

Serving a Respondent Who Resides in Mexico

Texas Legal Services Center (<https://texaslawhelp.org/directory/legal-resource/texas-legal-services-center>) [1]

This article explains how you serve a family law respondent who lives in Mexico.



Do I have to serve a respondent that resides in Mexico?

Yes. All the respondents to a court case must be properly served, regardless of where they live.

Can the respondent be served normally if they are visiting Texas?

Yes. If the respondent is in Texas (for business, to visit, etc.), they can be personally served with the court papers by a constable, sheriff, or private process server. Typically, this is much easier than attempting to serve the respondent in Mexico.

Can the respondent sign a waiver of service?

Yes! The respondent can sign a waiver of service, so that you don't have to go through the process of officially serving them. However, waivers must be signed in front of a notary. So, the respondent must either go to a notary in Mexico or go to a U.S. Embassy or Consulate, where notary services are often available.

The respondent will not sign a waiver and will not be traveling to Texas, how can I serve them?

The preferred method for serving a party in Mexico is to do so under the Hague Service Convention.

What is the Hague Service Convention?

The Hague Service Convention was drafted to simplify and standardize the international service process. Mexico is a signatory to this convention and it is the preferred method for serving a party in Mexico.

NOTE: The Hague Service Convention does NOT apply if you do not know the address of the party that needs to be served.

How do I serve someone in Mexico under the Hague Service Convention?

1. You must have your petition translated into Spanish.
2. Request an original citation or summons from the court clerk where your case was filed.
3. Have the citation or summons translated into Spanish.
4. Fill out the trilingual Spanish-English-French Request for Service Abroad form available on the Hague Conference website here: <https://www.hcch.net/en/publications-and-studies/details4/?pid=6560&dtid=65> (<https://www.hcch.net/en/publications-and-studies/details4/?pid=6560&dtid=65>) [2]
5. Send an original and copy of the English version and the translated version of the petition/complaint, citation, and Request for Service Abroad to the Mexican Central Authority. The contact information for the Mexican Central Authority is available here: <https://www.hcch.net/en/states/authorities/details3/?aid=267> (<https://www.hcch.net/en/states/authorities/details3/?aid=267>) [3]
6. After sending the appropriate documents, you'll need to wait for a response, which can take several months. Typically, the Central Authority will send a "return of service" to the District Clerk where you filed the case, so you may need to periodically check with the District Clerk to see if they have received anything.



Is it possible to check the status of my request for service under the Hague Service Convention?

Yes, you can contact the Mexican Central Authority using the phone number or email address provided at this page: <https://www.hcch.net/en/states/authorities/details3/?aid=267> (<https://www.hcch.net/en/states/authorities/details3/?aid=267>) [3]

What if I don't know the respondent's address?

If you don't know the address of the respondent, you cannot do service under the Hague Service Convention. If you are dealing with a family law case, you may be able to do service by posting or publication.

Read this article to learn more about service by posting: [Service by Posting \(when you can't find your spouse in a divorce without kids\)](https://texaslawhelp.org/article) (<https://texaslawhelp.org/article>)

/service-posting-when-you-cant-find-your-spouse-divorce-without-kids) [4].
(https://texaslawhelp.org/article/service-posting-when-you-cant-find-your-spouse-divorce-without-kids) [4]

Read this article to learn more about service by publication: Service by Publication (when you can't find the other parent) (https://texaslawhelp.org/article/service-publication-when-you-cant-find-other-parent) [5].



Do I need to hire an attorney to serve a party in Mexico?

No. However, because the process for serving a respondent in a foreign country can be long and complicated, it is helpful to retain the services of an attorney if possible.

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Links

[1] <https://texaslawhelp.org/directory/legal-resource/texas-legal-services-center>

[2] <https://www.hcch.net/en/publications-and-studies/details4/?pid=6560&dtid=65>

[3] <https://www.hcch.net/en/states/authorities/details3/?aid=267>

[4] <https://texaslawhelp.org/article/service-posting-when-you-cant-find-your-spouse-divorce-without-kids>

[5] <https://texaslawhelp.org/article/service-publication-when-you-cant-find-other-parent>