

#### **OHIO Civil Rule Procedure 4.4(A)(2)**

(2) In a divorce, annulment, or legal separation action, and in actions pertaining to the care, custody, and control of children whose parents are not married, and in all post-decree proceedings, if the plaintiff is proceeding in forma pauperis and if the residence of the defendant is unknown, service by publication shall be made by posting and mail. Before service by posting and mail can be made, an affidavit of a party or the party's counsel shall be filed with the court. The affidavit shall contain the same averments required by division (A)(1) of this rule and, in addition, shall set forth the defendant's last known address. Upon the filing of the affidavit, the clerk shall cause service of notice to be made by posting in a conspicuous place in the courthouse or courthouses in which the general and domestic relations divisions of the court of common pleas for the county are located and in two additional public places in the county that have been designated by local rule for the posting of notices pursuant to this rule. Alternatively, the postings may be made on the website of the clerk of courts, if available, in a section designated for such purpose. The notice shall contain the same information required by division (A)(1) of this rule to be contained in a newspaper publication. The notice shall be posted in the required locations for six successive weeks. The clerk shall also cause the complaint and summons to be mailed by United States ordinary mail, address correction requested, to the defendant's last known address. The clerk shall obtain a certificate of mailing from the United States Postal Service. If the clerk is notified of a corrected or forwarding address of the defendant within the six-week period that notice is posted pursuant to division (A)(2) of this rule, the clerk shall cause the complaint and summons to be mailed to the corrected or forwarding address. The clerk shall note the name, address, and date of each mailing on the docket. After the last week of posting, the clerk shall note on the docket where and when notice was posted. Service shall be complete upon the entry of posting.

#### **LOCAL Rule**

RULE 4.2 Service by Posting (A) Consistent with the provisions of Rule 16(A) of the Ohio Rules of Juvenile Procedure provision is hereby made by local rule to permit service by publication to be made by posting and mail in lieu of publication by newspaper whenever it does not appear that newspaper publication is any more likely to provide actual notice to the person upon whom service is to be made. (B) Upon the filing of an affidavit attesting that the residence of a party is unknown and cannot be ascertained with reasonable diligence and the filing of a request or instructions to the 14 Clerk of this Court for service by posting and mail as well as a copy of the notice to be posted, the Clerk shall cause service of notice to be made by posting the notice so filed upon the bulletin board on the first floor of the Coshocton County Courthouse Common Pleas Court Juvenile Division as well as upon a bulletin board at the Coshocton County Jail, and upon a bulletin board in the lobby of the Public Assistance Division of the Coshocton County Department of Job and Family Services. The notice so posted shall contain the same information required to be contained in newspaper publication and shall be posted in the required location for seven

consecutive days. (C) After the seven days of posting, the Clerk shall note on the docket where and when notice was posted. Service shall be complete upon the entry of posting.

IN THE COMMON PLEAS COURT OF \_\_\_\_\_ COUNTY, OHIO  
\_\_\_\_\_ DIVISION

Case No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**PLAINTIFF/PETITIONER**

~vs~

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**DEFENDANT/PETITIONER**

**REQUEST, AFFIDAVIT &  
ORDER FOR SERVICE BY  
POSTING**

Pursuant to Ohio Juvenile Rule 16(A) and Ohio Civil Rule 4.4(A)(2), the undersigned \_\_\_\_\_, (affiant) being duly sworn according to law hereby requests service by posting and states as follows:

1. \_\_\_\_\_ (name of party) is the moving party in this request for service by posting in which the following action is filed:

- Complaint for Custody/Parentage/Parenting Time/Temporary Orders
- Motion to Modify Custody / Parenting Time/Temporary Orders
- Other/Motion to \_\_\_\_\_

2. The last known address of \_\_\_\_\_, the person to be served, was \_\_\_\_\_.

3. The following efforts have been made to find the current residence of the person to be served:

- Reviewed telephone directory in local area of last known address
- Reviewed city or other local directory
- Inquired of local utilities at area of last known address
- Sent mail to the last known address
- Contacted the US Postal Service for a forwarding address
- Conducted an Internet search by using the following web sites: \_\_\_\_\_
- Contacted the following family members of friends of the person to be served: \_\_\_\_\_
- Other efforts to locate the person to be served: \_\_\_\_\_

4. After doing all of the above I have not been able to locate the current address of the person to be served. Service of summons cannot be made

by other means because the current residence of the person to be served is unknown to the undersigned.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Printed Name

Signed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary

**ORDER**

\_\_\_\_\_ (Plaintiff/Defendant/Petitioner) has demonstrated reasonable diligence in attempting to locate the current residence of \_\_\_\_\_, and service shall be made in this case by publication and mail pursuant to Ohio Juvenile Rule 16(A) and Civ. R. 4.4(A)(2).

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge/Magistrate

IN THE COURT OF COMMON PLEAS, \_\_\_\_\_ COUNTY, OHIO  
\_\_\_\_\_ DIVISION

\_\_\_\_\_

Plaintiff/Petitioner

Case No. \_\_\_\_\_

vs.

**MOTION FOR SERVICE BY POSTING**

\_\_\_\_\_

Defendant

Now comes \_\_\_\_\_, the Plaintiff/Petitioner herein and makes a motion to have the defendant served by posting pursuant to Rule 4.4.(A)(2) of the Ohio Rules of Civil Procedure. See supporting affidavit attached.

\_\_\_\_\_  
(Signature of party filing motion)

\_\_\_\_\_  
Plaintiff (print name)

Dated: \_\_\_\_\_

Affidavit of \_\_\_\_\_ being duly sworn do state the following:

1. I am the plaintiff herein.
2. The action that I have filed is a divorce /annulment / legal separation Petition for Allocation of Parental Rights and Responsibilities. (circle one)
3. I am proceeding in forma pauperis as indicated by the application and affidavit of indigency that I have filed/that is attached. I do not know the address of the defendant. I cannot obtain it through the use of reasonable diligence.
4. The reasonable diligence I have taken includes the following:
  - \_\_\_ I have checked the phonebook
  - \_\_\_ I have checked the city directory
  - \_\_\_ I have checked county records
  - \_\_\_ I have inquired of former neighbors
  - \_\_\_ I have inquired of the defendant's relatives
  - \_\_\_ I have inquired of the credit bureau
  - \_\_\_ I have made other efforts to ascertain the Defendant's current address as follows:

\_\_\_\_\_  
\_\_\_\_\_

5. The defendant's last known address is \_\_\_\_\_  
\_\_\_\_\_

STATE OF OHIO, COUNTY OF \_\_\_\_\_:

\_\_\_\_\_, being duly affirmed, says that the facts stated in the above application are true as he/she verily believes.

\_\_\_\_\_  
**Signature**

Affirmed to before me and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**IN THE COURT OF COMMON PLEAS, \_\_\_\_\_ COUNTY, OHIO**  
**\_\_\_\_\_ DIVISION**

\_\_\_\_\_  
Plaintiff

Case No. \_\_\_\_\_

vs.

\_\_\_\_\_, Magistrate

**ORDER**

\_\_\_\_\_  
Defendant

It is hereby ordered that the Clerk ' s Office shall complete service by posting as follows:

1. Post a notice in a conspicuous place in the \_\_\_\_\_ County Courthouse, address:\_\_\_\_\_.

2. The notice shall contain the name and address of the court, the case number, the name of the first party on each side, and the name and last known address, if any, of the person or persons whose residence is unknown. The publication also shall contain a summary statement of the object of the complaint and demand for relief, and shall notify the person to be served that he or she is required to answer within twenty-eight days after the last date of posting.

3. The notice shall be posted for six successive weeks.

4. The clerk shall also cause the complaint and summons to be mailed by ordinary mail, address correction requested, to the defendant ' s last known address(if known). The clerk shall obtain a certificate of mailing from the USPS. If the clerk is notified of a corrected or forwarding address of the defendant within the six-week period that notice is posted, the clerk shall cause the complaint and summons to be mailed to the corrected or forwarding address. The clerk shall note the name, address, and date of each mailing in the docket.

5. After the last week of posting, the clerk shall note on the docket where and when notice was posted. Service shall be complete upon the entry of posting.

**IT IS SO ORDERED.**

\_\_\_\_\_  
Magistrate/Judge

Dated: \_\_\_\_\_