

MAINE JUDICIAL BRANCH

Instructions for Service by Alternate Means

GENERAL INFORMATION

This checklist is a guide only. For further information see [Maine Rules of Civil Procedure 4\(g\)](#)

There is no fee associated with requesting service by alternate means. ([Court Fee Schedule](#))

WHEN TO USE SERVICE BY ALTERNATE MEANS

Service by Alternate Means can be used when starting a divorce, parental rights and responsibilities case, civil lawsuit or for post-judgment motions. It **cannot** be used for Small Claims Proceedings. **You have to have made every reasonable effort to find the other party. Every reasonable effort includes:**

- Attempting service by First Class Mail
- Attempting Service by Certified or Registered Mail (**in Family Matters only**)
- Having a Sheriff or Deputy attempt Service
- Checking with public databases (phone book, tax records, voting rolls) and private sources (relatives, neighbors, employers)

FORMS NEEDED

- *Motion for Service by Alternate Means and Affidavit* (CV-072)
- *Order for Service by Alternate Means* (CV-144) (**in Non-Family Matters only**)
- *Order for Service by Alternate Means* (FM-188) (**in Family Matters only**)
- *Affidavit that Service was made by Alternate Means* (CV-FM-202)
- *Newspaper Cover Letter* (CV-172) (**only needed if you are requesting service by publication**)
- *Verification* (CV-173) (**only needed if service by publication is ordered by the court**)

Forms available for download are in PDF format and require Adobe Acrobat Reader to view or print.

TYPES OF SERVICE BY ALTERNATE MEANS

1. Service by leaving a copy of the court documents at the other party's house

- This may be ordered if you can show that the party does live there, but they are avoiding service.
- Ways to show this include:
 - The Sheriff concluding that the party lives there and is trying to avoid service,
 - Public databases (tax records, voting rolls, telephone directories) showing the other party lives there, and
 - Private sources (neighbors, relatives, employers) stating the other party lives there.

2. Service by another means not prohibited by law

- The Court may allow you to serve the other party in a manner that is most likely to provide the other party with actual notice. This may include service by electronic means.
- If there is something specific about your case that will provide actual notice to the other party, then you may request it. Describe the detailed manner on how service will be completed and why this will give the other party actual notice.

3. Service by publication

- This is the last option courts will order.
- You will need to pick a newspaper that the other party will most likely see.
- The *Order for Service by Alternate Means* will need to be published in that newspaper once a week for three consecutive weeks. The first publication date must be within 20 days from the date the judge signs the order.
- Send a copy of the *Order for Service by Alternate Means*, as published, to the other party's address, if known.

HOW SERVICE IS COMPLETED

- ❖ Service is complete on the 21st day after you served the other party or as provided in the court's order.
- ❖ Service by publication is complete 21 days after the notice appeared in the newspaper. For a divorce case, you can have your hearing 60 days after this date, as long as you have received the verification back from the newspaper. If you do not have your verification back by your hearing date, you must call the court clerk's office and ask to reschedule.
- ❖ You will need to file with the court an *Affidavit that Service was Made by Alternate Means* (CV/FM-202) verifying that you followed the court's order. If you are serving by publication, you will also need to file the *Verification* (CV- 173).

ADA Notice: The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation contact the Court Access Coordinator, accessibility@courts.maine.gov, or a court clerk.

Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.