

Notice in Guardianship Proceedings
(as of statutory revisions December 31, 2007)

<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>
UGPPA	113(a) Notice of time and place of hearing 309 Petition and notice must be served personally on respondent 309(d) Guardian give notice of filing of status report 404	309(b), 404 To persons listed in petition	113(a) 14 days before hearing	113(c) Plain language	309(a), 404(a) Rights at hearing, description of nature and consequences of appointment	114 Respondent may not waive notice
Alabama: Code	26-2A-50 26-2A-103(c)	26-2A-103(a) spouse, parents, adult children, person having care or custody	26-2A-50(b)(1) 14 days	<i>Not stated</i>	<i>Not stated</i>	26-2A-51 guardian, GAL, conservator, or other fiduciary may waive notice. 26-2A-103(d) alleged incapacitated may not waive notice
Alaska: Statute	13.26.135(a) (1)	13.26.135(a) spouse, parents & adult children, closest adult relative, person having care & custody	13.26.107(a) (1) upon appointment of visitor	<i>Not stated</i>	13.26.135(c) notice sets out hearing consequences and respondent's rights at proceeding 13.26.107(a)(3) visitor explains in language can understand and provide in writing	<i>Not stated</i>
Arizona: Rev. Stat. Ann.	14-5309(A)(1)	14-5309(A) spouse, parents, & adult children,	14-5309(B) 14-1401 14 days	<i>Not stated</i>	<i>Not stated</i>	14-5309(B) waiver ineffective unless present at

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		closest adult relative, person having care & custody				hearing or confirmed by visitor.

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Arkansas: Code Ann.	28-65-207(b)(1)	28-65-207(b) parents of minor, spouse, or nearest competent relative, any other person	28-65-207(c) (2) 20 days before hearing	<i>Not stated</i>	<i>Not stated</i>	28-65-207(a)(2) alleged incapacitated may not waive notice; others can waive notice
California: Prob. Code	1823(a) 1824	1822(b)(1), (2) spouse & relatives	1822(a) 15 days before hearing 1824 citation within 15 days	<i>Not stated</i>	1823(6) Court Investigator explains proceeding and its effect	<i>Not stated</i>
Colorado: Rev. Stat. Ann.	15-14-309 (1)	15-14-309(1) spouse, parents & adult children, closest adult relative, person having care & custody	15-14-113(1) 10 days 15-14-405(1)	15-14-113(3) plain language	15-14-309(1) notice inform of rights at hearing and consequences of appointment	15-14-309(2) waiver ineffective unless present at hearing or confirmed by visitor
Connecticut: Gen. Stat. Ann.	45a-649(a) (2) Personal service on respondent and spouse	45a-649(a)(3) notice to applicant, named governmental officials, children; if none then parents or siblings; person in charge of institution where residing	45a-649(a)(1) 10 days before hearing & within 30 days of receipt of application	45a-649(b) Statement in bold face type, 12 pt.	45a-649(b) specify legal consequences and rights, hearing be moved to convenient location, right to attorney	<i>Not stated</i>
Delaware: Code Ann. tit. 12	12 3901(c)	12 3901(c) such others as ct. may deem desirable	12 3901(c) reasonable	<i>Not stated</i>	<i>Not stated</i>	<i>Not stated</i>
District of Columbia: Code Ann.	21-2042(c)	21-2042(a)(3) 21-2042(a)(4) such others as court directs	21-2031(b)(1) 14 days before hearing for personal service; 17 days by	<i>Not stated</i>	21-2031(e) notice explain rights of parties 21-2033(b)(2)	21-2032 21-2043(d)

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			mail		counsel explains consequences, alternatives and rights in language and mode most likely to understand	

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Florida: Stat. Ann.	744.3215(1)(n) 744.331(1) notice must be read to respondent 744.3371(1)	744.3371 next of kin 744.331(1) attorney, next of kin in petition 744.3371 attorney & any guardian then serving, next of kin, other interested persons as court directs	<i>Not stated</i>	<i>Not stated</i>	744.331(1) notice of right to attorney	48.021 for special process servers appointed by sheriff
Georgia: Code Ann.	29-4-11(c) after finding probable cause	29-4-12 counsel, GAL, petitioner, all adults named in petition	29-4-12(c) 10 days before hearing	<i>Not stated</i>	29-4-11(c) right to attend, lost rights, independent counsel	<i>Not stated</i>
Hawaii: Rev. Stat.	560:5-309 (a)	560:5-405 persons listed in petition	560:5-113 14 days before hearing	<i>Not stated</i>	560:5-404 inform of rights, describe consequences	560:5-309(a) shall appear unless excused
Idaho: Code	15-5-309(a)(1)	15-5-309(a) spouse, parents & adult children, closest adult relative, person with care & custody, person requesting, public guardian when nominated	15-1-401 14 days	<i>Not stated</i>	<i>Not stated</i>	15-5-309(b) waiver ineffective unless present at hearing or confirmed by visitor
Illinois: 75/5 Ill. Comp Stat.	5/11a-10(e)	5/11a-10(f) those whose names appear in petition	5/11a-10(e) 14 days before hearing	5/11a-10(e) summons shall be printed in large, bold type and shall include form in statute	5/11a-10(e)(1)-(7) consequence and rights included in statutory form	<i>Not stated</i>

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

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

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

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

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

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

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