

# IMPORTANT INFORMATION ABOUT SERVICE OF PROCESS

## PETITIONS, SUPPLEMENTAL PETITIONS AND ALL SUPPORTING DOCUMENTS MUST BE SERVED ON THE OTHER PARTY/RESPONDENT BASED ON ONE OF THE FOLLOWING:

1. Other party lived in Florida or parties maintained marital domicile/marital home in Florida: must try **personal service** at last known address through the Sheriff's Office in the county of residence. If not served, you will need to perform diligent search and constructive service.
2. Other party lived in Florida or parties maintained marital domicile in Florida but respondent now lives out of state (address known): **long arm (personal) service**
3. Other party lived in Florida, petitioner has no address for the respondent and a diligent search does not determine the address: **constructive service** in the county where Petition for Dissolution is filed.
4. Other party never lived in Florida and parties did not maintain marital domicile in Florida must use **constructive service** - even if the respondent's address is known. This is because the Florida court does not have jurisdiction over the respondent in this case. Publication shall be done in the county where Petition for Dissolution is filed.

## ONCE YOU HAVE DETERMINED WHICH ONE DESCRIBES YOUR CIRCUMSTANCES, PROCEED TO FOLLOW THE INSTRUCTIONS BELOW.

1. ***Personal Service*** means having a summons issued by the Clerk and having the respondent served with a copy of the Petition and other documents filed at the time the petition is filed. **Service can be done through the Sheriff's Office or a Process Server only.**
2. ***Long arm (personal) service*** is done by providing the summons and documents to the Sheriff in the county and state where he/she resides.
3. ***Constructive Service*** (or publication) is **allowed only when the Respondent has never lived in Florida and/or the location of the Respondent is unknown.** If you have a last known Florida address, you must attempt ***Personal Service*** first, before you can use ***Constructive Service***. If you are unsure of his/her address, you must perform a diligent search to try and locate him/her. **IMPORTANT NOTE: The Court may have limited jurisdiction in your case if you used *Constructive Service*.**

For ***Constructive Service*** you will need to file the following with the clerk of court: **Notice of Action for Dissolution of Marriage, Affidavit of Diligent Search, and Non-Military Affidavit (if he/she is not in the service)**. If you do not know if the respondent is in the military, you will need to fill out a **Memorandum for Certificate of Military Service** and mail one copy to each of the military branches (you may ask Clerk or Pro Se staff for further instructions).

The **Notice of Action** must be published with a qualified local newspaper at least once per week for four (4) consecutive weeks (ask the clerk for a list of qualified newspapers). When calculating the response date to be inserted in the Notice of Action, it is suggested that you insert a response date that is at least 35 days, but not more than 60 days from the day you bring the Notice of Action to the Clerk's Office. If you cannot afford to pay to publish the Notice, you will need to file an Affidavit of Indigency. If the clerk determines that you cannot afford these fees, they will post your **Notice of Action for Dissolution of Marriage** in a designated place for the required four-week period.