

260

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE INTEREST OF:

Name _____
 Year of Birth _____ A ☐ male ☐ female

Case No. _____

NOTICE OF HEARING-Publication

Pursuant to K.S.A. 38-2237

TO: _____
 and all other persons who are or may be concerned

You are hereby notified that a petition has been filed in this court alleging that the child named above is a Child in Need of Care. The Court may find that the parents are unfit by reason or conduct or condition which renders the parents unable to care properly for a child, the conduct or condition is unlikely to change in the foreseeable future, the parental rights of the parent should be terminated, and a permanent custodian should be appointed for the child.

A hearing on the petition is scheduled for the _____ day of _____, _____, at _____ ☐ a.m. ☐ p.m. At the hearing the Court may issue orders relating to the care, custody and control of the child. The hearing will determine if the parents should be deprived of their parental rights and the right to custody of the child.

The parent(s), and any other person having legal custody are required to appear before this Court on the date and time shown, or to file your written response to the petition with the Clerk of the District Court prior to that time. Failure to respond or to appear before the Court at the time shown will not prevent the Court from entering judgment as requested in the petition, finding that the child is a Child in Need of Care, removing the child from the custody of parent, parents or any other present legal custodian until further order of the Court, or finding the parents unfit, and entering an order permanently terminating the parents' parental rights.

An attorney has been appointed as guardian *ad litem* for the child: (Give name and contact information.) _____.

You have the right to appear before the Court and be heard personally, either with or without an attorney. The Court will appoint an attorney for any parent who desires an attorney but is financially unable to hire one. The Court may order one or both parents to pay child support. An attorney has been appointed for you: (Give name and contact information.) _____

Date and time of hearing: _____, _____, at _____ ☐ a.m. ☐ p.m.

Place of hearing: _____

 Clerk/Judge of the District Court

Authority

K.S.A. 38-2237 as amended by 2007 SB 269.

Notes on Use

This form may be used when the court has determined that service shall be made by publication. If the court finds that there is a substantial certainty that a parent currently resides in a particular locality, then publication shall be in that locality in addition to publication in the county where the matter is on file.

Comments

The statute does not provide for service on counsel of record in lieu of parent. (Parents are denied due process rights by notice defects.) *In re H.C.*, 23 Kan. App. 2d 955, 939 P.2d 937 (1997).

In re H.C., 23 Kan. App. 2d 955, 939 P.2d 937 (1997).

Given the facts of this case, short notice prior to hearing when mother is served by publication does not prejudice mother. *In re J.H.*, 25 Kan. App. 2d 372, 962 P.2d 1127 (1998).