

Checklist for Substituted Service in the Family Court

(1) The application should be made by affidavit/affirmation ex-parte (see rule 14(9), Cap. 179A)

(2) The application should clearly state whether an order is sought for substituted service or an alternative method of service.

e.g Substituted service may take place by: advertisement, ordinary post, leaving at place of business or last known address or otherwise, as may seem just (see Order 65 rule 5, Cap 4A)

(3) Indicate the petition/summons is likely to reach the respondent or come to his/her knowledge if substituted service is granted. For example, information on the newspaper the respondent used to read.

(4) State whether the applicant has knowledge of any other addresses for the respondent where service could be effected.

(5) Have enquiries been made with the respondent's employer/colleagues or former employer/colleagues as to his/her whereabouts?

(6) Have enquiries been made with the respondent's neighbours or the management office of the respondent's residential address? If so, provide information on the identity of the neighbour and details of his/her residential address..

(7) Have enquiries been made with the child/children of the family as to whether they/he/she has met the respondent recently?

(8) Has any attempt been made to locate the respondent through his/her parents, siblings, relatives and friends?

(9) If the respondent is a member of a profession or a Government employee, have enquiries been made with the relevant professional organization or the Government to check the respondent's whereabouts?

(10) The applicant to provide information/knowledge that the respondent has either left the jurisdiction, or is within the jurisdiction, and state the grounds for such belief.

(11) At least 2 visits should be made to the known address(es) of the respondent.

(12) The visits should be made on weekdays and at reasonable hours. If service is attempted at the residential address, it should be at such time of the day when the respondent is expected to be found there (usually before or after normal working hours). If service is attempted at the business address, it should be at such time of the day when the respondent is expected to be found there (during normal working hours) (see Order 65 rule 10, Cap. 4A).

(13) Each visit should be made on separate days. The visits should be made with an appropriate interval between them.

(14) The second (or subsequent) visit should be made by sending an appointment letter to the respondent by ordinary prepaid post or by leaving it at the address at which the respondent is expected to be found. The respondent should be given not less than 2 business days' notice of the appointment and an opportunity to make a different appointment.

The process server should state in the affirmation of service whether the appointment letter has been returned by the Post Office.

The appointment letter should be written in a language which the respondent can read. The letter should also attach a copy of the Petition to be served on the respondent.

(15) When a visit takes place after an appointment letter has been sent to the respondent, and the respondent cannot be found, the process server should inquire whether the respondent has received the appointment letter or the letter has been forwarded to another address.

(16) If the process server receives information the respondent is away, inquiries should be made as to the expected date of return and whether there is any other address at which the respondent can be located.

(17) If the respondent has moved away from the residential address, this should be stated in the affidavit.

(18) If a copy of the petition/document to be served is to be left at the address, it must be placed in a sealed envelope addressed to the respondent.

(19) If the application for substituted service is based on evasion of service, this ground must be stated together with details of such efforts to find him/her.