

PROPOSED CHANGE TO THE CIVIL RULES

THE CIVIL RULES COMMITTEE RECOMMENDS THE FOLLOWING PROPOSAL:

1. Civil Rule 4(e)—Service by Publication on Court Website

The Civil Rules Committee *recommends* the following amendment to Civil Rule 4(e) to include electronic service by posting notices on a website when a party cannot be served except through publication. This would generally replace the current means of providing notice through publication, which is currently accomplished most often by publishing a legal notice in a local newspaper.

Rule 4. Process.

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(e) **Other Service.** When it shall appear by affidavit of a person having knowledge of the facts filed with the clerk that after diligent inquiry a party cannot be served with process under (d) of this rule, service may be made by publication or as otherwise directed by the court as provided in this subdivision. Service by publication will be allowed in adoption cases only if ordered by the court for compelling reasons.

(1) *Diligent Inquiry.* * * * *

(2) ~~*Service by Publication on the Internet.* A notice shall be published four times during four consecutive calendar weeks, once in each week, in a newspaper published in the district in which the action is pending, or if none be published therein, then in a newspaper published in this state circulating in such district. Prior to the last publication a copy of the notice and the complaint or the pleading shall be sent by registered or certified mail, with return receipt requested, with postage prepaid, to the absent party, addressed in care of such party's residence or the place where such party usually receives mail, unless it shall appear by affidavit that such residence or place is unknown or cannot be ascertained after inquiry.~~ A notice shall be posted for at least 30 days on the website of the Alaska Court System. The Alaska Court System will provide a form approved by the Administrative Director for requesting the posting, and shall charge a fee for this service, as provided in Administrative Rule 9(e). One week before the posting is due to expire, the party who seeks to have service made must send the absent party a copy of the notice and the complaint or the pleading (A) by registered or certified mail, with return receipt requested, with postage prepaid, and (B) by regular first class mail. The notice must be addressed in care of the absent party's residence or the place where the party usually receives mail, unless it shall appear by affidavit that the absent party's residence or place is unknown or cannot be ascertained after inquiry.

(3) *Other Service.* * * * *

(4) *Form and Contents of Notice - Time.* * * * *

(5) *Proof of Service.* If service is made by publication on the Alaska Court System website, proof of publication shall be made by a confirmation of posting generated by the Alaska Court System. The confirmation shall include the dates of posting and a copy of the notice posted on the website.~~the affidavit of the newspaper's publisher, printer, manager, foreman, or principal clerk, or by the certificate of the attorney for the party at whose instance the service was made. A printed copy of the published notice with the name of the newspaper and dates of publication marked therein shall be attached to the affidavit or certificate. Proof of mailing shall be made by affidavit of a deposit in a post office of the copies of the notice and the complaint or other pleadings. Proof of the mailings required by subsection (e)(2) of this rule shall be made by affidavit of a deposit in a post office of the copies of the notice and the complaint or other pleadings.~~