

MEMORANDUM OF POINTS AND AUTHORITIES

The court may direct that a summons be served in any manner which is reasonably calculated to give actual notice to the other party.

Code of Civil Procedure § 413.30 states: "Where no provision is made in this chapter or other law for the service of summons. The court in which the action is pending may direct that the summons be served in a manner which is reasonably calculated to give actual notice to the party served and that proof of such service be made as prescribed by the court."

Cohen v. Board of Supervisors for the County of Alameda (1971) 20 Cal.App.3d 236 held that indigents in marital cases were entitled to access to courts by waiver of costs and also to provision for service of process. In *Cohen*, plaintiffs lacked funds to pay for service by publication, which was required because their spouses could not be found for personal service. The court, following *Boddie v. Connecticut* (1971) 401 U.S. 371, 382 stated that service by mail at the party's last known address and posted notice "is equally effective as publication in a newspaper. The court's finding relied on CCP § 413.30 because law makes no provision if publication is practically impossible.

In the present case, Petitioner is indigent and has been unable to locate Respondent in order to effect personal service.

Respectfully submitted,

Date: _____

PETITIONER'S NAME (PRINT)

SIGNATURE OF PETITIONER

ORDER

☐ MOTION IS DENIED BECAUSE _____

☐ GOOD CAUSE APPEARING THEREFOR IT IS SO ORDERED. Service shall be deemed effective twenty-eight (28) days after the REQUEST FOR ORDER are posted in the Clerk's office.

PETITIONER MUST HAVE RESPONDENT PERSONALLY SERVED WITH THE SUMMONS/PETITION, REQUEST FOR ORDER OR REISSUANCE IF RESPONDENT'S WHEREABOUTS BECOME KNOWN PRIOR TO THE DEFAULT OR HEARING DATE.

Date: _____

Judicial Officer

CLERK'S PROOF OF SERVICE OF SUMMONS AND PETITION BY POSTING (CCP 413.30)

I, the undersigned, declare:

1. I am an employee of the Superior Court of California County of Merced, and not a party to this action.

2. On _____ I personally posted the ☐ SUMMONS/PETITION ☐ REQUEST FOR ORDER ☐ REISSUANCE in a conspicuous place at the Superior Court Department 6, located at, 2260 N Street, Merced, California.

I declare under penalty of perjury that the foregoing is true.

Linda Romero Soles, Court Executive Officer

Date: _____

By: _____
Deputy Clerk