



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO OFFICE OF THE FAMILY LAW FACILITATOR

INSTRUCTIONS FOR SERVICE OF PROCESS IN MEXICO PURSUANT TO THE INTER-AMERICAN CONVENTION ON LETTERS ROGATORY (INITIAL FAMILY LAW FILINGS ONLY)

STEP ONE: File your initial paperwork with the court (petition for dissolution of marriage, legal separation, nullity, parentage action) and obtain your case number.

STEP TWO: Fill out the form entitled **Essential Information for Respondent** (SDSC Form #FLF-017).

STEP THREE: Fill out the form entitled **Request for International Judicial Assistance for Service of Process in Mexico (Letters Rogatory)** (SDSC Form #FLF-016) [hereinafter referred to as “Request”]. Determine the correct code of civil procedure sections for the Mexican state where you are sending the **Request** by consulting the directory for Mexican States code sections for Letters Rogatory, available at the Family Law Facilitator’s Office.

STEP FOUR: Fill out the form entitled **Ex-Parte Application for Issuance of Letter Rogatory for Service of Process in Mexico; Order Thereon** (SDSC Form #FLF-019).

STEP FIVE: Once you have filled out the **Ex-Parte Application** and **Request** forms, submit the original and two copies of each to the judicial officer designated by your court to handle these requests. You may submit these documents ex parte. For applicable rules regarding ex parte matters, visit www.sdcourt.ca.gov¹, click “Family” on the tool bar, then scroll down and click “Family Law Rules,” then Family Law Local Rules, then “Chapter Three – Ex-Parte Matters.”

STEP SIX: After the **Request** is signed by the judicial officer, the original and one copy are returned to you. The court will keep a copy of the **Request** in the court file.

STEP SEVEN: Submit the **original signed Request** to the California Secretary of State using the **Authentication & Apostille Order Form** (SDSC Form #FLF-021), and ask that the Secretary of State attach an Apostille² to the **Request**. **You must also submit a fee for the Apostille.** To determine the current fee, visit www.sos.ca.gov/business/notary/authentication.htm

To drop off in person:

Secretary of State
Los Angeles Regional Office
300 South Spring Street, Rm 12513
Los Angeles, CA 90013
(213) 897-3062

To mail in:

Secretary of State
Sacramento Main Office
1500 11th Street
Sacramento, CA 95814
(916) 657-5448

If you mail in your request, include a stamped, self-addressed envelope for the return of the Apostille to you.

STEP EIGHT: Once you receive back the Apostille from the Secretary of State, the forms you filed with the court, including the **Request** and **Essential Information for Respondent**, must be translated into Spanish. For your convenience, most of the family law forms used to start a case have already been translated into Spanish and can be found on the Judicial Council website at www.courts.ca.gov. The translated **Request** and **Essential Information for Respondent** is available at the Family Law Facilitator’s Office. Copy the information you filled in on the English paperwork to the translated forms.

¹ While the San Diego Superior Court maintains its own website, the content changes periodically. This instruction sheet may not always be up to date with the information on the website. When you access the website, you are subject to the terms of the use and privacy policies of the website.

² A sample Apostille is attached hereto.

STEP NINE: Take your translated forms to a certified interpreter or registered court interpreter to have your translations certified. To search for certified interpreters and registered court interpreters who are in good standing with the California Judicial Council, visit <http://www.courts.ca.gov/3796.htm>. Interpreters are added to this list after passing the required examination and officially registering with the Judicial Council. Be sure to ask what the fee will be to have the translated forms certified as fees may vary from interpreter to interpreter.

STEP TEN: Submit the original **Request** and copies of the initial paperwork, with the certified translations, to the Mexican family court in the state where the respondent is believed to be residing. A list of Mexican family law courts in each state is available at the Family Law Facilitator's Office. Include with that paperwork a Certificate of Execution for the Mexican family court to complete and return once service of process has been accomplished. You may take the forms personally to the Mexican family law court, mail them, or have someone else take them on your behalf.

STEP ELEVEN: Once the Mexican family law court receives the **Request** and accompanying paperwork, it will assign the **Request** to the appropriate judicial staff to serve the documents. Once the service is complete according to the laws of Mexico, the judicial staff that served the paperwork will complete the Certificate of Execution and return it to the California court requesting the assistance.

STEP TWELVE: Once the Certificate of Execution is received by the California court, it will be filed in your case file. **It is your responsibility, as the petitioner and moving party, to maintain contact with the Mexican family law court to make sure service of process is accomplished and that a Certificate of Execution is returned to the California court.**

STEP THIRTEEN: Once the Certificate of Execution is filed, your case proceeds in the normal course.

DISCLAIMER: These instructions are designed as a tool to assist you with the process of having the other party in your family law case validly served in Mexico. No assurances are being made that any orders or judgments in the case will be enforceable in Mexico. It may not include all information that is legally required, is not legal advice, and should not be used as a substitute for legal advice from an attorney licensed by the State Bar of California. To find out how to hire an attorney and/or obtain a consultation with a family law attorney, visit the California Courts website at <http://www.courts.ca.gov/1001.htm>.