

**Information about Service by Posting
Giving Legal Notice of Your Divorce, When You Cannot Find Your Spouse**

If you and your spouse have:

- * no significant property, and
- * no children under the age of 18, and
- * no children who are over 18, who are enrolled in school, or entitled to child support due to a mental or physical disability,

then you can give your spouse Legal Notice of your divorce by asking the clerk's office to post the notice in the courthouse.

First, you MUST try to Find your Spouse (the Respondent)

It may be tempting to make little or no effort to find the Respondent, especially if he or she has been gone a long time or was abusive. However, Texas law requires you make a diligent search for the respondent to give him or her legal notice of a pending divorce. *Texas Rules of Civil Procedure 109, 114, 116, 117 and Texas Family Code Sections 6.409 and 102.010.*

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, www.anywho.com, 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 .
- 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 www.tdcj.state.tx.us/offender_information.htm#E-mail or for out-of-state inmates go to 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 your spouse, follow the instructions below for Service by Posting. You will need four forms for Service by Posting. The four forms include : Affidavit for Citation by Posting, Petitioner's Supporting Affidavit, Statement of Evidence and Servicemember's Affidavit.

1. *Affidavit for Citation by Posting.*

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

2. *Petitioner's Supporting Affidavit.*

In this form, you state under oath the facts of your marriage and describe your efforts to find your spouse. You will also need to sign this form in front of a notary.

These two forms are filed with your divorce petition in the clerk's office. Tell the clerk you want to serve your spouse by posting, and complete any Service of Process request that may be required by your county.

The Citation will post in the courthouse for seven days, giving legal notice of your pending divorce. After the citation has been posted, the clerk will complete a Return of Citation, showing the Court when and where the citation posted. The Return of Citation must be filed with the court papers. The Return has to be on file for at least ten days before a judge can grant your divorce. Additionally, the answer period (twenty days plus the following Monday after 10am) must be completed before the judge can grant the divorce. It begins to run after the seventh day that the citation has been posted.

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 divorce and the results of the diligent search you conducted to locate your spouse.

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>.