



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CRITERIA FOR OBTAINING AN EX PARTE ORDER FOR PUBLICATION

A SUMMONS, or a CITATION in Freedom From Parental Custody and Control cases (Fam. Code § 7882) and Adoption matters (Fam. Code § 8604(b)), may be served by publication if upon affidavit it appears to the satisfaction of the court in which the action is pending that the party to be served cannot with reasonable diligence be served in another manner specified in Part II, Title V, Article 3, Chapter 4 of the Code of Civil Procedure. A blank Application for Order for Publication of Summons/Citation (SDSC Form #CIV-048), and a blank Order for Publication of Summons/Citation (SDSC Form #CIV-049), may be obtained in the Civil Filing/Business Office for Master Calendar cases, in the assigned department for Independent Calendar cases and in the Adoption Section at Juvenile Court and the North County court for Freedom from Parental Custody and Control and Adoption cases. A Declaration/Affidavit not filed on the Superior Court form must contain statements which strictly comply with the following:

1. An allegation that a cause of action exists against the party upon whom service is to be made or that the party is a necessary or proper party to the action -OR- the party to be served has, or claims an interest in, real or personal property in California that is subject to the jurisdiction of the court or the relief demanded in the action consists wholly or in part in excluding the party from any interest in the property.
2. Factual information GRAPHICALLY setting forth the efforts that were made to locate the party to be served, specifically: dates, names, places, etc. Where appropriate, such efforts shall include: contacts with relatives, neighbors, employers/employees, and the areas where the party has previously resided; examination of telephone/city directories, tax assessment and voter rolls and any such other contacts as may have been made.
3. The name of a newspaper of general circulation, published in this state, and most likely to give actual notice to the party to be served.

ORDERS WHICH ARE NOT THE SUPERIOR COURT FORM MUST CONTAIN THE DIRECTION:

1. That publication be made pursuant to Gov. Code § 6064, i.e. once each week for four successive weeks, in a named newspaper of general circulation published in this state.
2. That a copy of the SUMMONS/CITATION, a copy of the COMPLAINT (or PETITION) and a COPY OF THE ORDER FOR PUBLICATION be forthwith mailed to the party to be served if the party's address is ascertained before expiration of the time prescribed for publication of the summons/citation.
3. The last paragraph of the proposed order permitting such service shall contain a blank space for the court to specify the date by which a proof of service and/or a Certificate of Service must be filed (SDSC Local Rule 2.1.5).

Service of a summons/citation in this manner is deemed complete as provided in Gov. Code § 6064. NOTWITHSTANDING AN ORDER FOR PUBLICATION, A SUMMONS/CITATION MAY BE SERVED IN ANOTHER MANNER AUTHORIZED BY THE CODE OF CIVIL PROCEDURE, IN WHICH EVENT THE SERVICE SHALL SUPERSEDE ANY PUBLISHED SUMMONS/CITATION.

Counsel seeking an Order for Publication of a Summons/Citation whose application and/or order is not on the current Superior Court form and which fails to meet the criteria herein are requested to present their papers to the Presiding/Supervising Judge or Independent Calendar Judge for a decision.