

## **Substitute Service of Citation**

### **If at First You Don't Succeed, Try Substituted Service TRCP 106b**

If you tried to have the Respondent personally served or served by certified mail, but the attempts failed, the Court may authorize a different or *substitute method of service*. *Texas Rules of Civil Procedure, 106b*.

To ask the Court to allow substituted service, you will need to file:

1. a ***Motion for Substituted Service***, and
2. an ***Affidavit Supporting Substituted Service***

with the clerk's office where you filed the petition.

The ***Motion*** for Substituted Service explains that service was attempted, but failed, and describes the method of service you are asking the Court to authorize.

The Affidavit gives a detailed description of the attempts made to serve the Respondent, and should include:

1. dates and times the service was attempted
2. the manner in which service was attempted (personal or certified mail, etc.)
3. the address where Respondent can be found (usually a home or work address), and
4. if you have attempted service by certified mail, a confirmation from the post office that the address is correct.

The Affidavit is usually prepared by the process server who attempted serving the Respondent.

After you file the Motion and Affidavit, you will need to prepare an Order for the judge to sign, and present your motion, affidavit and order to the Court. The judge will review your affidavit to determine whether or not enough effort has been made to serve the Respondent conventionally.

The Court may authorize a process server to deliver the citation and petition to any person 16 years-old or older at an address where the Respondent is likely to be found. The Court may also order service in any other manner that the affidavit or other evidence shows will be reasonably effective to notify the Respondent of the lawsuit.