

ADDITIONAL INSTRUCTIONS TO JDF 1300

Request to Provide Service by Publication or Mail for Divorce or the Allocation of Parental Responsibilities

You have to make sure the other party knows that you have filed for divorce or for allocation of parental responsibilities. You have to try to do that by making sure they get the papers in person. But you can't do it yourself. You need to have some other adult do it. Mailing the papers is not OK, unless the judge says you can. You can ask the judge if you can mail the papers, or if you can print a notice in the newspaper, if you can't find the other party. These instructions tell you how you can do that.

The forms you need are JDF 1300 (plus the affidavit of diligent search) and JDF 1301 and JDF 1302.

Before you can mail the papers or print a notice in the paper, you have to show the judge how hard you tried to give the other person the papers directly. ***You have to show exactly how you tried to find the person and where you looked.*** The judge has to have enough information to decide that you made diligent efforts to find the other party and try personal service.

Diligent effort to try to give the person the papers directly means that you tried to:

- Contact the friends, family, and/or employers of the other party;
- Completed an extensive online search;
- Tried to get the papers to him or her by using a process service or the sheriff's office.

If you want to ask for the judge to say it is OK to do service by mail or by publication, then fill out this form: **Affidavit of Diligent Search**.

The **Affidavit of Diligent Search** has some ideas for how to find someone – you might have other ideas. But whatever you do to try to find the other person, those steps have to reasonably lead to finding where the other party is. Tell the judge in detail what you did and give the judge any copies of search documents (like printouts from Whitepages.com, or other websites) when you can.

You don't need to do everything that is on the **Affidavit of Diligent Search**, but the more you do (that is, the more diligent your search), the more likely it will be that the judge will say it is OK for you to serve the other person by publication or by mail.

In addition to the **Affidavit of Diligent Search** you must complete the following forms:

- **Motion (Form JDF 1301):** You fill this out
 - Complete all sections of form JDF 1301 and attach this **Affidavit of Diligent Search** form and any papers that you have that show what you did to try to locate the other party.
 - Check the box “Publication of Consolidation Notice” **OR** “Service by Certified Mail” to be clear on how you want to get the other person served.
 - The form must be signed in front of a Court Clerk or Notary Public.
- **Order (Form 1302):** You fill out only the caption
 - Complete only the caption (boxed area) on form JDF 1302.
 - The judge will fill out the rest of form JDF 1302 after reviewing your Motion (form JDF 1301), and your other documents that show how you tried to find the other person.
 - You will have to pay the publication fees unless you can show that you are indigent or are otherwise unable to pay publication costs.

_____ (your name) Affidavit of Diligent Search
Larimer County Court Case Number:

I. My name is _____. I have tried to serve the respondent/other party, _____(name), in this case, and I can't find him or her. I've done a diligent search. I do not know where the respondent/other party lives or where the respondent/other party can be found.

The last known address I have for the other party is:

The last known telephone number I have for the other party is: _____

To the best of my knowledge, the other party still lived at the above address as of: _____(date), but no longer lives there.

II. I have made the following efforts to find the other party:¹

ATTACH ADDITIONAL PAGES OR ANY DOCUMENTS THAT PROVIDE PROOF OF YOUR EFFORTS TO PROVIDE ACTUAL NOTICE (if available).

(a) I checked with the other party's friends, relatives, employers, landlords or other people listed below:

(1) Name of Person Contacted: _____

Contact's Relationship with other party: _____

Contact's Address & Phone Number: _____

Date I contacted this person: _____

Results of Contact/What They Told Me: _____

¹ Complete each section that applies to the steps that you took to try to locate the other party. You don't need to do everything suggested on this affidavit, but the more diligent your search is, the more likely it is that your request for service by publication or by mail will be approved by the judge.

(2) Name of Person Contacted: _____
Contact's Relationship with other party: _____
Contact's Address & Phone Number: _____

Date I contacted this person: _____
Results of Contact/What They Told Me: _____

(3) Name of Person Contacted: _____
Contact's Relationship with other party: _____
Contact's Address & Phone Number: _____

Date I contacted this person: _____
Results of Contact/What They Told Me: _____

(4) Name of Person Contacted: _____
Contact's Relationship with other party: _____
Contact's Address & Phone Number: _____

Date I contacted this person: _____
Results of Contact/What They Told Me: _____

(b) I checked paper/online telephone information and directories, with the following results:

(c) I asked the sheriff or other process server to try to serve the other party at his or her last known residence on the following dates with the following results:

(be sure to attach any affidavits of attempted service that you have from the sheriff or other process server)

(d) I also tried other ways to locate and serve the other party, with the following results:

(1) **Public Records search** (indicate which sources or websites used and describe the search results; attach documentation if available):

i. Local phonebook: _____

ii. Internet people locators (Whitepages.com, Peoplefinder.com, beenverified.com, Intelius.com, Spokeo.com, etc.): _____

iii. Name search with the Court Clerk in the records department: _____

iv. Google search: _____

v. Voting records (provides last registered address), available at www.sos.state.co.us/voter/pages/pub/olvr/findvoterreg.xhtml:

(2) **Social Media search** (indicate which sources or websites were used and describe the search results; attach documentation):

i. Facebook (Use this site's search tools to locate the other party or other personal contacts): _____

- ii. Other relevant social media – this may include, but is not limited to, Twitter, Instagram, Snapchat, LinkedIn, or dating sites such as OKCupid or Match.com (Indicate which sources or websites used and describe the search results; attach documentation if available): _____

(3) **Inmate Search**— (Provide information relating to any efforts made to locate a party in custody, either in person, by phone, or through internet search; attach documentation if available):

- i. Larimer county jail: inmates may be searched at www.larimer.org/sheriff/jail/inmate-search. You may also call (970) 498-5200 to ask if someone is in custody.
- ii. Colorado Department of Corrections: Inmates may be searched at www.doc.state.co.us/oss/. This site will provide information such as the inmate’s Department of Corrections identification number and which facility the inmate is residing at. With the ID number and facility name, inmates may be contacted by mail, e-mail, or telephone using the information found at www.colorado.gov/pacific/cdoc/contact-offender.
- iii. Federal Bureau of Prisons: Inmates may be searched at www.bop.gov/inmateloc/. If the inmate is in federal custody, information about addresses and mailing procedures can be found by clicking on the location of the inmate that appears in the search results.

(4) **U.S. Immigration and Customs Enforcement (ICE) detention facilities search**—if applicable (provide information relating to any efforts made to locate a party in custody, either in person, by phone, or through internet search; attach documentation if available):

- i. There are three ICE detention facilities in Colorado:
 - Aurora GEO Group Detention Facility (303) 361-6612
 - Teller County Detention Facility (719) 687-7770
 - El Paso County Criminal Justice Center (719)390-2000
- ii. If the party is at a facility, the facility operator can release that information on the phone. If the party has been transferred, request the party’s QA-Number from the operator.
- iii. The ICE detainee Locator (<https://locator.ice.gov/odls/#/index>) can locate the person at any detention facility across the nation if the A-Number and the person’s country of birth are known. The Online Detainee Locator will provide information if the party is either currently detained or was released within the last 60 days.
- iv. If an A-Number is not available, a party may still be found through the Online Detainee Locator with the party’s first name, last name, and country of birth.

- (5) **Military Records search**—if applicable (provide information from each relevant site's search results and attach documentation if available):
- i. The U.S. Navy, Marine Corps, and Air Force provide locator services (the U.S. Army and Coast Guard do not) available at www.usa.gov/military-personnel-and-installations. Locators may require knowledge of the service member's full name, Social Security Number, grade or rank, or the last known duty station.
 - ii. The National Archives also provides information and location services to locate veterans (www.archives.gov/veterans/locate-service-members.html) .

(6) **Here are some other things I tried:** _____

(7) **I attached all the papers that show what I tried to do to find him or her.**

_____, *pro se*
SIGNATURE

Subscribed and affirmed, or sworn to before me by _____ in the County of _____ State of _____ this _____ day of _____, 20____.

My commission expires: _____