

How to Give Notice by Publication

I'm filing a court case involving a child. Do I have to notify the other parent?

Yes. The law says anyone who files a case involving a child - such as a divorce with children, a suit affecting the parent-child relationship (SAPCR), or a name change of a child - must give *legal notice* of the case to each parent.

What if I can't find the other parent?

If you cannot find the other parent, you may be able to give the other parent legal notice by having the notice published in a newspaper. This is called *notice by publication*.

How hard do I have to look for the other parent?

Before giving notice by publication, the law says you must make a *diligent search* for the other parent – even if the other parent has not been involved in your child's life. Follow these steps:

- ▶ Find out if the other parent still lives at his or her last address. If not, ask the Post Office if there is a forwarding address.
- ▶ Ask the other parent's friends, family, and former employers if they know how to contact the other parent.
- ▶ Check the phone book/directory assistance. 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 in the county where the other parent may be living.
- ▶ Call the jail in the county where the other parent may be living.
- ▶ Ask the Texas Department of Criminal Justice if the other parent 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 this later) at: www.dmdc.osd.mil/appj/scra/scraHome.do

Do I have to hire an attorney to look for the other parent?

Yes. When giving notice by publication, the law says you must hire an attorney to look for the other parent. This attorney is called an *attorney ad litem*.

The attorney ad litem makes an independent search for the other parent. This protects the other parent's right to be notified about the case. You are responsible for locating, hiring and paying for the attorney ad litem.

What are the risks of giving notice by publication?

When you give notice by publication, the other parent may not actually hear about your case. Because of this, the law says that the other parent can have 2 years to ask for a new trial.

How do I give notice by publication?

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

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

Ask the clerk to issue citation by publication for your case. Ask the clerk, constable or sheriff to send the citation to a newspaper in the county where you filed your case. If you're filing a divorce, the citation should be published in the county where any land/house owned by you and your spouse is located. Pay the newspaper. (Research the cost ahead of time.) The clerk, constable, or sheriff will then fill out a *Return of Citation* (this says when the notice was published). Make sure the *Return of Citation* is filed at the clerk's office.

How do I finish my case?

Hire the attorney ad litem to look for the other parent. If the attorney cannot find the other parent, set a date to meet the attorney at court to finish your case. Bring these forms:

- Order or orders you want the court to sign.*
- Statement of Evidence*
- Servicemember's Affidavit*
- Certificate of Last Known Address*

Note: If you or the attorney ad litem find the other parent you cannot give the other parent notice by publication. See *Giving Legal Notice*.