

**31A-27a-203 Return of summons and summary hearing.**

- (1) The receivership court shall hold a summary hearing at the time and date for the return of summons on a petition to commence a formal delinquency proceeding.
- (2) If a person is not served with summons on a petition to commence a formal delinquency proceeding and fails to appear for the summary hearing, the receivership court shall:
  - (a) continue the summary hearing not more than 10 days;
  - (b) provide for alternative service of summons upon the person; and
  - (c) extend any restraining order.
- (3) Upon a showing of good faith efforts to effect personal service upon a person who fails to appear for a continued summary hearing, the receivership court shall order notice of the petition to commence a formal delinquency proceeding to be published. The order and notice shall specify:
  - (a) a return date not less than 10 nor more than 20 days after the day on which notice is published; and
  - (b) that the restraining order is extended to the continued hearing date.
- (4) If a person fails to appear for a summary hearing on a petition to commence a formal delinquency proceeding after service of summons, the receivership court shall enter judgment in favor of the commissioner against that person.
- (5)
  - (a) A person who appears for the summary hearing on a petition to commence a formal delinquency proceeding shall file its answer at the hearing and the receivership court shall:
    - (i) determine whether to extend any temporary restraining order pending final judgment; and
    - (ii) set the case for trial on a date not more than 10 days from the day on which the summary hearing is held.
  - (b) The receivership court may not grant a continuance for filing an answer.

Enacted by Chapter 309, 2007 General Session