

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

**Service of Summons by Mailing and
Posting in Dissolution Cases**

In dissolution of marriage cases brought in good faith, if a party is unable to proceed with the case solely because of inability to pay court fees and costs for service of process, the court may direct that service of summons be made by mail to respondent's last known address combined with posting.

HOW TO SERVE SUMMONS BY MAILING AND POSTING IN A DISSOLUTION CASE

1. Complete Application and Order for Service by Mailing and Posting in Lieu of Publication Local Forms FL-09, FL-09(A).
2. Submit the completed form to the family law filing clerk, who will present the Application for Order to the judicial officer for signature.
3. If the judicial officer grants the order, have someone else mail a copy of the documents to be served to respondent at his/her last known address, *and* post a copy of the documents to be served in a public location at the court, namely the public bulletin board at the front door of the Superior Court, 939 Main Street, El Centro CA.
4. Have the person who mailed and posted the documents complete Proof of Service of Summons - Judicial Council Form (FL-115), and Verification of Service of Summons- Local Form (FL-10).
5. After 60 more days, default may be entered against respondent if he/she has not filed a response.

Legal Background of Service by Mailing and Posting

Due process of law prohibits a state from denying access to its courts by indigents who seek a good faith dissolution of their marriage solely because of inability to pay court fees and costs for service of process. *Boddie vs. Connecticut*, 401 U.S. 371. The court stated that "...service at defendant's last known address by mail and posted notice is equally as effective as publication in a newspaper." *Boddie*, supra, at 382. In California, CCP 415.50 allows service by publication when the party to be served cannot with reasonable diligence be served in other specific manner. CCP 413.30 provides that where no provision is made for service of summons, the court may direct that summons be served in a manner reasonably calculated to give actual notice to the person to be served. In the California case, *Cohen vs. Board of Supervisors* (1971) 20 Cal. App. 3d 236, the Court of Appeal said service at defendant's last known address and posting is service in such a manner.

For help, contact or visit the
Superior Court, Access Center
939 W. Main Street, Courthouse Lower Level, El Centro, CA.
accesscenter@imperial.courts.ca.gov