

4A-502. Motion for service by publication.

STATE OF NEW MEXICO

COUNTY OF _____

_____, JUDICIAL DISTRICT

_____, Petitioner(s)

No. _____

IN THE MATTER OF THE KINSHIP GUARDIANSHIP OF

_____,¹ (a) Child(ren) (*use initials only*), and concerning

_____, Respondent #1,

_____, Respondent #2.

MOTION FOR SERVICE BY PUBLICATION²

Petitioner(s), _____ (*name(s) of Petitioner(s)*), state(s) that after diligent inquiry and search efforts, Petitioner(s) have been unable to serve process on _____ (*name of Respondent*), and the following diligent efforts were made to locate and serve the Respondent with a summons and petition:

(*Check each method of service attempted and complete applicable blank spaces.*)³

☐ Personal service;

☐ Service at Respondent's last known residential address by _____ (*name of person attempting service*);

☐ Service by mail or courier service under Rule 1-004(F) NMRA;

☐ Service at Respondent's last known business address;

☐ Service at the address listed at the motor vehicle division for Respondent's driver's license;

☐ Service at the address listed in the last telephone directory listing for the following city or county (*list cities and counties*): _____;

☐ A search of the records of the following courts (*list courts*): _____;

☐ A search of the records of inmates at the following jails/prisons: _____;

[] Contacted the post office for the zip code of the last known address of Respondent and there was no forwarding address;

[] Other (*describe other attempts to locate and serve Respondent, including searches using the internet, Facebook, or other social media*): _____;
_____;

WHEREFORE, Petitioner(s) ask(s) the court to permit service on Respondent by publication of the attached Notice of Pendency of Action.⁴

Submitted by,

Signature

Printed name

Address

Phone number and email address

VERIFICATION

I, _____, Petitioner, affirm under penalty of perjury under the laws of the State of New Mexico that I am the Petitioner in the above-entitled cause; that I have read the motion for service by publication; and that the contents of the motion are true and correct to the best of my information and belief.

Date: _____

Signature of Petitioner

USE NOTES

1. Enter the initials of each child listed in the Petition to Appoint Kinship Guardian(s).

2. You need to try to find and serve the respondent(s) with the petition and other documents you filed in the kinship guardianship case. If you are unable to find the respondent, you may want to consider service by publication in a newspaper. If there is more than one respondent that you need to serve by publication (for example, the mother and the father of the child), you need to file one motion for each respondent. The information you provide about trying to locate the respondent in the motion is for each individual respondent. If the court allows you to serve by publication, you may use only one Notice of Pendency of Action and include all of the respondents in the same document.

3. Check all of the boxes that apply. You need to tell the court about all of the efforts you made to find and serve the respondent. Be prepared to show the court your efforts to search records to find the respondent, including, for example, a letter from the postmaster, any court docket printouts, or any returned mail.

4. Complete and attach a Notice of Pendency of Action, Form 4A-503 NMRA.

[Adopted by Supreme Court Order No. 16-8300-020, effective for all pleadings and papers filed on or after December 31, 2016; as amended by Supreme Court Order No. 22-8300-020, effective for all pleadings and papers filed on or after December 31, 2022; as amended by Supreme Court Order No. S-1-RCR-2023-00052, effective for all cases pending or filed on or after December 31, 2024.]