

STATE OF SOUTH CAROLINA)

COUNTY OF ANDERSON)

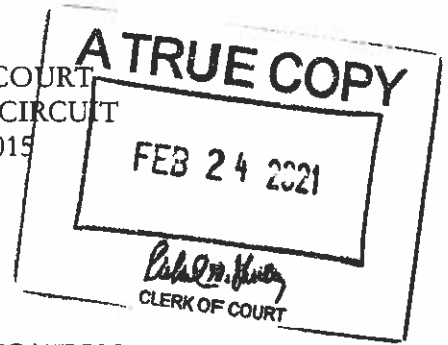
South Carolina Department of)
Social Services,)
Plaintiff,)

Vs.)

Jennifer Aguilar-Hernandez, et.al.,)
Defendant.)

IN THE INTEREST OF:)
Jesus Hernandez, 2/7/2018)
Minor Child Under the Age of 18.)

) IN THE FAMILY COURT
) TENTH JUDICIAL CIRCUIT
) 2019-DR-04-1015



) ORDER FOR PUBLICATION
) AS TO DEFENDANT
) J. CRUZ MARIA-HERNANDEZ

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FAMILY COURT
2021 FEB 22 AM 10:52
TENTH JUDICIAL CIRCUIT
ANDERSON, SC

HAVING READ the petition of the Plaintiff herein, and it appearing that this is an action involving the abuse and/or neglect of the above captioned child of Defendant, J. Cruz Hernandez, and further, that Defendant J. Cruz Hernandez cannot, after due diligence, be located.

IT IS ORDERED that Global Legal Notices be designated as the newspaper of general circulation in the Country of Mexico most likely to give this Defendant notice of these proceedings;

ORDERED that service in this matter be made on the Defendant J. Cruz Hernandez by publishing the Summons and Notice and all court-issued documents in this matter (appropriately redacted) [and notice of hearing, if such request is included in the Petition] Global Legal Notices a newspaper of general circulation in the country of Mexico, for a period of three consecutive weeks; and it is further,

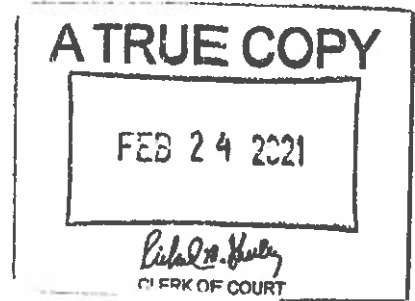
ORDERED that service of summons [and notice of hearing, if the hearing notice is to be published also] by mail be waived.

AND IT IS SO ORDERED.

W. Scott McEllen

FAMILY COURT JUDGE
TENTH JUDICIAL CIRCUIT

2-19, 2021
Anderson, South Carolina.



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TENTH CIRCUIT
ANDERSON, SC

Exhibit "A"

A TRUE COPY
FEB 24 2021
Debra A. Huey
CLERK OF COURT

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FAMILY COURT
2021 FEB 22 AM 10: 51
TENTH CIRCUIT
ANDERSON, SC

STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

South Carolina Department of Social Services,
Plaintiff,

Vs.

Jennifer Aguilar-Hernandez, et.al.,
Defendant.

IN THE INTEREST OF:
Jesus Hernandez, 2/7/2018
Minor Child Under the Age of 18.

) IN THE FAMILY COURT
) TENTH JUDICIAL CIRCUIT
) 2019-DR-04-1015

) PETITION FOR PUBLICATION
) AS TO DEFENDANT
) J. CRUZ MARIA-HERNANDEZ

TENTH CIRCUIT
ANDERSON, SC

2021 FEB 22 AM 10: 51

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FAMILY COURT

The Plaintiff would respectfully show this Court that

1. This is an action involving the abuse and/or neglect of the above captioned minor child.
2. Due and diligent search has been made for J. CRUZ MARIA-HERNANDEZ but defendant cannot be located.
3. It is necessary to obtain jurisdiction of J. CRUZ MARIA-HERNANDEZ by publication of the Summons in a newspaper of general circulation as provided for in S.C. Code Ann. § 15-9-740 and S.C. Code Ann. §15-9-710 (1977).
4. That service of the Summons by mail be waived because the place of residence of the defendant is unknown and cannot be ascertained after the exercise of reasonable diligence.

MEMORANDUM IN SUPPORT

This case is related to the termination of parental rights, as described in Plaintiff's First Amended Complaint. Plaintiff is unable to locate the Defendant, J. Cruz Hernandez (hereinafter "Hernandez") as reflected in the Declaration of Due Diligence Search (Exhibit

A). Plaintiff has been unable to locate or effect service of process on Hernandez in this matter. Plaintiff hereby requests that this Court issue an Order of Publication Service in compliance with S.C. Code Ann. § 15-9-740 and S.C. Code Ann. §15-9-710 (1977) and applicable Rules of Civil Procedure for a minimum period of once a week for three (3) consecutive weeks in the online legal notice publication, Global Legal Notices, a website of general circulation in Mexico and surrounding regions which specializes in service by publication and which provides numerous benefits over traditional print newspapers (Exhibit B). Their publication policy is to publish the order, any notices, and all court-issued documents continuously for a period of three (3) consecutive weeks.

Plaintiff has attempted unsuccessfully to serve the Defendant utilizing traditional service of process methods. Defendant has made himself unavailable for service of process. The most practice available alternative method of service is service via publication. The only known method for service by publication in Mexico is through Global Legal Notices which provides a more thorough method to give actual notice to the Defendant, as described on their legal notice website at www.golballegalnotices.com. This method allows for a greater opportunity to give actual notice to the Defendant than service by publication in a traditional newspaper. It provides publication of the Court order, plus the entire set of Court-issued documents (appropriately redacted). Further, the publication exceeds the customary once a week for three (3) consecutive weeks by continually publishing the documents for an indefinite period, as allowed by law or necessity. In addition, a Google search by the Defendant's name and country will typically appear on page one of the Google search after approximately five days, thus, providing a greater opportunity to give actual notice to the Defendant.

The U.S. Supreme Court in *Mullane v. Central Hanover Trust & Bank Co.*, 339 U.S.

306, 70 S.Ct. 652 (1950), found that, "It is logical that the step forward in the evolution of civil procedure new technologies in common communication be utilized." U.S. courts have reasoned that service by publication on foreign defendants is permitted under Federal Rules of Civil Procedure 4(F)(3). Rule 4 allows service of process on a foreign individual:

(1) by internationally agreed upon means of service reasonably calculated to give notice; (2) by a reasonably calculated method as prescribed by the country's law for service for general actions or as the foreign authority directs to a letter rogatory; or (3) by other means not prohibited by international agreement. Because the 1993 amendments to FRCP 4(F) urge that FRCP (4)(3) be construed liberally, the courts have interpreted FRCP 4(F)(3) as authorizing them to utilize technological advancements for serving foreign defendants. Federal Rules of Civil Procedure, Rule 4((3)(1) provides that "Service on an individual...may be effected in any judicial district of the United States pursuant to the law of the state in which the district court is located."

Further, South Carolina Code Ann. Section 15-9-710, states that "service by publication may be had when the person on whom the service of the summons is to be made cannot, after due diligence, be found within the State and (a) that fact appears by affidavit to the satisfaction of the court or judge thereof, the clerk of the court of common pleas, the master, or the probate judge of the county in which the cause is pending and (b) it in like manner appears that a cause of action exists against the defendant in respect to whom the service is to be made or that he is a proper party to an action relating to real property in this State, the court, judge, clerk, master, or judge of probate may grant an order that the service be made by the publication of the summons in any one or more of the following cases: (7) when the defendant is a party to a proceeding for the determination of parental rights and is either a nonresident or a person upon whom service cannot be had within the

State after due diligence.

The challenge facing Plaintiff in this case is there are no traditional newspapers in Mexico that will allow for publication of legal notices which originate in courts in the United States. Global Legal Notices offers an improved method of providing actual notice to a Defendant of a pending matter while satisfying the Court's requirement for service by publication. It is widely held that service by publication has a limited success rate in providing actual notice to a defendant that a legal matter is pending. Yet, courts routinely issue an order allowing for service by publication in a newspaper, either print or online, as a last resort method to complete service of process.

WHEREFORE, plaintiff prays that this Court issue its order authorizing service of the Summons and Notice by publication in Global Legal Notices, such being designated as the newspaper most likely to give notice of these proceedings; and for such other and further relief as may be just and proper.

S. C. DEPARTMENT OF SOCIAL SERVICES

_____/s/ Andrew T. Potter_____
Andrew T. Potter
SC Bar #13413
Attorney for Plaintiff
South Carolina Department of Social Services
P.O. Box 2722
Anderson, SC 29622
(864) 214-6233

Anderson, South Carolina
February 18, 2021

DECLARATION OF DUE DILIGENCE SEARCH

I declare, under penalty of perjury of the laws of the State of South Carolina, that the following is true and correct to the best of my knowledge and that I could competently testify, if called, to the following:

1. I am the CEO of Process Service Network, LLC, a process server and investigator with extensive experience in international service of process, am over the age of 18 years, and not a party to the within-named action. I have been a Registered Process Server and owner of Process Service Network, LLC since 1978. I have authored four (4) books on service of process, international investigations and court filing procedures and have conducted training seminars for the past 41 years. I regularly serve, or cause to be served, legal documents domestically and worldwide and supervise all international service and investigation assignments for clients who make assignments to us in Mexico. I regularly conduct MCLE courses on international service of process for major law firms and state Bar Associations. I am an Associate Member of the American Bar Association (ABA), and the Los Angeles County Bar Association. I am qualified as an expert in my field and can competently testify to the facts stated and declare with

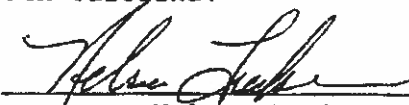
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TELEPHONE COURT
ANDERSON, SC

2. On February 1, 2021, I received an assignment from the South Carolina Department of Social Services, along with written instructions to serve the named Defendant, **J. Cruz Santa Maria-Hernandez** ("Hernandez"), in Mexico in the case, In the Interests of: Hernandez and Aguilar, Minors Under the Age of 18, Case No. 2018-DR-04-645. There is no known address for service. Based on belief, Hernandez is believed to live in Mexico.
3. I conducted a search to locate the whereabouts of Hernandez. The following is a result of that search:
 4. Search using Facebook, Twitter, Instagram, MySpace, YouTube, Google+, WhatsApp, WeChat, Line and Foursquare. Result: Numerous similar names were located but none were a match to Hernandez.
 5. All online telephone directories for Mexico. Result: No valid listings were found.
 6. Criminal index for Mexico. Result: Nothing found based on limited information available.
 7. Search of the Mexico national registry. Result: There are over 2,000 possible matches of individuals in Mexico. None of them match Hernandez.
 8. Search using TLO (TransUnion) for name and last known address. Results: Nothing found.
 9. Additional database searches revealed 19 possible matches. Each available data was investigated and determined to be

invalid. The data checked was similar names.

10. Service of process was attempted upon Hernandez at Dulcinea Mz 7, Lt. 4, Colonia Mancha 1, Naucalpan de Juarez, Mexico 53717. Result: Unknown by current resident and next door neighbors.
11. Other steps, not required for publication, were taken to locate Hernandez. Result: All were unsuccessful.
12. The addresses searched were provided from the following sources: Plaintiff, and obtained in course of our investigation.
13. SUMMARY: Based upon all available information, I am unable to locate and serve Hernandez.
14. CONCLUSION: In my expert opinion, Hernandez cannot be located.
15. RECOMMENDATION: Service by publication. However, newspapers in Mexico will not publish legal notices which originate in the United States. The only known method of service by publication is through Global Legal Notice, LLC (www.GlobalLegalNotices.com). Service by publication using that source is more likely to give actual notice to Hernandez than traditional newspaper publication, as described on the website on the page "Comparison Chart."

Executed on this 17th day of February, 2021, at Chatsworth, CA,
attesting the foregoing to be true and correct, under penalty of
perjury of the laws of the State of South Carolina.



Nelson Tucker

PLEASE SEE ATTACHMENT CALIFORNIA ACKNOWLEDGMENT

**CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT
(CALIFORNIA CIVIL CODE § 1189)**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

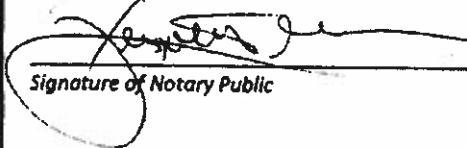
STATE OF CALIFORNIA)
COUNTY OF Los Angeles)

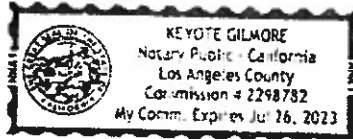
On 02/17/2021 before me, Keyote Gilmore (Notary Republic)
(Date) (Here Insert Name and Title of the Officer)

personally appeared Nelson Tucker
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/hers/their authorized capacity(ies), and that by his/hers/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Signature of Notary Public



(Notary Seal)

ADDITIONAL OPTIONAL INFORMATION

Description of Attached Document

Title or Type of Document: Declaration of Due Diligence Search Document Date: 02/17/2021

Number of Pages: 4 Signer(s) Other Than Named Above: _____

Additional Information: _____

Exhibit "B"

Comparison Chart

International Service by Publication

Features	Global Legal Notices	Traditional Newspapers
Publish court Notice of Publication	Yes	Yes
Open access to public	Yes	Yes
Publish actual court documents	Yes	No
Search engine friendly	Yes	No
Extended publication period	Yes	No
Available in all countries	Yes	No
Translation in multiple languages	Yes	No
Email notification	Yes	No
Unlimited size of notice	Yes	No
Exceeds minimum requirements	Yes	No
Search by name or case number	Yes	No
Available on computer and cell	Yes	No
Cost efficient	Yes	No

Exhibit "B"