

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. 38-2267

A motion to find the parent(s) of each child named above unfit and to terminate parental rights, appoint a permanent custodian, or enter such orders as are deemed appropriate and just has been filed. A hearing on that motion will be conducted on the _____ day of _____, _____, at _____ a.m. p.m., in courtroom # _____ of the _____ County Courthouse in the city of _____, Kansas. The Court will receive testimony and other relevant information with regard to the safety and well being of each child named above and may enter orders regarding custody and case planning necessary to achieve permanency for each child named above, including proposals for living arrangements for the child and services to be provided the child and the child’s family. The following persons shall receive notice by return receipt delivery, except as set out in K.S.A 38-2267(b)(3): the parents, parties, interested parties, the closest relative of each of the child’s parents whose address is known if no living grandparent’s address is known, the parent’s nearest relative who can be located if a parent of a child cannot be located by the exercise of due diligence, the child’s foster parent(s) or permanent custodian(s), preadoptive parents, and relatives providing care.

No person receiving this notice shall be made a party or interested party to this action solely on the basis of this notice.

Clerk of the District Court

REPORT OF SERVICE

I certify that on this date, ___/___/___, I mailed by certified registered restricted delivery mail, return receipt requested, a true and correct copy of the above and foregoing Notice of Hearing, to the following persons:

Clerk of the District Court

Authority

K.S.A. 38-2267.

Notes on Use

The court shall give notice of hearing on the motion for finding of unfitness to the child by serving the guardian *ad litem*, the parents, the person with whom the child is residing and interested parties pursuant to K.S.A. 38-2237. If no grandparent is living or the address is not known, the court shall give notice to the closest relative of the parent, if the address is known. If a parent cannot be located, notice shall be given to the parent's nearest relative who can be located, if any. Notice shall also be given to the foster parent, preadoptive parents or relatives providing care.

Notice shall be given by return receipt delivery at least 10 business days before the hearing. However, additional service to any party or interested party who could not be located by the exercise of due diligence in the initial notice of the filing of the petition is not required. K.S.A. 38-2266(c) requires that in any case in which a parent cannot be located by the exercise of due diligence, service by publication shall be ordered upon the parent, see K.S.A. 38-2237 as amended by 2007 SB 269 (Forms 259-261). See Notes on Use for Form 259 for a discussion of due diligence.