

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

WASHINGTON DC 20001

CONSERVATORSHIP INFORMATION SHEET

The following information is provided to those individuals appointed as limited or general conservator of an incapacitated individual (protected individual) but is not intended to be all inclusive. Individuals appointed as conservators shall be governed by all applicable statutory provisions, rules of court, and by such orders as may be entered by the Court.

1. **PERMANENT GENERAL CONSERVATOR**

A permanent general conservator is an individual appointed by the Court and on whom the Court has conferred, without limitation, title to all property of the protected individual and on whom the court has conferred, with limitation, those powers in administration enumerated in D.C. Code Sec. §21-2070 and those distributive powers and duties enumerated in Sec. §21-2071 (1989 Replacement Volume to 1981 Ed.).

2. **PERMANENT LIMITED CONSERVATOR**

The Court establishes a Limited Conservatorship in either of two ways:

- (a) By entry of an order specifying that only a part of the property of the protected individual (ward) vests in the conservator;
- (b) The Court, at the time of appointment, or later, may limit the powers of a conservator otherwise conferred by Sec. §21-2070 and 21-2071, thereby creating a limited conservatorship.

3. **TITLE BY APPOINTMENT**

The appointment of a conservator vests in the conservator title as trustee to all property of the protected individual presently held or after acquired, or to the property specified in the court order, including title to any property held for the protected individual by custodians or attorneys in fact.

4. **QUALIFICATION**

A limited or general conservator qualifies by executing an acceptance of appointment and consent to jurisdiction and by executing and filing a bond in an amount set by the Court.

5. **APPRAISAL**

- (a) A limited or general conservator shall promptly engage the services of a qualified appraiser provided the value of the protected personal property, in the judgment of the conservator, exceeds \$1,000.00. If the property, in the judgment of the conservator, is valued at \$1,000.00 or less, the conservator

shall file an affidavit setting forth the description and the value of the tangible personal property. Without prepayment of additional court fees and subject to their availability, the standing court appraisers may be engaged for this purpose.

(b) Filing.

An appraisal shall be filed by conservator within sixty (60) days after qualification.

6. LETTERS OF CONSERVATORSHIP (RECORDING LETTERS).

(a) Letters of conservatorship are evidence of the transfer of all assets, or the part of assets specified in the letters, of a protected individual to the conservator. An order terminating a conservatorship is evidence of the transfer of all assets subject to the conservatorship from the conservator to the protected individual or to the personal representative of the individual.

(b) Letters of conservatorship and orders terminating conservatorships shall be filed or recorded in the OFFICE OF THE RECORDER OF DEEDS to give record notice of title as between the conservator and the protected individual (Recorder of Deeds Office is located at 515 D Street N.W., Washington DC which is directly across the street from D.C. Superior Court-Main Building).

7. GENERAL DUTY OF CONSERVATOR

A conservator, in relation to the powers conferred, or implicit in the title acquired by virtue of the proceeding, shall act as a fiduciary and observe the standard of care applicable to trustees.

8. POWERS OF CONSERVATOR IN ADMINISTRATION

The powers of a conservator in administration are set forth in D.C. Code Sec. §21-2070. The powers conferred by Sec. §21-2070 are subject to any limitations the Court may impose at the time of appointment or at a later date (copy of Sec. §21-2070 is attached hereto).

9. DISTRIBUTIVE DUTIES AND POWERS

The distributive duties and powers of a conservator are set forth in D.C. Code Sec. §21-2071. The distributive duties and powers conferred by Sec. §21-2071 are subject to any limitations the Court may impose at the time of appointment or at a later date (copy of Sec. §21-2071 is attached hereto).

10. PETITIONS POST APPOINTMENT

Application to the Court for an order subsequent to appointment of a conservator shall be by verified petition (Form II-Q or a format substantially consistent with that form) and shall be filed in accordance with the provisions of SCR-PD 322. Petitioner may attach to

the petition such supplemental information and/or documentation as may be considered appropriate.

11. CONSERVATORSHIP PLAN AND INVENTORY

A conservator, limited or general, shall file with the Court, within sixty (60) days from date of appointment of an individual conservatorship plan together with a complete inventory of the financial resources designated by the order of Court. The plan and inventory shall be substantially in the format prescribed by Form II-N. The inventory shall be verified and served by first class mail upon those individuals as provided in SCR-PD 329.

12. ACCOUNTS AND REPORT OF CONSERVATOR

(a) Filing: A Conservator shall file an account and report:

- (1) Annually on the anniversary date of appointment.
- (2) Within sixty (60) days of
 - (a) The resignation or removal of the conservator;
 - (b) Termination of the protected individual's incapacity;
 - (c) Termination of the conservatorship.

(b) Term of Account and Report:

- (1) The account shall be typewritten or machine printed on forms prescribed by the Register of Wills or in a format substantially similar to the prescribed forms;
- (2) Each account shall have attached a conservator's report (Form II-R)

(c) Service: The account and report shall be served on those individuals as provided in SCR-PD 330(d)

13. SUGGESTION OF DEATH

Upon the death of the protected individual, the conservator shall forthwith file a suggestion of death (notice of death).

14. FINAL ACCOUNT

Upon death of the protected individual, the conservator shall within sixty (60) days thereafter file a final account and report.

15. RECEIPTS

Promptly after full distribution and settlement of an estate, the fiduciary shall file with the Register of Wills receipts or canceled checks evidencing final distribution.

16. The following additional information is also of importance to conservators, limited or general:

- (a) The applicable statute with respect to conservatorships is Title 21-Chapter 20.
- (b) The Applicable Court Rules governing conservatorships is located in the 300 series of the Probate Rules.
- (c) No fees are to be paid out of estate funds unless specifically authorized by order of court after compliance with SCR-PD 308.
- (d) No conservator shall commingle any estate assets with non-estate assets.
- (e) Conservators are admonished that any authority granted by the Court to administer funds of the ward terminates upon death. Upon death of the ward, no further expenditures shall be made.
- (f) Court Clerks are prohibited from giving any legal advice. If a legal question arises, the conservator should consult an attorney. Neither the Register of Wills nor any member of her staff is permitted to recommend lawyers. Should assistance in securing the services of a lawyer be required, one may wish to consult the Lawyer Referral Information Service of the D.C. Bar (202) 331-4306.