

Instructions for Alternative Service:
**How to request permission and complete service by email, social media,
certified mail, newspaper publication, or other methods.**

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 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 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 Court is not limited in the kinds of alternative service it can allow. The goal is to use a method that is highly likely to actually let the Defendant/Respondent know about the case. If you have an idea for a good way to serve the documents to the Defendant/Respondent, you can ask the Court for permission to use that method. This might be emailing, posting on social media, or some other method that would probably work well in your situation. If you know the Defendant/Respondent's current address, you might get permission to serve the documents using certified mail (also called registered mail). If you don't know any kind of communication that is likely to inform the Defendant/Respondent about the case, the Court might instruct you to complete service by putting the information in the local newspaper (which is called service by publication).

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 **Motion and Affidavit to Allow Alternative Service**.

How to Fill Out the Motion and Affidavit to Allow Alternative Service

(You will start here no matter what kind of alternative service you want to use.)

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 document. 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 Motion and 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 know the Defendant/Respondent's address, you can ask to have the Clerk of Court serve the documents by registered or certified mail. This option can be helpful if the Defendant/Respondent lives in another state or if the Defendant/Respondent is trying to avoid getting served. If you want permission to use this method for serving the documents, check the **first** box.

Farther below on these instructions, you will find instructions for Service by Registered (or certified) Mail.

If you do not know the Defendant/Respondent's address, you will need to think carefully about other ways that you could serve the necessary documents to the Defendant/Respondent. If you have any kind of recent, reliable communication with the Defendant/Respondent, you might have a way to serve them. This might be through email, text messaging, social media, communications apps, or any other method that would let you send or show the documents to the other party. If you have an idea that might work, you can tell the Court about it, and a Judge will decide whether to give you permission to attempt service that way.

If you think carefully about your situation, and you conclude you do not have any option that is likely to work, you will check the **second** box. By checking that box, you're asking the Court for permission to serve by publication. Service by publication takes time and money, and it isn't a very reliable way to let the Defendant/Respondent know about the case. For those reasons, it's the method of service that is used only if there are no better options. If the Court agrees that service by publication is the only choice you have, you will need to complete all the steps in the publication process. You can read instructions for Service by Publication later in these instructions.

If you have an idea for service that you believe will probably work, check the **third** box. Then fill in **subsection a**. In this subsection, you aren't limited to just one idea. Check the boxes and fill in the information for every method that you think will work.

On the long blank lines in **subsection b.**, explain why the methods you're suggesting are likely to work. It will be helpful to include how often the Defendant/Respondent communicates using those methods and when the Defendant/Respondent last communicated that way. For example: "The Defendant uses Facebook every day. He has already posted on there twice today."

In **subsection c.**, check the box to tell the Court what kind of electronic version of the documents you want to serve. (If your suggested method doesn't require the documents to be electronic, you can leave both boxes in this subsection blank.)

Important Note: No matter what kind of service you're asking permission for, you will need to wait until the Court gives you an Order. The Order will tell you what method of service you are expected to use. The Order may also have additional information on what you must do for the service to be considered complete and correct according to Wyoming law.

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 Motion and Affidavit.

Next Steps

You will file the Motion and Affidavit with the Clerk of Court in the county where you filed your case. It's a good idea to also give the Clerk an Order on Alternative Service. You can find that form on the [Wyoming Judicial Branch website family law forms page](https://www.wyocourts.gov/self-help-forms/#tabV3) (in Packet 10):

<https://www.wyocourts.gov/self-help-forms/#tabV3>

Fill in the top section of the Order (above the title) and leave the rest blank. After the Judge considers the information you shared on the Motion and Affidavit, the Clerk will give you a completed Order. Read the Order and make sure you understand what it says. It will have instructions you must follow in order to complete service (which is sometimes called “perfecting” service). If the Order tells you which Wyoming Court Rules you need to follow when serving the documents, you can read those rules in the [Wyoming Rules of Civil Procedure on the Wyoming Judicial Branch website](https://www.wyocourts.gov/court-rules/wyoming-rules-of-civil-procedure/) (<https://www.wyocourts.gov/court-rules/wyoming-rules-of-civil-procedure/>) or at your local library.

Summary:

- File the completed Motion and Affidavit, and give the Clerk a blank Order on Alternative Service.
- Wait until you receive the signed Order from the Court.
- Read the Order carefully.
- Follow the Court's instructions exactly to correctly serve the documents.

- Keep copies, screenshots, or photos of everything you need to prove you followed the instructions.
- File the required proof with the Clerk. You may need to file a “sworn statement” with your proof. You can use the form called Affidavit on Completion of Alternative Service as your sworn statement. That form is available on the [Judicial Branch website in family law Packet 10: https://www.wyocourts.gov/self-help-forms/#tabV3](https://www.wyocourts.gov/self-help-forms/#tabV3)

If the Court’s Order tells you to serve by publication or by registered (certified) mail, you can find detailed instructions for those processes below.

More Instructions: Service by Publication

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

The following forms are required for Service by Publication:

- Motion and Affidavit to Allow Alternative Service.
- Order on Alternative Service.
- 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:

If the Order on Alternative Service tells you to serve by publication:

- Fill out as much as you can on the Notice by Publication.
- Take two copies of the Notice to the Clerk of District Court.
- 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 **certified** mail. You can get the correct documents at a post office. 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 family law forms page](https://www.wyocourts.gov/self-help-forms/#tabV3) (in Packet 10): <https://www.wyocourts.gov/self-help-forms/#tabV3>

More Instructions: Service by Registered Mail

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

The following forms are required for Service by Registered Mail:

- Motion and Affidavit to Allow Alternative Service.
- Order on Alternative Service.
- 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:

If the Order on Alternative Service tells you to serve by registered or certified mail:

- Fill out as much as you can on the Certificate of Mailing.
- 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 all of the documents required according to the directions the Court included on the Order. 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.

- Give the Clerk the prepared envelope and copies of all of the documents required by the Order on Alternative Service.

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.