

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.

[Fill out cause number and heading information EXACTLY as it is written on the Petition]

Cause No. _____

IN THE MATTER OF THE MARRIAGE OF § _____
AND § _____
§ _____

MOTION FOR SUBSTITUTED SERVICE, TRCP 106b

This motion for substituted service is brought by Petitioner/Movant,

_____,
[PRINT your first and last names.]

who shows in support:

1. Attached is the affidavit of _____,
[PRINT the name of the process server who actually tried to serve the Respondent.]

The affidavit states facts showing that substitute service of citation on Respondent,
_____, is authorized.

[PRINT Respondent's first and last names.]

2. Service of citation of Respondent has been attempted by: [CHECK all that apply.]

personally delivering it to Respondent at Respondent's place of
Residence / Business [CIRCLE all that apply.]
at _____.
[PRINT address.]

or by sending it by registered or certified mail to Respondent at his place of
Residence / Business [CIRCLE all that apply.]
at _____.
[PRINT address.]

but such attempt at service has not been successful, as shown by the attached affidavit.

3. As authorized by Rule 106(b), Texas Rules of Civil Procedure, service on Respondent by the following method will be reasonably effective to give the Respondent notice of the lawsuit. Service on Respondent should be made by the following method: [CHECK ONLY ONE.]

leaving a copy of the citation, with a copy of the petition attached, with anyone over sixteen years of age at the following address:

[PRINT address.]

or by affixing a copy of the citation, with a copy of the petition attached, to the door of

[PRINT address.]

This manner of service will be reasonably effective in giving Respondent notice of this suit because the above specified location is Respondent's place of:

[CIRCLE all that apply.] residence / business / _____ other.

sending the notice to Respondent by regular U.S. mail to the following address:

[PRINT address.]

This manner of service will be reasonably effective in giving Respondent notice of this suit because the above specified location is Respondent's place of:

[CIRCLE all that apply.] residence / business / _____ other.

Movant asks the Court to direct that citation be served on Respondent in the manner described above.

Respectfully submitted this _____ day of _____, _____.

Petitioner, Pro Se(Signature

Print Name: _____

Address: _____

[Fill out cause number and heading information EXACTLY as it is written on the Petition]

Cause No. _____

IN THE MATTER OF THE MARRIAGE OF

§
§
§
§
§

AND

ORDER FOR SUBSTITUTED SERVICE, TRCP 106b

On this day, the Court considered the Motion For Substituted Service of Petitioner/ Movant,

[PRINT your first and last names.]

The Court FINDS that substituted service is authorized on Respondent,

[PRINT Respondent's first and last names.]

The following method of sevice will be reasonably effective to give the Respondent notice of the pending lawsuit. IT IS ORDERED that service on Respondent be effected by the following method:

leaving a copy of the citation, with a copy of the petition attached, with anyone over sixteen years of age at the following address:

[PRINT address.]

or by affixing a copy of the citation, with a copy of the petition attached, to the door of

[PRINT address.]

sending the notice to Respondent by regular U.S. mail to the following address:

[PRINT address.]

IT IS FURTHER ORDERED that the Return of Citation, endorsed on or attached to the citation, will state when and how the citation was served.

SIGNED on _____

JUDGE PRESIDING