

OUT OF STATE DEFENDANTS

If your spouse lives outside of the state of West Virginia, you may need to serve him or her with notice of your divorce case by publishing a notice in the newspaper. To do this, follow these steps:

1. Fill out the affidavit that says your spouse doesn't live in West Virginia and the order of publication (except for the place for the date and for the clerk's signature).

2. When you file your complaint and other papers with the Circuit Clerk, take along the affidavit saying that your spouse does not live in West Virginia and the order of publication. The Clerk will write in a date on the order of publication, sign it, and give it back to you.

3. Take the order of publication right away to the newspaper in the county where you are filing for divorce and ask that it be published as a legal notice. The cost will probably be about \$25.00 to \$30.00, and you will need to pay this cost before the ad is run. Get a receipt.

4. Fill out the motion for payment of publication costs and the order (except for the line marked "ENTER" and the line for the judge's signature).

5. After the notice is published, you will get a paper in the mail from the newspaper that tells when the notice was published and how much you paid.

6. Take this paper and your receipt for payment for the ad to the Circuit Clerk's office, along with the motion for payment of publication costs and the order. Tell the Clerk that you would like to file the paper from the newspaper in your case, and that you would like to present the motion and order for payment of publication costs to the judge for his signature.

7. You should get your reimbursement several weeks after the judge signs the order.