

Instructions for Alternative Methods of Service: For Service by Publication and Service by Registered or Certified Mail

These forms are not generally required but they may be useful in certain cases.

If you are unable to have the Defendant/Respondent served by the Sheriff and you are unable to get the Defendant/Respondent to sign an Acknowledgment and Acceptance of Service, you may need to ask the Court for permission to serve the Defendant/Respondent in a different way. You can use the forms for **Alternative Methods of Service** to help you with this process.

These forms are available on the Wyoming Judicial Branch website at www.wyocourts.gov/self-help-forms/.

Before you fill out the forms, read the instructions carefully.

Alternative Methods of Service

Usually, you must serve (deliver) certain documents to the other party by paying someone (often the Sheriff's Office) to deliver the documents or by giving the documents to the other party and receiving a signed Acknowledgment and Acceptance of Service that proves the other party received the documents.

If neither of those options will work in your case, the Court might give you permission to use an alternative (different) method. The two alternative methods are Publication and Registered Mail (also called Certified Mail).

In family law cases (such as divorce, custody, visitation, and child support), you can ask the Court for permission to use an alternative method of service if at least one of the following is true:

- You have tried to serve the Defendant/Respondent, but they have purposely avoided being served.
- The Defendant/Respondent does not live in Wyoming.
- You do not know the Defendant/Respondent's address, and you have made a serious attempt to find out what it is.

If at least one of those situations is true, you can file a form called **Affidavit to Allow Service by Publication or Service by Registered or Certified Mail**. Instructions for using that form are below. Instructions for other required Service by Publication forms are also below.

If you do know the Defendant/Respondent's address, you may choose to use Service by Registered Mail instead of publication. If you choose that option, you will still use the **Affidavit to Allow Service by Publication or Service by Registered or Certified Mail**, but you will not need the other Service by Publication forms. You will need to give the Clerk of Court materials for mailing the documents. Those instructions are farther below on this sheet.

How to Fill Out the Affidavit

(You will start here for Service by Publication and for Service by Registered Mail.)

Top of the Page

Fill in the information exactly the way it is on your Complaint or Petition.

Sections 1 and 2 and 3.

These sections tell the Court who you are and why you are filing this Affidavit. Don't change anything in these sections. Don't add anything.

Section 4.

Check the correct box. If you do know the Defendant/Respondent's address, write it neatly on the lines.

Section 5.

Read the options carefully. Check the box for every statement that is true.

Important Note: You will be under oath when you sign this Affidavit. If the information you include is not true, you could be required to pay a fine and you might be sent to jail. Don't make claims that are not true.

Section 6.

Read the choices carefully.

If you do not know the Defendant/Respondent's address, you will check the first box and serve the documents using publication. See the instructions below for Service by Publication.

If you do know the Defendant/Respondent's address, you can choose to do service by publication (check the first box), or you can choose to have the Clerk of Court serve the documents by registered mail (check the second box). See the instructions farther below for Service by Registered Mail.

Signature Section – Important!

Do not sign this form until you are in front of a Notary. The Notary must witness you signing the form.

By signing the form, you are stating that everything you wrote on the form is true. If the information is not true, you might be criminally charged with perjury. Perjury is a felony punishable by imprisonment or a fine or both.

Review your answers carefully before you sign the Affidavit.

More Instructions: Service by Publication

(Read below for more instructions about Service by Registered Mail.)

The following forms are required for Service by Publication:

- Affidavit to Allow Service by Publication or Service by Registered or Certified Mail.
- Order for Service by Publication.
- Notice by Publication.
- Affidavit Following Service by Publication.

Important things to know about Service by Publication:

- It takes time. The notice must be published once a week for four weeks and, after that, the Defendant/Respondent has 30 days to respond.

- There are additional steps. During the publication process, you will need to make arrangements and provide documents to the correct people at the correct times.
- There are special costs for this process. You will pay the newspaper to publish the Notice, and you may need to provide the Clerk with the correct kind of envelope, with the postage paid, plus copies of the newspaper page.

Process for Service by Publication:

- Fill out the Affidavit to Allow Service by Publication or Service by Registered or Certified Mail, using the instructions above. Check the first box in Section 6.
- Fill out as much as you can on the Order by Publication.
- Fill out as much as you can on the Notice by Publication.
- File those forms with the Clerk of District Court. Bring two copies with you when you file.
- The Clerk will give you a filed Notice by Publication. You must make arrangements with a local newspaper to publish the Notice. Publishing notices is a regular part of what newspapers do so they will already have a process in place. Follow their instructions to provide them with the filed Notice by Publication and to pay their fees.
 - The newspaper you use must publish at least once per week, and they must publish in the county where you filed the Complaint or Petition. If there is no newspaper published in that county, you must use a newspaper that is published in Wyoming and that is usually sold and read in that county. Your Notice must be published once per week for four consecutive weeks (four weeks in a row).
- After the Notice is published the first time (Week 1), there is another step you must take **if** you know the Defendant/Respondent's address. If you know the address, you will take two copies of the **published** Notice to the Clerk. (Cut it out directly from the newspaper, or photocopy the newspaper page and cut the Notice out of the copies.) You will also need to take the Clerk an envelope for "registered mail, restricted delivery, return receipt requested." You can get the correct documents at a post office. This will usually be a colored piece of card paper that sticks to a regular envelope. You will need to pay the postage costs for this special kind of mailing and address it to the Defendant/Respondent with a return address to the District Court Clerk's office.

- After the Notice is published the last time (Week 4), the newspaper will send you an Affidavit of Publisher. This is the newspaper's own form. It will probably have a copy of the Notice attached to it. The Affidavit of Publisher documents the newspaper's role in publishing the Notice, and it shows which dates the Notice was published in the newspaper. Keep the Affidavit of Publisher. You will need it soon.
- When 30 days have passed since the last publication (Week 4), you will need to file the Affidavit Following Service by Publication. Fill out the Affidavit completely and honestly. You will sign it in front of a Notary. When you file the Affidavit Following Service by Publication, you will attach to it the Affidavit of Publisher that the newspaper sent you.

After you have done all of the needed steps above, the process of Service by Publication is complete.

If you properly completed Service by Publication and the Defendant/Respondent did not file any document with the Court in the **30 days** following the **last** publication of the Notice, you can ask the Clerk for Entry of Default against the Defendant/Respondent. Forms for that process are available on the Wyoming Judicial Branch website forms page.

More Instructions: Service by Registered Mail

(Read above for more instructions about Service by Publication.)

The following form is required for Service by Registered Mail:

- Affidavit to Allow Service by Publication or Service by Registered or Certified Mail.
- Order to Allow Service by Registered or Certified Mail.
- Certificate of Mailing.

Important things to know about Service by Registered Mail:

- There are additional steps. You will need to get mailing materials from a post office and fill them out correctly.
- There are special costs for this process. You will need to provide the Clerk with the correct kind of envelope, with the postage paid.

Process for Service by Registered Mail:

- Fill out the Affidavit to Allow Service by Publication or Service by Registered or Certified Mail, using the instructions above. Check the second box in Section 6.
- Fill out as much as you can of the Certificate of Mailing.
- Fill out as much as you can on the Order to Allow Service by Registered or Certified Mail.
- Prepare an envelope for “registered mail, restricted delivery, return receipt requested.” You can get the correct documents at a post office. This will usually be a colored piece of card paper that sticks to a regular envelope. The envelope will need to be large enough to hold the Complaint or Petition that you already filed, plus the Summons, plus the Affidavit you are going to file. You will need to pay the postage costs for this special kind of mailing and address it to the Defendant/Respondent with a return address to the District Court Clerk’s office.
- File the Affidavit, Order, and Certificate of Mailing with the Clerk of District Court. Give the Clerk the prepared envelope and two copies of the Affidavit.

After you have done the steps above, and after the Clerk has confirmed that their office will mail the documents, your role in the process of Service by Registered Mail is complete. The Clerk will receive and file the return receipt after the Defendant/Respondent signs it.

Important Note: If you don’t get a document from the Clerk showing that the return receipt was received and filed, you will need to follow up with the Clerk’s Office to find out what your next steps are.