

How to Serve by Publication

(Taking an ad out in the newspaper)

Step 1	<p>Complete the following forms in blue or black ink:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Local form FM-1022 Application for Order For Publication or Posting of Summons <input checked="" type="checkbox"/> Attachment describing all the ways you tried to find the other party <input checked="" type="checkbox"/> Local form FM-1023 Order for Publication or Posting <p>Note: The application and order will ask you to select which newspaper is most likely to be seen by Respondent. For example, if the Respondent was last known to be in Los Angeles, a newspaper there would be best. Ask staff if you need help with choosing a newspaper.</p>
Step 2	<p>Copies: Make 1 copy, in addition to the original.</p>
Step 3	<p>File: Turn in the original and copy of the forms to the Document Examiner in the courthouse located at: <input type="checkbox"/> 170 Park Avenue San Jose, CA <input type="checkbox"/> 605 W. El Camino Real Sunnyvale, CA <input type="checkbox"/> 301 Diana Ave Morgan Hill, CA</p> <p>Monday-Friday from 8:30am to 4:00pm.</p> <p>The clerk will submit your forms to the Judge for review. When the filed copies of the forms are returned to you, the order will show if the Judge approved your request.</p>
Step 4	<p>Publish: If you were granted permission to serve by publication, bring a copy of the forms you originally filed (<i>Summons</i> and <i>Petition</i>) plus a filed copy of the FM-1023 <i>Order for Publication or Posting</i> to the newspaper listed in the Order.</p> <p>The newspaper will charge you its fee to run the ad. The law requires the ad to run once a week for 4 weeks in a row.</p>
Step 5	<p>Service: After the ad runs, the newspaper will provide you proof (like a receipt):</p> <ul style="list-style-type: none"> • If the newspaper sends proof directly to the court Clerk's Office that the ad ran, skip this step. If they do not, you will need to complete this step. • Complete form FL-115 <i>Proof of Service of Summons</i>, attach the proof of publication from the newspaper and make 1 copy. <p>You must file the original and a copy of form FL-115 (along with the attached proof) at the Clerk's Office, the clerk will file stamp the copy and give it back to you. Keep this copy for your records.</p>
Step 6	<p>Wait: Your husband/wife has 58 days from the date the ad <u>first</u> ran to file a <i>Response</i>. One of the following will happen:</p> <p>A) If your husband/wife files a <i>Response</i> with the court, the court will notify you and your husband/wife to come to court for a court hearing called a "Case Management Conference" to discuss the next steps in your case.</p> <p style="text-align: center;">OR</p> <p>B) If your husband/wife does not file a <i>Response</i> with the court, on the 58th day from the day the forms were first published, you can return to our office for help with the next step which is called "entering their default". You must bring with you a copy of everything you have filed in your case.</p>
NOTE	<p>YOU WILL NOT AUTOMATICALLY BE DIVORCED, YOU MUST COMPLETE OTHER STEPS TO FINISH YOUR DIVORCE AND GET A JUDGMENT.</p>

Please turn over for information on serving by posting



How to Serve by Posting

(Placing a copy of your filed forms on a special public bulletin board)

Step 1	Complete the following forms in blue or black ink: <ul style="list-style-type: none"><input checked="" type="checkbox"/> Local form FM-1022 Application for Order For Publication or Posting of Summons<input checked="" type="checkbox"/> Attachment describing all the ways you tried to find the other party<input checked="" type="checkbox"/> Local form FM-1023 Order for Publication or Posting<input checked="" type="checkbox"/> FW-001 Application for Waiver of Court Fees and Costs <p>Note: If the Judge agrees you can post your forms in this County they will be posted at the Family courthouse near department 76. If posting is more appropriate in another county or state, you will need to contact the Sheriff, Marshall or court in that area to find out where to post. To qualify for posting, you must prove your income is low; this is done by completing a few waiver application.</p>
Step 2	Copies: Make 1 copy, in addition to the original.
Step 3 There is a filing fee unless the fee is waived.	File: Turn in the original and copy of the forms to the Document Examiner in the courthouse located at: <input type="checkbox"/> 170 Park Avenue San Jose, CA <input type="checkbox"/> 605 W. El Camino Real Sunnyvale, CA <input type="checkbox"/> 301 Diana Ave Morgan Hill, CA Monday-Friday from 8:30am to 4:00pm. The clerk will submit your forms to the Judge for review. When the filed copies of the forms are returned to you, the order will show if the Judge approved your request.
Step 4	Post: If the Judge gave you permission to serve by posting at the Santa Clara County Superior Court Family courthouse, have an adult (18 or over), NOT YOU, go to the posting bulletin board outside department 76 and post a filed copy of your <i>Summons</i> and <i>Petition</i> . The courthouse building is open Monday through Friday from 8am to 5pm. If the order grants permission to post in another county or state, you will need to have an adult, not you, go to that location to post a filed copy of your <i>Summons</i> and <i>Petition</i> . Note: The forms must be posted for 30 calendar days.
Step 5	Mail: The person who posted your forms must mail a filed copy of your <i>Summons</i> and <i>Petition</i> to the Respondent's last known address.
Step 6	Proof of Service: The person who posted your forms must complete and return the following forms to you: <ul style="list-style-type: none">• Local form FM-1024 <i>Verification of Service by Posting of Summons</i>• FL-115 <i>Proof of Service of Summons</i> You must file the original and a copy of form FM-1024 and FL-115 at the Clerk's Office. The clerk will file stamp the copy and give it back to you. Keep this copy for your records.
Step 7	Wait: Your husband/wife has 61 days from the date your forms were posted to file a <i>Response</i> . One of the following will happen: A) If your husband/wife files a <i>Response</i> with the court, the court will notify you and your husband/wife to come to court for a court hearing called a "Case Management Conference" to discuss the next steps in your case. OR B) If your husband/wife does not file a <i>Response</i> with the court, on the 61 st day from the day the forms were first posted, you can return to our office for help with the next step which is called "entering their default". You must bring with you a copy of everything you have filed in your case.
NOTE	YOU WILL NOT AUTOMATICALLY BE DIVORCED, YOU MUST COMPLETE OTHER STEPS TO FINISH YOUR DIVORCE AND GET A JUDGMENT.