING PUBLICATION**”, and a copy of the publication(s), and
- B. File the original “**AFFIDAVIT OF PUBLICATION**” you received from the newspaper(s).

WHAT NEXT? COUNT DAYS, and APPLY FOR DEFAULT or APPEAR AT HEARING

- A. **Determine the date of the first newspaper publication.** This is considered to be the date the other party was served with the court papers. Then, count the days for the other party to file a *Response* or Answer (if required). When counting down the days, start counting with the day **after** the first day of publication.
- B. **If a summons was published** and the party to receive notice does not file a response or “answer” within the designated time period, he or she is said to have **defaulted**, and you **may** need to submit an **application for default** for your case to proceed. See the checklist in the Law Library Resource Center’s **Default** packet to see if this applies to your situation. You may also fill out an application for default online by clicking on “**Application for Default**” on the right side of the web page for the Superior Court’s ezCourtForms.
- C. **If an “Order to Appear”** was published instead of a summons, unless the Court specifically orders otherwise, any response to a “**Petition for Order to Appear**” is optional, according to **Arizona Rules of Family Law Procedure, Rule 25.**

Do not copy
or file this page

Print Name

Your Address

_____, 20__
Date

Name of Newspaper

Address

To Whom It May Concern:

I need to publish notice in the newspaper about the following matter: Court Case No. _____
Enclosed is a copy of the following documents stamped by the Clerk of Superior Court (list all the documents here:)

1. _____
2. _____
3. _____
4. _____

Please publish a Notice in your newspaper about this court case once a week for four successive weeks. Also enclosed is (check one box):

- A check or money order in the amount of \$ _____ for the cost of the publication as requested.
- A certified copy of the Order from the court waiving the publication costs.

When you receive this letter, please call me at _____ to tell me when the first publication will occur. When all four weeks of publication have been completed, please send to me the original and one copy of an Affidavit of Publication.

Thank you for your help in this matter.

Sincerely,

Sign your name

Enclosures:

- Court documents AND
- Check or Money Order OR
- Certified copy of Court Order of Waiver/Deferral of Publication Fees