

**Notice in Guardianship Proceedings**  
**(as of statutory revisions December 31, 2006)**

<u>State</u>	<u>Hearing Notice To Respondent</u>	<u>Hearing Notice To Others</u>	<u>Notice Timing</u>	<u>Notice Format</u>	<u>Respondent Informed of Consequences or Rights</u>	<u>Waiver Or Substitute Service</u>
<b>Alabama:</b> Code	<b>26-2A-50</b> <b>26-2A-103(c)</b>	<b>26-2A-103(a)</b> spouse, parents, adult children, person having care or custody	<b>26-2A-50(b)(1)</b> 14 days	<i>Not stated</i>	<i>Not stated</i>	<b>26-2A-51</b> guardian, GAL, conservator, or other fiduciary may waive notice. <b>26-2A-103(d)</b> alleged incapacitated may not waive notice
<b>Alaska:</b> Statute	<b>13.26.135(a) (1)</b>	<b>13.26.135(a)</b> spouse, parents & adult children, closest adult relative, person having care & custody	<b>13.26.107(a) (1)</b> upon appointment of visitor	<i>Not stated</i>	<b>13.26.135( c)</b> notice sets out hearing consequences and respondent's rights at proceeding <b>13.26.107(a)(3)</b> visitor explains in language can understand and provide in writing	<i>Not stated</i>
<b>Arizona:</b> Rev. Stat. Ann.	<b>14-5309(A)(1)</b>	<b>14-5309(A)</b> spouse, parents, & adult children, closest adult relative, person having care & custody	<b>14-5309(B)</b> <b>14-1401</b> 14 days	<i>Not stated</i>	<i>Not stated</i>	<b>14-5309(B)</b> waiver ineffective unless present at hearing or confirmed by visitor.
<b>Arkansas:</b> Code Ann.	<b>28-65-207(b)(1)</b>	<b>28-65-207(b)</b> parents of minor, spouse, or nearest competent relative, any other person	<b>28-65-207(c) (2)</b> 20 days before hearing	<i>Not stated</i>	<i>Not stated</i>	<b>28-65-207(a)(2)</b> alleged incapacitated may not waive notice; others can waive notice

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<b>California:</b> Prob. Code	<b>1823(a)</b> <b>1824</b>	<b>1822(b)(1), (2)</b> spouse & relatives	<b>1822(a)</b> 15 days before hearing <b>1824</b> citation within 15 days	<i>Not stated</i>	<b>1823(6)</b> Court Investigator explains proceeding and its effect	<i>Not stated</i>
<b>Colorado:</b> Rev. Stat. Ann.	<b>15-14-309 (1)</b>	<b>15-14-309(1)</b> spouse, parents & adult children, closest adult relative, person having care & custody	<b>15-14-113(1)</b> 10 days <b>15-14-405(1)</b>	<b>15-14-113(3)</b> plain language	<b>15-14-309(1)</b> notice inform of rights at hearing and consequences of appointment	<b>15-14-309(2)</b> waiver ineffective unless present at hearing or confirmed by visitor
<b>Connecticut:</b> Gen. Stat. Ann.	<b>45a-649(a) (1)(A)</b>	<b>45a-649(a)(1) (B)</b> spouse, children, parents or siblings <b>45a-649(a)(1)(A)</b> person in charge of hospital, nursing home, or institution	<b>45a-649(a)</b> 7 days before hearing & within 30 days of application	<i>Not stated</i>	<b>45a-649(b)</b> specify legal consequences and rights	<i>Not stated</i>
<b>Delaware:</b> Code Ann.	<b>12 3901(c)</b>	<b>12 3901(c)</b> such others as ct. may deem desirable	<b>12 3901(c)</b> reasonable	<i>Not stated</i>	<i>Not stated</i>	<i>Not stated</i>
<b>District of Columbia:</b> Code Ann.	<b>21-2042(c)</b>	<b>21-2042(a)(3)</b> <b>21-2042(a)(4)</b> such others as court directs	<b>21-2031(b)(1)</b> 14 days before hearing for personal service; 17 days by mail	<i>Not stated</i>	<b>21-2031(e)</b> notice explain rights of parties <b>21-2033(b)(2)</b> counsel explains consequences, alternatives and rights in language and mode most likely to understand	<b>21-2032</b> <b>21-2043(d)</b>

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<b>Florida:</b> Stat. Ann.	<b>744.3215(1)(n)</b> <b>744.331(1)</b> notice must be read to respondent <b>744.3371(1)</b>	<b>744.3371</b> next of kin <b>744.331(1)</b> attorney, next of kin in petition <b>744.3371</b> attorney & any guardian then serving, next of kin, other interested persons as court directs	<i>Not stated</i>	<i>Not stated</i>	<b>744.331(1)</b> notice of right to attorney	<b>48.021</b> for special process servers appointed by sheriff
<b>Georgia:</b> Code Ann.	<b>29-4-11(c)</b> after finding probable cause	<b>29-4-12</b> counsel, GAL, petitioner, all adults named in petition	<b>29-4-12(c)</b> 10 days before hearing	<i>Not stated</i>	<b>29-4-11(c)</b> right to attend, lost rights, independent counsel	<i>Not stated</i>
<b>Hawaii:</b> Rev. Stat.	<b>560:5-309 (a)</b>	<b>560:5-405</b> persons listed in petition	<b>560:5-113</b> 14 days before hearing	<i>Not stated</i>	<b>560:5-404</b> inform of rights, describe consequences	<b>560:5-309(a)</b> shall appear unless excused
<b>Idaho:</b> Code	<b>15-5-309(a)(1)</b>	<b>15-5-309(a)</b> spouse, parents & adult children, closest adult relative, person with care & custody, person requesting, public guardian when nominated	<b>15-1-401</b> 14 days	<i>Not stated</i>	<i>Not stated</i>	<b>15-5-309(b)</b> waiver ineffective unless present at hearing or confirmed by visitor
<b>Illinois:</b> Ann. Stat. <b>755 IL CS</b>	<b>5/11a-10(e)</b>	<b>5/11a-10(f)</b> those whose names appear in petition	<b>5/11a-10(e)</b> 14 days before hearing	<b>5/11a-10(e)</b> summons shall be printed in large, bold type and shall include form in statute	<b>5/11a-10(e)(1)-(7)</b> consequence and rights included in statutory form	<i>Not stated</i>

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<b>Indiana:</b> Code Ann.	<b>29-3-6-1(a) (4)(A)</b>	<b>29-3-6-1(a)(4)</b> spouse, parents & adult children, closely related, person having care & custody, attorney in fact, any other person directed by court	<b>29-3-6-1( c )</b> 10 days	<b>29-3-6-2</b> form in statute	<b>29-3-6-2</b> consequence and rights included in statutory form	<b>29-3-6-1(a)(4)</b>
<b>Iowa:</b> Code Ann.	<b>633.554</b> <b>633.568</b>	<b>33.554</b>	<i>Not stated</i>	<b>633.554</b> governed by rules of Civ. Pro.	<b>633.561(2):</b> Ct. ensure notice of right of representation	<i>Not stated</i>
<b>Kansas:</b> Rev. Stat. Ann.	<b>59-3066(b)</b>	<b>59-3066( c )</b> attorney & such others as ct. directs	<b>59-3066( c )</b> no less than 10 days prior to date of trial	<i>Not stated</i>	<b>59-3066(a)(8)</b> notice of hearing includes notice of right to jury trial	<i>Not stated</i>
<b>Kentucky:</b> Rev. Stat. Ann.	<b>387.550(2)</b>	<b>387.550(2)</b> attorney & such others as ct. directs	<b>387.550(2)</b> 14 days before hearing	<i>Not stated</i>	<i>Not stated</i>	<i>Not stated</i>
<b>Louisiana:</b> Civ. Code Ann. & Code of Civ. Pro. ; Rev. Stat. Ann.	<b>CCP 4543(A)</b>	<b>CCP 4543(B)</b> spouse, adult children, parents, siblings, nearest adult relative	<b>CCP 4543(B)</b> within 3 days of filing petition	<i>Not stated</i>	<i>Not stated</i>	<i>Not stated</i>

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<b>Maine:</b> Rev. Stat. Ann.	<b>18-A 5-309 (a)(1)</b>	<b>18-A 5-309(a)</b> spouse, parents & adult children, closest adult relative, person with care & custody	<b>18-A 5-309(b)</b> 14 days before hearing	<i>Not stated</i>	<i>Not stated</i>	<b>18-A 5-309(b)</b> waiver ineffective unless present at hearing or confirmed by visitor
<b>Maryland:</b> Ann. Code MD Rules	<b>R2-124(b)</b>	<b>R74(b)</b> interested persons designated by court	<i>Not stated</i>	<i>Not stated</i>	<i>Not stated</i>	<i>Not stated</i>
<b>Massachusetts:</b> Ann. Laws	<b>201 7, 9, 17</b>	<b>201 9</b> spouse of spendthrift <b>201 17</b> heir apparent, spouse, dep't of mental health or mental retardation	<b>201 7, 9, 17</b> 7 days before hearing	<i>Not stated</i>	<i>Not stated</i>	<b>201 17</b> conservatorship, if asserts in writing
<b>Michigan:</b> Comp. Laws Ann.	<b>700.5311(1)(a)</b>	<b>700.7311(1)(b)</b> spouse, parents & adult children, closest relative, person having care or custody, attorney in fact	<i>Not stated</i>	<i>Not stated</i>	<b>700.5311(3)</b> nature, purpose, effects, and rights including right to counsel	<b>700.5311(2)</b> ineffective unless present at hearing or confirmed by visitor
<b>Minnesota:</b> Stat. Ann.	<b>524.5-308(a) &amp; 404(a)</b>	<b>524.5-308(b) &amp; 404(b)</b> persons listed in petition; <b>308( c ) &amp; 404( c )</b> interested persons	<b>524.5-113(a)</b> 14 days before hearing	<b>524.5-113( c )</b> plain language	<b>524.5-308(a) &amp; 404(a)</b> physical presence, rights, nature, purpose, consequences	<b>524.5-114</b> respondent, ward, or protected person may not waive
<b>Mississippi:</b> Code Ann.	<b>93-13-111</b>	<i>Not stated</i>	<b>93-13-111</b> not less then 5 days prior to hearing	<i>Not stated</i>	<i>Not stated</i>	<i>Not stated</i>

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<b>Missouri:</b> Ann. Stat.	<b>475.075(2)</b>	<b>475.075(2)</b> spouse, parents, adult children, guardian, custodian, fiduciary	<b>475.075(2)</b> reasonable time	<i>Not stated</i>	<b>475.075(7), (8)</b> given copy of due process rights	<i>Not stated</i>
<b>Montana:</b> Code Ann.	<b>72-5-314(1)(a)</b>	<b>72-5-314(1)(a)(b)</b> Spouse, parents, adult children, guardian or custodian	<b>72-1-301(1)(a)</b> at least 14 days prior to hearing	<i>Not stated</i>	<i>Not stated</i>	<b>72-5-314(2)</b> not effective unless attends hearing or confirmed by visitor
<b>Nebraska:</b> Rev. Stat.	<b>30-2625(a)(1)</b>	<b>30-2625(a)(1)</b> Spouse, parents, adult children, guardian or custodian	<b>30-2625(a)(3)</b> at least 14 days prior to hearing	<i>Not stated</i>	<b>30-2625(c)</b> must be listed in the notice	<i>Not stated</i>
<b>Nevada:</b> Rev. Stat.	<b>159.047(2)(a)</b>	<b>159.034(1)</b> Person entitled to notice, requesting notice, interested, spouse, known relatives, person with care or custody	<b>159.0475(1)(b)</b> at least 10 days before hearing	<i>Not stated</i>	<b>159.048</b> rights affected; right to attorney, to appear, to oppose	<b>159.035</b> in writing and filed
<b>New Hampshire:</b> Rev. Stat. Ann.	<b>464-A:5(I)</b>	<b>464-A:5(IV)</b> Relatives named in petition, proposed guardian, petitioner, medical director of institution where ward resides	<b>464-A:5(I)</b> not less than 14 days before hearing	<b>464-A:5(II)</b> 10 pt. or larger bold face type	<b>464-A:5(II)</b> informed of right of counsel	<i>Not stated</i>
<b>New Jersey:</b> Stat. Ann.	<b>R4:83-4(b)</b>	<b>R4:83-4(a)</b> parents, spouse, adult children, custodian, such others as court directs	<b>R4:83-4(a)</b> 20 days before	<i>Not stated</i>	<i>Not stated</i>	<b>R4:83-4(a)</b> court may for good cause shorten or dispense with notice

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<b>New Mexico:</b> Stat. Ann.	<b>45-5-309(A)(1)</b>	<b>45-5-309(A)(2)</b> spouse, parents, adult children, guardian or primary caregiver	<b>45-5-309(c)</b> at least 14 days prior to hearing	<b>45-5-309(c)</b> plain language, large type; Form in statute	<b>45-5-309(c)</b> notice explains procedure	<i>Not stated</i>
<b>New York:</b> Mental Hyg. Law	<b>81.07(d)(1)(i)</b>	<b>81.07(d)(1)(ii)</b> spouse, parents, adult children, siblings, person with whom ward resides, attorney	<b>81.07(d)(2)</b> not less than 14 days	<b>81.07(b)</b> large type, plain language, other than English if necessary	<b>81.07(b)</b> clear and easily readable statement of rights and consequences	<i>Not stated</i>
<b>North Carolina:</b> Gen. Stat.	<b>35A-1211</b>	<b>35A-1211</b> next of kin, counsel, GAL	<b>35A-1108</b> within 5 days	<i>Not stated</i>	<i>Not stated</i>	<i>Not stated</i>
<b>North Dakota:</b> Cent. Code	<b>30.1-28-09(1)(a)</b>	<b>30.1-28-09</b> spouse, parents, adult children, guardian, attorney in fact, custodian	<b>30.1-03-01</b> 14 days before hearing	<b>30.1-28-09</b> double spaced, 12 point type	<i>Not stated</i>	<b>30.1-28-09</b> not effective unless ward attends hearing
<b>Ohio:</b> Rev. Code Ann.	<b>2111.04(A)(2)</b>	<b>2111.04(A)(2)(6)</b> next of kin in the state	<b>2111.04(A)</b> 7 days before hearing	<b>2111.04(A)(2)</b> boldface type	<b>2111.04(A)(2)</b> inform of due process rights	<b>2111.04(c)</b> May not be waived
<b>Oklahoma:</b> Stat. Ann.	<b>30 3-110(A)(1)</b>	<b>30 3-110(A)(2)</b> spouse, adult children, parents, or siblings, attorney, custodian	<b>30 3-110(c)(1)</b> at least 10 days prior	<b>30 3-110(D)</b> form in statute	<b>30 3-110(D)</b> due process rights listed in notice and explained by judge	<b>30 3-106B</b> shall not be waived

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<b>Oregon:</b> Rev. Stat.	<b>125.060(a)</b>	<b>125.060</b> spouse, parents, adult children, cohabitor, fiduciary, POA	<b>125.065(3)</b> 15 days before final date for filing objection to petition	<b>125.065(1)</b> language reasonably understandable, 12 point type <b>125.070</b> form for notice in statute	<b>125.070</b> statutory form explains purpose, consequences, rights	<i>Not stated</i>
<b>Pennsylvania:</b> Cons. Stat. Ann.	<b>20-5511(a)</b>	<b>20-5511(a)</b> all person sui juris and entitled to share in estate if ward died intestate; person providing residential care	<b>20-5511(a)</b> no less than 20 days before hearing	<b>20-5511(a)</b> large print, simple language	<b>20-5511(a)</b> purpose and seriousness of proceeding, rights that can be lost, procedural rights	<i>Not stated</i>
<b>Rhode Island:</b> Gen. Laws	<b>33-15-17.1</b> shall be read to respondent by court officer	<b>33-15-17.1(e)</b> spouse and heirs at law, administration of care facility, any person known to be providing protective services	<b>33-15-17.1(a)</b> 14 days before hearing	<b>33-15-17.1(b)</b> plain language, large type	<b>33-15-17.1(b)</b> possible loss of liberty and inform of due process rights	<i>Not stated</i>
<b>South Carolina:</b> Code Ann.	<b>62-5-309(1)</b>	<b>62-5-309</b> Spouse, adult children, person serving as guardian, custodian	<b>62-5-405</b> at least 20 days before hearing	<i>Not stated</i>	<i>Not stated</i>	<b>62-5-309(B)</b> Not effective unless proposed ward attends hearing
<b>South Dakota:</b> Codified Laws Ann.	<b>29A-5-308</b>	<b>29A-5-308</b> all entities and persons older than 10 years who are named in the petition	<b>29A-5-204</b> at least 14 days prior to hearing	<i>Not stated</i>	<b>29A-5-309</b> statement of nature, purpose, legal effect and right to appear at hearing and to object to appointment of guardian	<b>29A-5-308</b> may not waive

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<b>Tennessee:</b> Code Ann.	<b>34-1-107(2)(a)</b>	<b>34-1-106</b> closest relative, person having care or custody or with whom ward is living	<i>Not stated</i>	<b>34-1-108(c)</b> form in statute	<b>34-1-108(c)</b> due process rights listed on reverse of hearing notice <b>34-11-107(d)(2)( c )</b> GAL explains petition in understandable language	<b>34-1-121</b>
<b>Texas:</b> Prob. Code Ann.	<b>633</b>	<b>632(a)</b> no notice unless otherwise provided <b>634</b> Attorney of record	<b>633</b> upon filing	<i>Not stated</i>	<i>Not stated</i>	<b>634</b> attorney ad litem may not waive <b>635</b> competent interested person may waive
<b>Utah:</b> Code Ann.	<b>75-5-309(1)(a)</b>	<b>75-5-309(1)</b> spouse, parent, adult children, any person serving as guardian or who has custody	<b>75-1-401</b> 10 days before hearing	<b>75-5-309(2)</b> plain language, large print	<b>75-5-309(2)</b> possible adverse consequences, list of rights	<b>75-5-309(3)</b> not effective unless person attends hearing or waiver is confirmed by visitor
<b>Vermont:</b> Stat. Ann. tit. 14	<b>14-3064(a)</b> as provided by rules of probate procedure	<i>Not stated</i>	<b>14-3064(b)</b> more than 15, but less than 30 days after filing of petition	<i>Not stated</i>	<i>Not stated</i>	<i>Not stated</i>
<b>Virginia:</b> Code Ann.	<b>37.2-1004(A)</b>	<b>37.2-1004(C)</b> all whose names are in the petition	<b>37.2-1004(A)</b> reasonable notice	<b>37.2-1004(D)</b> 14 point font	<b>37.2-1004(D)</b> warning of consequences in conspicuous bold print, inform of right to counsel	<b>37.2-1004(A)</b> respondent may not waive

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<b>Washington:</b> Rev. Code Ann.	<b>11.88.030(4a)</b>	<b>11.88.040</b> parent, spouse, children, GAL, person with whom the ward is residing	<b>11.88.030(4)(a)</b> less than 5 days after petition is filed	<b>11.88.030(4)(b)</b> all caps, double spaced, 10 point minimum font	<b>11.88.030(4)(b)</b> clear and easily readable statement of rights to counsel and jury, consequences	<i>Not stated</i>
<b>West Virginia:</b> Code	<b>44A-2-6</b>	<b>44A-2-6</b> all individuals older than 7 years named in the petition	<b>44A-2-6</b> 14 days prior to hearing	<b>44A-2-6</b> large print	<b>44A-2-6</b> brief statement of purpose, rights, possible consequences	<b>44A-2-6(b)</b> protected person may not waive
<b>Wisconsin:</b> Stat. Ann.	<b>54.38(a)</b>	<b>54.38(2)</b> Counsel, GAL, presumptive adult heirs, custodian, agency giving aid	<b>54.38(2)(a)</b> 10 days after filing of petition	<i>Not stated</i>	<i>Not stated</i>	<i>Not stated</i>
<b>Wyoming:</b> Stat.	<b>3-1-205</b> <b>3-2-102(a)</b>	<b>3-2-102</b> parents, spouse, & adult children, custodian & proposed guardian, as ordered by court	<b>3-2-102(d)</b> in accordance with WRCP and as ordered by the court.	<i>None stated</i>	<i>Not stated</i>	<i>Not stated</i>