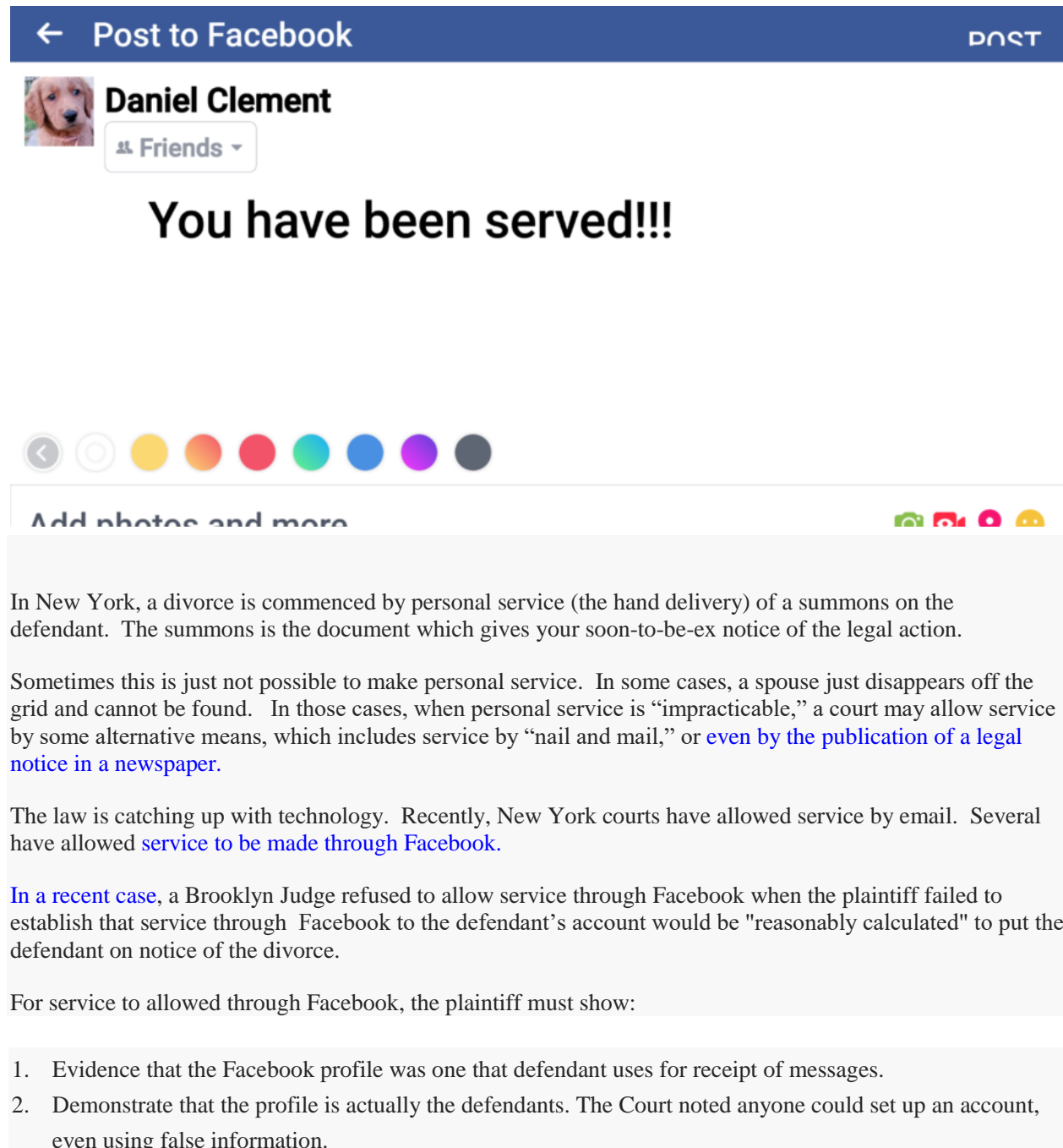



# How Do You Serve a Summons in a New York Divorce If You Can't Find Your Spouse? Through Facebook?



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In New York, a divorce is commenced by personal service (the hand delivery) of a summons on the defendant. The summons is the document which gives your soon-to-be-ex notice of the legal action.

Sometimes this is just not possible to make personal service. In some cases, a spouse just disappears off the grid and cannot be found. In those cases, when personal service is “impracticable,” a court may allow service by some alternative means, which includes service by “nail and mail,” or [even by the publication of a legal notice in a newspaper](#).

The law is catching up with technology. Recently, New York courts have allowed service by email. Several have allowed [service to be made through Facebook](#).

[In a recent case](#), a Brooklyn Judge refused to allow service through Facebook when the plaintiff failed to establish that service through Facebook to the defendant’s account would be “reasonably calculated” to put the defendant on notice of the divorce.

For service to allowed through Facebook, the plaintiff must show:

1. Evidence that the Facebook profile was one that defendant uses for receipt of messages.
2. Demonstrate that the profile is actually the defendants. The Court noted anyone could set up an account, even using false information.

3. Show that the defendant uses the profile. In the case before the Court, the defendant did not use the account for over two years.

Presumably, if these requirements are satisfied, service can be made through Facebook. To me, service through social media is a more effective way to inform a spouse of an impending divorce action than publishing a legal notice in a newspaper.

If you are considering divorce, please download the **free e-book** *The Divorce Process: What to Expect* to learn more about the f you are considering divorce, please download the free e-book The Divorce Process: What to Expect to educate yourself about the divorce process in New York.

Please feel free to [contact us](#) or call us at 212-683-551 to arrange for a consultation.