

# How to Give Notice by Publication

## Who has to give notice?

Anyone involved in a legal case that affects other people must give “notice.” Notice lets the other people know what court orders you are asking for. It also tells them the date of any court hearings. Notice by *publication* may be your best option if you do not know where the Respondent is. But it is expensive and has some risks.

## What are the risks of giving notice by publication?

The person you are trying to give notice to (the Respondent) may not read or hear about the notice. Because of this, the law says that the Respondent can have 2 years to ask for a new trial – even if a judge already decided your case.

The Respondent also has the right to a lawyer, and you may have to pay for the lawyer.

## Why is notice by publication expensive?

Notice by publication is expensive because you have to pay:

- Court fees for preparing the text of the notice,
- Publication fees that the newspaper charges, and usually
- The Respondent’s attorney fees .

## What do I have to do?

You must follow these steps:

- Find out if your spouse still lives at the last known address. If not, ask the Post Office if there is a forwarding address.
- Ask the Respondent’s friends, relatives, and former employers if they know the current address.
- Check the phone books and Directory Assistance for the cities where the Respondent may be living.
- Search for the Respondent at these internet sites:
  - [www.addresses.com](http://www.addresses.com)
  - [www.anywho.com](http://www.anywho.com)
  - [www accurint.com](http://www accurint.com)
  - [www.infobel.com](http://www.infobel.com)
- Ask the county clerk’s office in the county where you think the Respondent may be living. (The clerk may have information if the Respondent has recorded any property in his or her name.)
- Ask the Texas Department of Criminal Justice if the Respondent is in a prison.  
Call: **(512) 406-5202**, or  
Or search online at: [www.tdcj.state.tx.us/offender\\_information.htm](http://www.tdcj.state.tx.us/offender_information.htm)  
Also search out-of-state prisoners: [www.inmateplus.com](http://www.inmateplus.com)
- Check military records and print out your search results (you will need it later):  
<https://www.dmdc.osd.mil/appj/scra/scraHome.do>

### **Do I have to fill out court forms?**

Yes. Fill out these forms and file them court clerk's office:

- Affidavit for Citation by Publication*
- Petitioner's Supporting Affidavit*
- Certificate of Last Known Address*
- Statement of Evidence*
- Servicemember's Affidavit*
- Any other form the clerk asks you to fill out.

### **Where does the notice get published?**

You must have your notice published in a newspaper or other publication. After the notice is published, ask the newspaper to fill out a *Return of Citation* form. Take the completed form to the court clerk and file it with your other court papers.

### **What happens after the notice is published?**

If you have followed these steps, but still cannot find the Respondent, you can ask the court for a hearing date. You must wait at least 30 days after the newspaper filled out the *Return of Citation* form.

### **If I am involved in a divorce case and do not know where my spouse is, can I give notice by publication?**

Yes, if you do not have children together or many assets. But giving notice by *posting* may be better. Please see: *How to Give Notice When you Can't Find Your Spouse*.