

Publication

Publication is a notoriously unreliable means of informing parties about pending litigation.
Abba Gana v. Abba Gana, 251 Ga. 340, 343, 304 S.E.2d 909 (1983).

If the address of the party to be served is ***unknown***, movant must show that ***reasonable diligence*** has been exercised in attempting to ascertain the party's whereabouts before an order for publication is appropriate. Movant must pursue ***every reasonably available channel of information***. *Abba Gana*. The showing should be by affidavit or verified pleading. **Note: A motion and order is required for publication.**

In order to justify service by ***publication*** where the address of the party is ***known***, or believed to be known, generally it must be shown that service was attempted unsuccessfully at the party's last known address and that personal service was proven impossible. *Girard v. Weiss*, 160 Ga.App. 295, 298, 287 S.E.2d 301 (1981).

Reasonable Diligence

Movant must show ***reasonable diligence*** was exercised in attempting to ascertain the party's whereabouts. The typical divorce complainant usually knows significant background information about the missing spouse, and therefore usually has many feasible methods of tracking down the absentee. *Abba Gana*. The means employed must show real effort to actually find the party. *Floyd v. Gore*, 251 Ga.App. 803, 806, 555 S.E.2d 170 (2001).

Potential sources of information: parents, siblings, children and other relatives, friends, employers, landlords, neighbors, schools, military, banks, telephone directories, tax records, voter records, internet search, internet locator services, old email addresses, old telephone numbers, post office, forwarded mail, prison records, private investigators, social media. A letter to the last known address would seem almost always appropriate with a request to the post office for any forwarding address.

- > An Affidavit of Diligent Search form must be completed in its entirety.
- > If an address is known for the defendant service must be attempted at the last known address and proof of unsuccessful service must be filed.
- > A Motion for Service by Publication, Notice of Publication, Affidavit of Diligent Search and proposed Order for Service by Publication must be submitted to the Clerk of Court for the Court's consideration.