

ALTERNATE OR SUBSTITUTE SERVICE GUIDE

ALTERNATE OR SUBSTITUTE SERVICE CHECKLIST

Have you attempted Personal Service OR Certified Mail at least twice with no service?

No – You **MUST** try either Personal Service or Certified Mail again.

Yes – You may ask the court for Service by Publication (Alternate) or Substitute Service.

If you are asking for Service by Publication you must file:

[Motion for Service by Publication \(CC 6:6.1\)](#)

[Affidavit in Support of Motion for Service by Publication \(CC 6:6.2\)](#)

[Order for Service by Publication CC \(6:6.3\)](#)

Attach proof of all previous attempts at service.

OR

If you are asking for Substitute Service:

[Motion for Substitute Service \(CC 6:6.5\)](#)

[Affidavit in Support of Motion of Substitute Service \(CC 6:6.6\)](#)

[Order for Substitute Service \(CC 6:6.7\)](#)

Attach proof of all previous attempts at service.

Did the Court Approve Your Request for Service by Publication?

No – Try Personal Service or Service by Certified Mail again.

Yes – You **MUST**:

Provide the clerk's office with a **NEW** [Plaintiff's Claim and Notice to the Defendant \(Ch6art14app1\)](#).

Complete the [Notice of Small Claims Proceeding \(Service by Publication\) \(CC 6:6.4\)](#).

Arrange and pay for publication by contacting the newspaper used in your county. Use this website: nepublicnotices.com to find the contact information.

Send what was published within five (5) days of the first time the notice ran in the newspaper. Send through the US Mail to the defendant's last known address.

File the [Affidavit of Mailing Published Notice \(DC 6:6.8\)](#), with the court within ten (10) days of when you mailed the copy to the defendant.



Did the Court Approve Your Request for Substitute Service?

No – Try Personal Service or Service by Certified Mail again.

Yes – You MUST:

Provide the clerk's office with a **NEW Plaintiff's Claim and Notice to the Defendant (Ch6art14App1)**.

Contact the sheriff or constable to arrange and pay for Substitute Service.

Confirm the sheriff or constable filed the return with the court.

Send the defendant a copy of the Claim and Notice by First Class Mail through the United States Postal Service. **ONLY** use First Class Mail.

File the **Certificate of Mailing (DC 6:6.9)** with the court within 10 days.

Requesting Permission for Alternate or Substitute Service

You may not proceed with any type of Alternate or Substitute Service unless it has been pre-approved by the judge.

To request permission, you must complete and file with the clerk's office, the Motion, Affidavit, and Order specific to the type of service you are asking to use. The form numbers and links are located in the checklist above. Make sure to include copies of all return receipts for personal service or service through Certified Mail with your request.

If the court denies your request, you must continue to attempt Personal Service and/or Service by Certified Mail.

Requirements for Service by Publication and Substitute Service

If the court granted your request for Service by Publication or Substitute Service, you must complete each of the following.

Complete and file a **NEW Plaintiff's Claim and Notice to Defendant CC 4:1 (Ch6Art14App1)**. *This is the same form you completed when you started.*

This time:

- Do not mark a method for service.
- Leave the 2nd page blank. This will be completed by staff.
- Copy exactly what you wrote in the first Claim. **You cannot add or subtract information from to the original complaint.**

How to Complete Service by Publication

You must complete Steps 1- 3

- Step 1:** Arrange for your completed [Notice of Small Claims Proceeding, \(CC 6:6.4\)](#) form to be published.
- Contact the newspaper to arrange for payment and publication.
 - You can find the newspaper used in your county using this website:
nepublicnotices.com
 - All notices must be in the newspaper once per week for three (3) weeks in a row 1 _____ 2 _____ 3 _____ *(write dates here)*
- Step 2:** Obtain a copy of the first published notice and mail it to the defendant's last known address. This must be mailed within five (5) days of the first time the notice ran in the newspaper.
- A digital copy of the notice can be found at nepublicnotices.com
- Step 3:** Complete and file the [Affidavit of Mailing Published Notice, \(DC 6:6.8\)](#), with the clerk's office within ten (10) days of when you mailed the copy to the defendant.
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How to Complete Substitute Service

You Must Complete Steps 1-6

Substitute Service is completed when the sheriff/constable posts your Small Claims Claim and Notice at the defendant's home **AND** you mail a copy of your Claim and Notice to the defendant by first class mail.

Step 1: Request Substitute Service in your Motion/Affidavit for Substitute Service.

Step 2: Pay for service.

- Contact the sheriff or constable in the county where the other party will be served to ask about the cost of substitute service.

Step 3: Send a copy of the entire Claim and Notice by first class mail to the defendant's last known address.

Step 4: Complete the [Certificate of Mailing \(DC 6:6.9\)](#).

Step 5: File the completed [Certificate of Mailing \(DC 6:6.9\)](#) with the clerk's office within 10 days of mailing the Claim and Notice to the defendant.

Step 6: Contact the clerk's office to confirm the sheriff or constable completed and filed the affidavit confirming Constructive Service.

