

## Service by Publication Information

If you cannot find the Respondent because you do not know the Respondent's address or identity, you may serve him or her by **publication**. *Texas Rules of Civil Procedure 109*.

Service by Publication may be your only option if you have attempted to locate the Respondent, but have been unable to do so. However, Service by Publication is the least favorable form of service because it is not likely that the Respondent will actually receive notice of the pending lawsuit. For this reason, a Respondent who is served by publication may have up to two years to request a new trial after a **Default Judgment** is granted, **and must have an attorney appointed to represent him or her at the final hearing**.

Service by Publication may be costly to you. You should expect to pay fees to the clerk's office for the issued citation, along with fees to the publication for publishing the citation, and in most cases, you will be responsible for paying the attorney appointed to represent the Respondent.

If your case is a divorce lawsuit, and you have no children and no significant community property, you may be able to serve the Respondent by Posting. See ***Information about Service by Posting Giving Legal Notice of Your Divorce, When You Cannot Find Your Spouse***.

To serve the Respondent by Publication, you will have to file an **affidavit** stating:

- the Respondent's address is unknown to you, and the efforts you have made to try to locate the Respondent, OR
- the Respondent is absent from the state of Texas, or is not a Texas resident, and you have attempted to personally serve the Respondent, but have been unable to do so.

This statement must be signed in front of a notary.

**Below are suggested efforts you can make to satisfy the requirements of a diligent search to locate the Respondent:**

If you have the Respondent's last known address, determine whether he or she still lives there. Contact the Post Office to see if there is a forwarding address.

Search internet resources such as [www.addresses.com](http://www.addresses.com), [www.anywho.com](http://www.anywho.com), [www accurint.com](http://www accurint.com), etc.

Contact all friends, relatives, and former employers who may know his or her current address.

Check for his or her name in the phone directories/ Directory Assistance of the cities in which you suspect he or she may now live. You can also search by city and county phone directories at [www.infobel.com](http://www.infobel.com) .

Check with the county clerk's office in the county where you think the Respondent might live to see if the Respondent has recorded any property in his or her name.

Check the Texas Department of Criminal Justice Status Line (512) 406-5202 to see if he or she is in a Texas prison. Check online at [http://www.tdcj.state.tx.us/offender\\_information.htm#E-mail](http://www.tdcj.state.tx.us/offender_information.htm#E-mail) or for out-of-state inmates go to [www.inmateplus.com](http://www.inmateplus.com) .

Check military records online at <https://www.dmdc.osd.mil/scra/owa/scra.home> .

After completing your diligent search, if you still cannot locate the Respondent, follow the instructions below for Service by Publication. You will need four forms for Service by Publication. The four forms include: Affidavit for Citation by Publication, Certificate of Last Known Address, Statement of Evidence and Servicemember's Affidavit.

**1. Affidavit for Citation by Publication.**

In this form, you swear under oath that you have made a diligent search for the Respondent, and ask the District Clerk to issue the Citation by Publication. You will need to sign this form in front of a notary.

You will need to make arrangements with a newspaper to publish the citation. After the citation has been published, you will need to get the newspaper to complete a Return of Citation, showing the Court when and where the citation printed in the publication. The Return of Citation must be filed with the court papers.

The Return must be on file for at least ten days before a judge can grant orders in your case. Additionally, the answer period (twenty days plus the following Monday after 10am) must be completed before the judge can grant orders. It begins to run after the citation is printed in the publication.

**2. Certificate of Last Known Address.**

In this form, you state the last known address you have for the Respondent.

The final forms needed when you have served your spouse by posting include the:

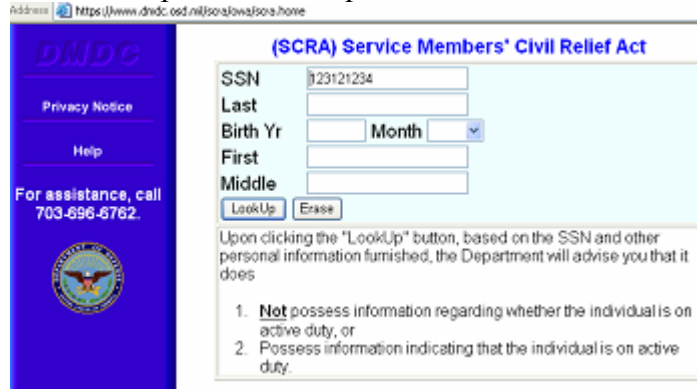
**3. Statement of Evidence.**

This form recites your testimony about the facts of your case and the results of the diligent search you conducted to locate the Respondent.

**4. Servicemember's Affidavit.**

In this form you state under oath that the Respondent is not currently on active duty in the U.S. military. You will need to sign this form in front of a notary. Check the Department of Defense website, print out your results, and attach them to your affidavit.

<https://www.dmdc.osd.mil/scra/owa/scra.home>. On this website enter the respondents social security number without space see example:



**This is an example of a Citation by Publication in a Suit Affecting the Parent-Child Relationship**

To \_\_\_\_\_ (names of persons to be served with citation), and to all whom it may concern (if the name any person to be served is unknown), Respondent(s),

“STATE OF TEXAS

“ You have been sued. You may employ an attorney. If you or your attorney do (does) not file a written answer with the clerk who issued this citation by 10 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you. The petition of \_\_\_\_\_, Petitioner, was filed in the Court of \_\_\_\_\_ County, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, against \_\_\_\_\_, Respondent(s), numbered \_\_\_\_\_, and entitled ‘In the interest of \_\_\_\_\_, a child (or children).’ The suit requests \_\_\_\_\_ (statement of relief requested, e.g., ‘terminate the parent-child relationship.’) The date and place of birth of the child (children) who is (are) the subject of this suit: \_\_\_\_\_.

“The Court has authority in this suit to render an order in the child’s (children’s) interest that will be binding on you, including the termination of the parent-child relationship, the determination of paternity, and the appointment of a conservator with authority to consent to the child’s (children’s) adoption.

“Issued and given under my hand and seal of the Court at \_\_\_\_\_, Texas, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

“  
\_\_\_\_\_  
Clerk of the Court of  
\_\_\_\_\_ County, Texas  
By \_\_\_\_\_, Deputy.”

**This is an example of Citation by Publication in a Divorce without Children**

To \_\_\_\_\_ (name of person to be served with citation), and to all whom it may concern (if the name of the person to be served is unknown), Respondent(s),

“STATE OF TEXAS

“ You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you. The petition of \_\_\_\_\_, Petitioner, was filed in the Court of \_\_\_\_\_ County, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, against \_\_\_\_\_, Respondent(s), numbered \_\_\_\_\_, and entitled ‘In the Matter of Marriage of \_\_\_\_\_ and \_\_\_\_\_’. The suit requests \_\_\_\_\_ (statement of relief sought.)’

“The Court has authority in this suit to enter any judgment or decree dissolving the marriage and providing for the division of property that will be binding on you.

“Issued and given under my hand and seal of said Court at \_\_\_\_\_, Texas, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

“  
\_\_\_\_\_  
Clerk of the Court of  
\_\_\_\_\_ County, Texas  
By \_\_\_\_\_, Deputy.”