

75-5-309 Notices in guardianship proceedings.

- (1) In a proceeding for the appointment or removal of a guardian of an incapacitated person other than the appointment of a temporary guardian or temporary suspension of a guardian, notice of hearing shall be given to each of the following:
 - (a) the ward or the person alleged to be incapacitated and spouse, parents, and adult children of the ward or person;
 - (b) any person who is serving as guardian or conservator or who has care and custody of the ward or person;
 - (c) in case no other person is notified under Subsection (1)(a), at least one of the closest adult relatives, if any can be found; and
 - (d) any guardian appointed by the will of the parent who died later or spouse of the incapacitated person.
- (2) The notice shall be in plain language and large type and the form shall have the final approval of the Judicial Council. The notice shall indicate the time and place of the hearing, the possible adverse consequences to the person receiving notice of rights, a list of rights, including the person's own or a court appointed counsel, and a copy of the petition.
- (3) Notice shall be served personally on the alleged incapacitated person and the person's spouse and parents if they can be found within the state. Notice to the spouse and parents, if they cannot be found within the state, and to all other persons except the alleged incapacitated person shall be given as provided in Section 75-1-401. Waiver of notice by the person alleged to be incapacitated is not effective unless the person attends the hearing or the person's waiver of notice is confirmed in an interview with the visitor appointed pursuant to Section 75-5-303.

Amended by Chapter 104, 1988 General Session