# ***<u>IMPORTANT DISCLOSURE</u>***

These forms and instructions are provided as a courtesy only. Clark County, the Eighth Judicial District Court, the Clark County Family Law Self-Help Center, and their employees **SHALL NOT BE LIABLE** for errors contained within or for direct, indirect, special, or consequential damages in connection with providing this material.

Many family law matters involve complex and valuable legal rights. These forms and instructions are basic general forms and **<u>DO NOT</u>** fit all situations. If your situation does not fit the general forms you will need to perform additional legal research or consult an attorney.

It is always recommended that you consult with an attorney before attempting to use self-help. This is especially true if your case involves unique or complicated issues. Most family law issues affect significant legal rights. Some rights cannot be adequately protected without the assistance of an attorney.

When representing yourself, you are responsible for understanding the law that governs your case and for filing the proper legal documents. The law provides for exceptions in some situations. If your case involves special circumstances these exceptions may apply to you. Self-Help Center forms do not include information on these exceptions. Applicable laws and rules are set out in the Nevada Revised Statutes, The Nevada Rules of Civil Procedure, and other local rules governing the jurisdiction in which you are filing your documents.

By signing these documents and filing them with the court, you agree to the following:

- You have carefully read the documents;
- You understand all the terms and conditions in the documents;
- You agree with everything in the documents; and
- You are aware of all of the consequences that may occur as a result of filing.

Note that if you, the other party, or your children have ties to a state other than Nevada (i.e. you recently moved here or you have orders from another state) you should consult an attorney **<u>BEFORE</u>** filing any documents because the court may not have jurisdiction over you. However, once you file certain documents, the court will have jurisdiction and you **<u>WILL NOT</u>** be able to change that.

**Helpful Tips for Service by Publication:**

- Common court rules to be aware of:
  - All documents must be typed or written *neatly* in black ink
  - Stamp or write original in the center on the front page of all original documents
- When you do not know where the Defendant is to personally serve him or her, you must get permission from the court before you can serve by publication.
- To publish, you may use any newspaper of general circulation. For cost and other information, you must contact the newspaper directly.
  - *Nevada Legal News*, 382-2747
  - *Review-Journal* and *Sun*, 383-0383
- Remember to take copies of the <u>filed</u> Summons and <u>signed</u> Order with you to the newspaper.
- Serving the Defendant by publication is NOT your last step. There are at least four more documents that have to be filed, including the Default, Decree or Order, Notice of Entry, and Certificate of Mailing.
- **Note:** When filling out the Default, the date Defendant was served is the *last* date of publication.

*For more information about how to finish your case, please consult the Self-Help Center or an attorney.*

**Self-Help Center hotline**: (702) 455-1500 **website:** www.clarkcountycourts.us/shc

# Service by Publication Procedure

**Step 1: Can I serve the Defendant by publication?**

Do you know where the Defendant is?

- ☐ Yes → STOP: You must have the Defendant personally served.
- ☐ No → GO → **Go to Step 2**

**Step 2: Do I have all of the forms I need?**

- ☐ Affidavit of Due Diligence
- ☐ Affidavit for Service by Publication
- ☐ Certificate of Mailing
- ☐ Order for Service by Publication

**Go to Step 3**

**Step 3: Prepare your forms.** Do not leave any lines blank on the forms. If something does not apply to you write "N/A".

A. **Mail a file stamped copy of the Complaint, Summons, and Joint Preliminary Injunction (if using) to the Defendant's last known address**. If you do not know the Defendant's last known address you must do what is called a general mailing. Address the envelope like this:

Name of Defendant
C/O General Delivery
City, State, Zip Code

B. **Fill out your forms:** All Self-Help Center forms are in a fill-in-the-blank format. Use only black ink.

- ☐ Affidavit of Due Diligence
- ☐ Affidavit for Service by Publication
- ☐ Certificate of Mailing (this is how you prove to the judge that you did the mailing required in Part A)
- ☐ Order for Service by Publication

C. **Sign the Affidavits** in front of a notary.

**Go to Step 4**

**Step 4: File the following forms you filled out**. See the "How Do I File" instruction sheet for more information (**attached**).

- ☐ Affidavit of Due Diligence
- ☐ Affidavit for Service by Publication
- ☐ Certificate of Mailing

After you have filed your forms, make copies for your records.

**Go to Step 5**

**Step 5: Submit** copies of the following forms to the judge:

- ☐ One file-stamped copy of the Complaint
- ☐ One file-stamped copy of the Affidavit for Service by Publication
- ☐ One file-stamped copy of the Affidavit of Due Diligence
- ☐ One file-stamped copy of the Certificate of Mailing
- ☐ The original plus three copies of the Order for Service by Publication

**Go to step 6**

**Step 6: Now what do I do?**

A. After the judge signs your Order for Service by Publication and it is filed, take your forms to a newspaper of general circulation and have the Summons published once a week for at least four weeks.

B. After publication is complete, the newspaper gives you an Affidavit of Publication. You **must file** the Affidavit.

C. Service is complete 20 days **after** the last date of publication. After 20 days, you may ask the Clerk to issue a Default against the Defendant.

**How do I know if the judge signed my Order for Service by Publication?**

Once the judge signs the Order, it is filed at the Clerk's Office. The Clerk mails the file stamped copies of the signed Order to you. You now have permission to serve the Defendant by publication.

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