

## INSTRUCTIONS FOR AFFIDAVIT OF DILIGENT SEARCH AND INQUIRY

When should this form be used?

This form is to be used to obtain constructive service (also called service by publication) in a civil case.

The Defendant/Respondent is entitled to actual notice of proceedings when possible. When it is necessary to use constructive notice, it must be given in a way that is likely to provide actual notice. You must disclose the last known address of the Defendant/Respondent. A last known address cannot be “unknown”. This form includes a checklist of places you can look for information on the location of the Defendant/Respondent. While you do not have to look in all of these places, the court must believe that you have made a serious effort to get information about the Defendant’s/Respondent’s location and that you have followed up on any information you received.

This form should be typed or printed legibly in black ink. After completing this form, you will sign the form under oath. You must file the original form with the Clerk of the Circuit Court in the case for which you are seeking service by publication and you should keep a copy for your records.

IN RE: \_\_\_\_\_

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

- DeKalb Circuit Court
- DeKalb Superior Court I
- DeKalb Superior Court II

**AFFIDAVIT OF DILIGENT SEARCH AND INQUIRY**

I, *{full legal name}* \_\_\_\_\_, being sworn, certify that the following information is true:

1. I have made diligent search and inquiry to discover the name and current residence of Defendant/Respondent \_\_\_\_\_ *{full legal name}*.

**Refer to checklist below and identify all actions taken (any additional information included such as the date the action was taken and the person with whom you spoke is helpful) (attach additional sheet if necessary) YOU MUST ATTACH ANY RESPONSES TO INQUIRY WHICH YOU HAVE RECEIVED:**

{Check **all** that apply}

- United States Post Office inquiry through Freedom of Information Act for current address or any relocations. <https://faq.usps.com/s/article/Address-information-requests-forms>
- Last known employment of Defendant./Respondent, including name and address of employer. You should also ask for any addresses to which W-2 Forms were mailed, and if a pension or profit-sharing plan exists, then for any addresses to which any pension or plan payment is and/or has been mailed.
- Unions from which Defendant/Respondent may have worked or that governed his or her particular trade or craft.
- Regulatory agencies, including professional or occupational licensing.
- Names and addresses of relatives and contacts with those relatives, and inquiry as to Defendant's/Respondent's last known address. You are to follow up any leads of any addresses where Defendant/Respondent may have moved.

Note: Relatives include, but are not limited to: parents, brothers, sisters, aunts, uncles, cousins, nieces, nephews, grandparents, great grandparents, former in-laws, step-parents, step-children.

- Information about the Defendant's/Respondent's possible death and if deceased, the date and location at time of death.
- Telephone listings in the last known locations of Defendant's/Respondent's residence.
- Law enforcement arrest and/or criminal records in the last known residential area of Defendant/Respondent.
- Highway Patrol records in the state of Defendant's/Respondent's last known address.
- Department of Motor Vehicle records in the state of Defendant's/Respondent's last known address.
- Department of Corrections records in the state of Defendant's/Respondent's last known address.
- Title IV-D (child support enforcement) agency records in the state of Defendant's/Respondent's last known address.
- Hospitals in the last known area of Defendant's/Respondent's residence.
- Utility companies, which include water, sewer, cable TV, internet providers, telephone providers and electric, in the last known area of Defendant's/Respondent's residence.
- Letters to the Armed Forces of the U.S. and their response as to whether or not there is any information about Defendant/Respondent. <https://scra-e.dmdc.osd.mil/scra/#/home> (you must create an account)
- Tax Assessor's and Tax Collector's Office in the area where Defendant/Respondent last resided.
- Other: {explain}

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2. The age of Defendant/Respondent is:

[Choose only one]

known \_\_\_\_\_ {enter date of birth if known or approximate age} \_\_\_\_\_

or

age unknown

3. Defendant's/Respondent's current residence:

[Choose only one]

- a.  Defendant's/Respondent's current residence is unknown to me
  
- b.  Defendant's/Respondent's current residence is in some state or country other than Indiana.
  
- c.  The Defendant/Respondent, having residence in Indiana, has been absent from Indiana for more than 60 days prior to the date of this affidavit, or conceals their whereabouts so that process cannot be served personally upon him or her, and I believe there is no person in the state upon whom service of process would bind this absent or concealed Defendant/Respondent.

4. Defendant's/Respondent's last known address (list both physical and PO Box) as of {date} \_\_\_\_\_

was: \_\_\_\_\_

Defendant's/Respondent's last known employment as of {date} \_\_\_\_\_

Name of Employer \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

**I understand that I am swearing or affirming under oath and under the penalties of perjury that the foregoing representations are true.**

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

\_\_\_\_\_  
Signature of Plaintiff/Petitioner

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

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

## **MINIMUM REQUIREMENTS FOR SERVICE BY PUBLICATION**

### **United States Post Office**

Fill out the form "Process Server or Box Holder Requests"

Submit/Deliver the form to the Post Office serving the area where the Respondent last lived.

To locate a Post Office for an area, you may visit United States Post Office Website, and click on "Locate Post Office" link or call 1-800-275-8777.

Once you have received the results from the Post Office, attach the stamped letter to your "Affidavit of Diligent Search and Inquiry" form.

### **Internet Search**

Go to Switchboard.com

Type in the name and the last known city, state and zip of the person you are looking for.

A list will appear and you can select from it.

Once you select a name, the most recent information will be provided to you.

Fees are required at time of request.

Attach the printed results to your "Affidavit of Diligent Search and Inquiry" form.

### **Department of Corrections Inmate Search databases**

Download the DeKalb County Sheriff's internet application and search.

Go to Federal Bureau of Prisons Inmate Search <https://www.bop.gov/inmateloc/>

Go to Indiana Department of Corrections Inmate Search

<https://www.in.gov/apps/indcorrection/ofs/ofs>

Go to <https://www.vinelink.com/#state-selection>

Print out search results from each website and attach to your "Affidavit of Diligent Search and Inquiry" form.

### **Letters to the Armed Forces of the U.S.**

Part I - Certificate of Military Service

Complete the affidavit of military service.

Attach the completed form to your "Affidavit of Diligent Search and Inquiry" form.

Part II - Military Verification of Service

Go to <https://scra-e.dmdc.osd.mil/scra/#/home>

Click on Single Record Request

Enter Respondent information

Print status report on active duty status

Attach the completed form to your "Affidavit of Diligent Search and Inquiry" form.