

How to Give Notice by Posting

I'm filing for divorce. Do I have to notify my spouse?

Yes. The law says anyone asking the court for a divorce must give legal notice to their spouse.

What if I can't find my spouse?

If you cannot find your spouse and there are **no children** involved, you may be able to have the notice posted at the courthouse. This is called *notice by posting*.

You **can** give notice by posting if:

- You cannot find your spouse;
- You and your spouse do not have any children under 18 or any children over 18 who are still in high school or are disabled;
- The wife is not pregnant; and
- The wife did not have children with anyone else during the marriage.

You **cannot** give notice by posting if there are children involved. See *How to Give Notice by Publication*.

How hard do I have to look for my spouse?

The law says you must make a *diligent search* for your spouse. Follow these steps:

- ▶ Find out if your spouse still lives at his or her last address. If not, ask the Post Office if there is a forwarding address.
- ▶ Ask your spouse's friends, family, and former employers if they know how to contact your spouse.
- ▶ Check the phone book/directory assistance for the cities where your spouse may be living. Check online at www.infobel.com.
- ▶ Search these websites:
 - www.facebook.com
 - www.myspace.com
 - www.addresses.com
 - www.anywho.com
- ▶ Search the website of the property appraisal district where your spouse may be living.
- ▶ Call the jail in the county where your spouse may be living.

- ▶ Ask the Texas Department of Criminal Justice if your spouse is in a prison.

Call (512) 406-5202 or search online at; www.tdcj.state.tx.us/offender_information.htm

- ▶ Search out-of-state prisons at; www.inmateplus.com
- ▶ Check military records and print out your search results (you will need it later) at: www.dmdc.osd.mil/appj/scra/scraHome.do

How do I give notice by posting?

Fill out these forms, sign them in front of a notary, and file them in the clerk's office when you file your *Petition for Divorce*.

- Affidavit for Citation by Posting*
- Petitioner's Supporting Affidavit*

Tell the clerk you need to give notice by posting. The clerk, constable or sheriff will post your notice for 7 days at the courthouse, then complete a *Return of Citation* form (this says when the notice was posted) and file it in the clerk's office.

Note: If you and your spouse own property of significant value, such as a house, you must also hire an attorney to look for your spouse. This attorney is called an attorney ad litem. You are responsible for locating, hiring and paying for the attorney ad litem.

When can I finish my case?

You can finish your case when:

- It has been at least 60 days since you filed your *Petition for Divorce*;
- It has been at least 27 days plus the next Monday after 10 a.m. since the notice was posted; and
- The *Return of Citation* has been on file at the clerk's office for at least 10 days, not counting the day it was filed or the day you come to court.

How do I finish my case?

Ask the clerk's office when the court hears uncontested divorce cases. Fill out these forms and bring them with you to court:

- Final Decree of Divorce*
- Statement of Evidence*
- Servicemember's Affidavit*
- Certificate of Last Known Address*