



# DIVORCING A MISSING SPOUSE : SERVICE OF SUMMONS

## SUBSTITUTED SERVICE

First things first



Substituted service occurs where an applicant is unable to find his/her spouse and they want to get a divorce. The applicant will have to apply to court for substituted service. This application allows you ask the Magistrate to grant you permission to have the summons published in a local newspaper or magazine which your spouse is most likely to read. The application is made by way of an affidavit and you will have to show that you tried everything possible to try and locate your spouse but were still unsuccessful.



## TRACING AGENTS

Locating a missing person

Before applying for substituted service you will have to exhaust all means of locating your spouse. If you are unable to find your spouse on your own then you will have to employ a tracing agent. The tracing agent will try and locate your spouse and if they are unable to find him or her they will provide you with a no trace report. This report can be used as evidence in your substituted service application.



## ONLINE SERVICE

Service of summons via social media

Substituted service summons can now be served on a missing spouse via email or social media such as WhatsApp or Facebook.



## WHERE YOUR SPOUSE LIVES ABROAD

Edical Citation

If your spouse resides outside of South Africa you must apply to the court for permission to have the divorce papers to be served by an official from the court in the country your spouse is residing in. The application is done via an affidavit and you must show the court that your spouse is living in that country.