123

**IN THE DISTRICT COURT OF** **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, KANSAS**

**IN THE INTEREST OF:**

**Name** **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Case No.** **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Year of Birth \_\_\_\_\_\_\_\_\_\_\_\_ A □** **male** **□ female**

**NOTICE OF HEARING**

Pursuant to K.S.A. 38-2239

A \_\_\_\_\_*(pleading)*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has been received by the Court and filed in the above entitled case, a copy of which is attached, and a hearing will be held on the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_, at \_\_\_\_\_\_\_\_\_ □ a.m. □ p.m. Your failure to either appear or respond will not prevent the Court from entering judgment granting the request contained in the pleading served with this notice, if the Court finds that the judgment should be granted.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Date Clerk/Judge of the District Court

**□** Mother

**□** Father

**□** County/District Attorney

**□** GAL

**□** The Secretary

**□ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**□ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**□ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**□ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Authority

K.S.A. 38-2239.

Notes on Use

This form is used to give notice of the filing of pleadings, other than the petition, that are set for hearing. The notice shall be given by the clerk, unless court orders or the statute indicates otherwise. The notice shall state the date that it is issued, the name of the court and the case caption. Unless other provisions of the code direct service in some other manner, notice of pleadings other than the petition may be provided by first class mail to any party or interested party who has been served as provided by K.S.A. 38-2237. The notice shall be sent to the last address provided to the court by the party or interested party. Failure of the party or interested party to appear shall not invalidate notice by first class mail. If a party’s or interested party’s address should not be disclosed, do not display it in the service information on the form.

##### Comments

Short notice provided by publication service does not prejudice the parent’s rights, under the facts of this case. This case provides a helpful discussion of due diligence. *In re J.H.*, 25 Kan. App. 2d 372, 962 P.2d 1127 (1998).