

#### **610.040 Issuance of summons and notice of petition.**

- (1) After a petition has been filed and after such further investigation as the court may direct, unless the parties appear voluntarily, the court shall issue a summons briefly reciting the substance of the petition and requiring the person who has the custody or control of the child to appear personally and bring the child before the court at a time and place stated. If the person so summoned is other than a parent or guardian of the child, the parent or guardian or both shall also be notified of the pendency of the proceeding and of the time and place appointed. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the judge, is necessary.
- (2) The summons and notice provided for in subsection (1) of this section shall be served personally by the delivery of a copy thereof to the person summoned, unless the judge is satisfied that personal service would be impracticable, in which event the judge may order service by mail addressed to the last known address. Service by mail shall be deemed to be effected upon mailing. Notice by mail shall be presumed sufficient if mailed at least forty-eight (48) hours before the time for appearance specified in the summons or notice.
- (3) Unless otherwise provided, service of summons or notice may be made by any suitable person, other than an employee of the cabinet, under the direction of the court, and upon request of the court shall be made by any peace officer.
- (4) Any person summoned who, without reasonable cause, fails to appear, may be proceeded against for contempt of court. In case the summons cannot be served, or the parties served fail to appear, or in any case when it appears to the judge that the service will be ineffectual, or that the welfare of the child requires that he be brought forthwith before the court, a warrant may be issued for the parent, guardian, person having custodial control or supervision of the child, or the child.

**Effective:** April 10, 1988

**History:** Amended 1988 Ky. Acts ch. 350, sec. 16, effective April 10, 1988. -- Created 1986 Ky. Acts ch. 423, sec. 23, effective July 1, 1987.