

# **GENERAL INFORMATION:**

## **Application for Alternative Service of Summons**

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Service of the *summons with notice or summons and verified complaint* in a matrimonial action is usually done by personally serving (giving) the papers to the defendant. If this cannot be done because the defendant is avoiding service or cannot be located, you may need to make an application for a different way of serving the defendant. You can ask to serve the papers by any method you feel you can reasonably accomplish. The Court though, will make the ultimate decision on what method of service you will use.

Generally, publication of the summons in a newspaper should be a last resort, since it is the method that would be least likely to give notice to defendant. It can also be quite expensive. If there is no other way to serve the defendant, publication may be your only option. In either case, a thorough search must be made of the defendants whereabouts before the Court will consider service by another method.

**You must complete your service within 120 days of the commencement of your action (the date you filed the summons with notice or summons and verified complaint with the County Clerk). If you cannot accomplish service in that time, you can apply for more time to serve.**

**\*\* IT IS SUGGESTED THAT YOU SEEK THE ADVICE OF AN ATTORNEY  
WHERE PERSONAL SERVICE OF THE DEFENDANT WILL BE A PROBLEM**

Common places to conduct search for defendant's whereabouts:

- Post Office
- Board of Elections
- Department of Motor Vehicles
- Telephone Directories
- US Armed Forces (central website and addresses for military branches listed on next page)
- Relatives and friends
- In addition, if you believe the person has left the country, you should check with:
  - U.S. Immigration and Naturalization Service as to his/her passport
  - the Consulate or Embassy of that country
  - friends or relatives in that country to help you locate his or her whereabouts.

**Servicemembers' Civil Relief Act (SCRA) Certificates**

To obtain certificates of service or non-service under the Servicemembers' Civil Relief Act of 2003 (formerly known as Soldiers' and Sailors' Civil Relief Act of 1940) you can use the public website: <https://www.dmdc.osd.mil/scra/owa/home>. This website will provide you with the current active military status of an individual. There is no charge for this certificate.

You can also receive certificates from the individual Services by sending your correspondence to the appropriate military office listed below. If other than current status needs to be verified, then you need to send your request direct to the Services listed below. The charge for each SCRA certificate (as of February 21, 2002) is \$5.20. Checks should be made payable to "Treasurer of the United States".

**ARMY:**

Army World Wide Locator Service  
Enlisted Records and Evaluation Center  
8899 East 56th Street  
Indianapolis, IN 46249-5031  
NOTE: All requests must be in writing.

**NAVY:**

Bureau of Naval Personnel  
PERS-312E  
5720 Integrity Drive  
Millington, TN 38055-3120  
(901)874-3388

**AIR FORCE:**

Air Force Manpower and Personnel Center  
ATTN: Air Force Locator/MSIMDL  
550 C Street West, Suite 50  
Randolph Air Force Base, TX 78150-4752  
Locator Service: (210)652-5775

**MARINE CORPS:**

Commandant of The Marine Corps  
Headquarters, U.S. Marine Corps (MMSB10)  
2008 Elliott Road, Suite 201  
Quantico, VA 22134-5030  
Locator Service: (703)784-3941-3944

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**COAST GUARD:**

Commander-CGPC-adm3  
US Coast Guard Personnel Command  
2100 Second Street SW  
Washington DC 20593- 2321  
<http://www.uscg.mil/hq/cg1/cgpc/adm/adm3/locator/>

*\$5.20 made payable to US Coast Guard*

