

FAMILY COURT MATTER

If you are representing yourself, you must have your court forms reviewed by a Ramsey County Family Court Self-Help Service Center employee. Please visit the Self-Help Service Center after you have completed the forms but before you have had the other party served.

Application for Service by Alternate Means

Return completed forms by mailing, emailing or bringing to:

Ramsey County Self-Help Service Center
15 W. Kellogg Blvd
Room 190
St Paul, MN 55102
Telephone: 651-266-5125
Email: 2ndSHSC@courts.state.mn.us

Hours of Operation:
Monday – Friday, 8:00 am – 4:30 pm

The Self-Help Service Center is reviewing forms remotely by phone or zoom. Self-help staff will call or email you to set up your virtual form review.

The Self-Help Service Center has limited in-person form reviews. Please call us to schedule an appointment if you would like to have your paperwork reviewed in person.

Please make sure you include your phone number and email in your paperwork.

*****IMPORTANT FEE INFORMATION*****

THE INITIAL FILING FEE MUST BE PAID OR WAIVED BEFORE ANY COURT DATE CAN BE GIVEN. YOU CAN ASK THE COURT FOR A FEE WAIVER APPLICATION IF YOU CANNOT AFFORD TO PAY THE FEES. THE FEES VARY BASED ON THE ORIGINATION OF THE CASE:

DISSOLUTION OF MARRIAGE	\$380.00
SEPARATION, ANNULMENT, SUPPORT	\$350.00
CUSTODY, PATERNITY, OR REGISTRATION	\$300.00

Dissolution of Marriage
Instructions for Serving a Summons and Petition by Alternate Means
Minn. Stat. § 518.11(c)

When to Use the Application for an Order for Service by Alternate Means:

- In a Dissolution of Marriage case, the Petitioner arranges to have someone else hand-deliver the *Summons and Petition* to the petitioner's spouse. This is called "personal service."
- In some cases, it is not possible to find the spouse, and the Petitioner must ask the judge to order the *Summons and Petition* delivered some other (alternate) way.
- The judge's order can say that the papers must be **mailed** to the spouse's last known address and/or mailed to another address (like a relative's home) where it is likely the papers will be given to the spouse.
- The judge can also order the *Summons* to be **published** in a legal newspaper. The cost of publishing the summons must be paid by Petitioner, unless Petitioner gets a fee waiver (In Forma Pauperis or "IFP") signed by a judge that specifically waives the service of process and publication costs.

Steps to Request an Order to Serve by Alternate Means:

1. Complete these papers:
 - *Summons and Petition*
 - *Application for Service by Alternate Means*
 - *Order for Service by Alternate Means*. Fill out **only** the top portion with the County name, Judicial District, Court File Number, and names of Petitioner and Respondent. Do NOT mark the boxes or lines below "Name of Respondent."
 - *Affidavit for Proceeding In Forma Pauperis* if you need a fee waiver (only if you have a very low income and cannot pay the court filing fee and service of process costs).
2. File your *Summons and Petition* with the court. You must pay a filing fee, unless a judge signed a fee waiver.
3. At the same time you file your *Summons and Petition*, give your completed *Application for Service by Alternate Means* and *Order for Service by Alternate Means* to court staff. Court staff will forward your completed *Application for Service by Alternate Means* and *Order* to a judge for review, or tell you to go see the judge. If the judge finds that personal service cannot be made, the judge will sign an *Order for Service by Alternate Means* and file it with the court administrator's office. You will receive a copy of that *Order*.
4. Read the *Order for Service by Alternate Means* carefully.
 - If the *Order* requires **mailing** the *Summons and Petition*, get someone else, who is at least 18 years old, to mail the papers for you. The envelope must be addressed to your spouse, at the address or addresses listed in the *Order*. On the

envelope write "Forwarding address requested". The person who mails the papers for you must fill out the *Affidavit of Service by Mail* and sign it under penalty of perjury. By signing the *Affidavit of Service by Mail* under penalty of perjury, the server is stating that the information in the *Affidavit* is true to the best of his / her knowledge. Perjury is the crime of intentionally lying or misrepresenting the truth, punishable by jail or other sanctions. The *Affidavit of Service by Mail* is your proof the papers were served on your spouse.

- If the *Order* requires publication, read carefully to see what county you must **publish** in. Take a copy of your *Summons* to a legal newspaper in that county. Ask court administration for the names of the local legal newspapers or contact the court in the county where publication is ordered. Your *Summons* must be published for three consecutive weeks in the legal newspaper. When it has been published three consecutive weeks, the newspaper will send you an *Affidavit* along with a clipping of the publication. The *Affidavit* indicates the three dates that your *Summons* was published. This *Affidavit* is your proof the *Summons* was published.

File all *Affidavits* with court administration (*Affidavit of Publication and Affidavit of Mailing*, if applicable). Keep a copy of each *Affidavit* for your records.

Other Important Information You Need to Know

Your spouse has 30 days after being served with your *Summons* and *Petition* to object by serving you with an *Answer*. If your spouse does not respond in 30 days, you can ask the judge to give you everything you asked for in your *Petition*, because your spouse would be in "default". If you have an *Order for Service by Alternate Means*, your spouse has defaulted when:

- It has been 51 days since someone mailed the papers to your spouse, and/or
- It has been 51 days since the *Summons* was first published in the newspaper.

If your spouse does not respond by serving you with an *Answer*, there are other forms you need to fill out and file to get your divorce. See the instructions that go with the divorce forms for more information about completing a "default" divorce.

If your spouse does not respond, and you served your spouse by publication or mail, the court must "reserve" spousal maintenance. You must check "the issue of maintenance is reserved" in the *Findings of Fact, Conclusions of Law, Order for Judgment, Judgment and Decree* you file with the court in the "default" process.

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 651-296-2775

District Court

Judicial District: Second

Case Type: _____

**Application for an Order for Service
by Alternate Means Minn. Stat.
518.11(c)**

And

[illegible]

1. I am the Petitioner in this action.

2. The last known address/location of Respondent as of _____ (date) was:

(address).

Did you attempt to serve Respondent at this location? ☐ Yes ☐ No

If yes, what was the outcome of this attempt? _____

If no, why have you not attempted service at this location? _____

3. My most recent contact with Respondent was:

a. When _____

b. Where _____

c. By what means (phone, in person, etc.) _____

d. Reason for the contact _____

4. The last known location of Respondent's employment is _____

Did you attempt to serve Respondent at this location? ☐ Yes ☐ No

If yes, what was the outcome of this attempt? _____

If no, why have you not attempted service at this location? _____

5. I have made the following efforts to locate Respondent (be very descriptive – include internet searches, social media searches, search of court records, etc.; and the dates you made each of these efforts. Attach additional pages if necessary): _____

6. I have made the following attempts to personally serve Respondent (be very descriptive – include the date, location, and outcome of each attempt. Attach additional pages if necessary): _____

7. Respondent's last known phone number is: _____

Have you attempted to locate Respondent using this phone number? ☐ Yes ☐ No

If yes, what was the date of the last attempt at calling/texting this number? _____

What was the outcome of this attempt? _____

If no, why have you not made such an attempt? _____

8. Respondent's last known email address is: _____

Have you attempted to locate Respondent using this email address? ☐ Yes ☐ No

If yes, what was the date of the last attempt at emailing Respondent? _____

What was the outcome of this attempt? _____

If no, why have you not made such an attempt? _____

9. The names and locations of Respondent's parents, siblings, children and other close relatives are as follows: _____

Did you attempt to serve Respondent at these locations? ☐ Yes ☐ No

If yes, what was the outcome of these attempts? _____

If no, why have you not attempted service at these locations? _____

10. I have made the following efforts to locate Respondent's parents, siblings, children, and other close relatives (describe what you have done to try to locate Respondent's relatives): _____

11. The names and locations of other persons who are likely to know Respondent's whereabouts are: _____

Did you attempt to serve Respondent at these locations? ☐ Yes ☐ No

If yes, what was the outcome of these attempts? _____

If no, why have you not attempted service at these locations? _____

12. I have made the following efforts to locate other persons who are likely to know Respondent's whereabouts (describe what you have done to try to locate other persons who might know where to find Respondent): _____

13. I am asking the Court to issue an Order allowing me to serve Respondent by

☐ Publication or ☐ Mail at the following address:

14. ☐ This matter involves real estate in _____ County, Minnesota.

☐ This matter does not involve real estate.

15. Additional information for the court regarding my situation that helps explain why I cannot locate Respondent for personal service (attach additional pages if necessary): _____

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116

Dated: _____

Petitioner's Signature

Name: _____

Street Address: _____

City/State/Zip: _____

Telephone: (_____) _____

E-mail address: _____

State of Minnesota

Ramsey County

District CourtJudicial District: Second

Court File Number: _____

Case Type: _____

Order for Service by Alternate Means

vs.

[Minn. Stat. § 518.11 (c)]

☐ **Order Granting Request for Alternate Service or Publication**

Based on the *Affidavit in Support of Request for Alternate Service or Publication*, and the authority of Minn. Stat. § 518B.11, the Court FINDS:

1. Personal service on Respondent cannot be made.

☐ Respondent is likely to receive notice if notice is mailed to:

☐ The proceeding involves real estate located in _____ County, Minnesota.

☐ Publication in _____ County, _____ (state) might reasonably succeed in notifying Respondent of this proceeding.

IT IS ORDERED THAT:

☐ Service upon Respondent shall be made by first class U.S mail, postage prepaid, forwarding address requested at the following address: _____.

☐ Service shall be made by publishing the Summons, which shall contain the legal description of the real estate, in a legal newspaper in _____ County, Minnesota once each week for three consecutive weeks.

☐ Service shall be made by publishing the Summons in _____ County, _____, (state).

☐ Other: _____.

☐ **Order Denying Request for Alternate Service or Publication**

Based on the *Affidavit in Support of Request for Alternate Service or Publication*, and the authority of Minn. Stat. § 518.11 (c), the Court FINDS:

☐ There has been no attempt at personal service upon Respondent.

☐ The application for alternate service does not include the following:

- the last known location of Respondent, or
- Petitioner's most recent contacts with Respondent, or
- the last known location of Respondent's employment, or
- the names and locations of Respondent's parents, siblings, children, and other close relatives, or
- the names and locations of other persons who are likely to know Respondent's whereabouts, or
- a description of efforts to locate those persons.

☐ Petitioner must make additional efforts to locate Respondent.

☐ Other: _____.

IT IS ORDERED THAT:

1. The request for alternate service or publication is DENIED.

Recommended by:

BY THE COURT:

Referee of District Court

Judge of District Court