

Instructions for Completing Affidavit of Diligent Efforts to Locate Parent/Legal Custodian

Purpose:

Rule 16.02, subd. 3, of the Juvenile Protection Rules requires that the petitioner file a written statement or affidavit describing the petitioner's unsuccessful efforts to locate the parent or other party before the Court can authorize service by publication. The "Affidavit of Diligent Efforts to Locate Parent" fulfills this requirement. The Affidavit can be completed by the social worker assigned to the case, the investigative social worker if it is a new case, or a case aid who is trained in checking resources.

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp> . For more information, contact your court administrator or call the Minnesota State Law Library at 651-297-7651.

Instructions:

1. Fill in the case caption, the name of the person completing the Affidavit.
2. In Question 2, fill in the full name and birth date of the parent.
3. In Question 3, a last known address must be included and it must be checked by phone and/or by mail (Question 4). If it appears that it may be current, personal service must be attempted at this address.
4. In Question 5, each resource should be checked as having been reviewed. The following are guidelines for the resource checks:
 - **SSIS / CSIS:** If there is social service history, check to see if it can lead to the missing parent. Domestic abuse or criminal history should have criminal checks done.
 - **MAXIS:** A check of the economic assistance records should provide an address if the missing parent is receiving public assistance such as GA or MFIP.
 - **Parental Fee Unit:** Request from paternity information. Keep this information in the file so the request is not later duplicated.
 - **Child Support & Collections:** Request the Parent Locator search and a paternity check. Keep this information in the file so the request is not later duplicated.
 - **Telephone Directory:** Check other counties that the missing parent has had a known connection with.
 - **Directory Assistance:** Check the cities that the missing parent has had a known connection with.
 - **Reverse Directory:** Check any known addresses or telephone numbers that are connected with the missing parent to see if the parent is listed.
 - **Criminal Check/SIP:** Run a criminal history check (statewide) on the missing parent and a "Subject in Process" check. Check with the County jail.
 - **County Corrections Department:** Call this Department to see if the missing parent has a probation or parole officer assigned, and if so, obtain the address from the probation officer.
 - **TRIBE:** If the missing parent is Native American and the tribe is known, contact the tribal urban representative or tribal social services for a possible address.
 - **Other Parent:** The other parent may know the city or state where the missing parent is living.
 - **Relatives:** Parents of the missing parent often have information.

- **INTERNET SEARCH:** This is not particularly reliable, but a search using at least one search engine should be done. Search engines include Switchboard, Peoplefinder, Yahoo, IWON, AT&T White Pages, MSN.com white pages. Inform others of internet search engines that you find helpful.
 - **OTHER:** If you have knowledge that the missing parent may be incarcerated, take steps to find out the prison. If it is in Minnesota, try the following web site: <http://www.corr.state.mn.us>, click on “offender locator.” Most states and the federal prisons have a correctional web site. Any other sources of information should also be noted in this category.
5. If an address shows up on any of your resource checks:
 - You must determine if it is current. This may require checking with current residents at the address, driving by the address to see if it exists or if parent is living there, or other creative means.
 - If it is not a current address, in “Explanation” column, explain how it was determined that the parent does not reside at that address.
 - If an address is or could be current, ask to have personal service attempted at the address.
 - If it cannot be verified whether or not it is current, list it as the “last known address” on paragraph 3 and a copy will be mailed to that address.
 6. Sign the Affidavit under penalty of perjury. By signing the Affidavit under penalty of perjury, you are stating that the information in the document is true to the best of your knowledge. Perjury is the crime of intentionally lying or misrepresenting the truth, punishable by jail or other sanctions.
 7. The completed and signed Affidavit must be given to Court Administration for review by the judge. If the Judge determines that service by publication is appropriate, the judge will sign an Order for Service by Publication.