

Superior Court of the District of Columbia
PROBATE DIVISION

In re: Intervention Proceeding

No.
An Adult

PETITION FOR A GENERAL PROCEEDING

- [] Appointment of a guardian of an incapacitated individual
[] General [] Limited
o mental retardation o mental retardation
o other o other
[] Appointment of successor guardian
[] General [] Limited
[] Appointment of a conservator of a protected individual
[] General [] Limited
[] Appointment of a special conservator of a protected individual
[] Entry of a protective order

1. (a) (Name of the Petitioner)
(Address of the Petitioner)
(c) (Petitioner's Relationship to Subject of Proceeding)

2. (a) (Name of Subject of Proceeding)
(b) (Age of Subject of Proceeding)
(c) (Address and Residence of Subject of Proceeding)

(d) (Name and address of Guardian and/or Conservator whose appointment is sought if other than Petitioner)

(e)The nominated guardian or conservator is entitled to serve because:

3. The Court has jurisdiction over this proceeding because:

(a) The subject of the proceeding is an incapacitated individual in the District of Columbia.

(b) The subject while not a domiciliary of, nevertheless owns property located in the District of Columbia.

(c) Property is coming or has come into the control of a guardian or conservator who is subject to the laws of the District of Columbia.

4. No guardian or conservator has been appointed for this person in any other jurisdiction, nor are any proceedings pending in any other jurisdiction for the appointment of a guardian or conservator, except _____

5. (a) The Subject of the proceeding is incapacitated because said individual is an adult whose ability to receive and evaluate information effectively or to communicate decisions is impaired to such an extent that he or she lacks the capacity to actions necessary to

[Select appropriate box(es)]

obtain, administer, dispose of real and personal property, intangible property, business property, benefits, and income

and/or

provide health care, food, shelter, clothing, personal hygiene and other care without which serious physical injury or illness is more likely than not to occur and/or

acquire and maintain those life skills that enable him or her to cope more effectively with the demands of his or her own person and of his or her own environment and to raise the level of his or her physical, intellectual, social, emotional, and economic efficiency or meet all or some essential requirements for his or her therapeutic needs

(Select one)

without court-ordered assistance

or

the appointment of

a guardian

conservator

(b) The specific reasons why the subject of this proceeding is incapacitated are:

(c) The alleged incapacity of the subject of this proceeding

does does not arise out of mental retardation.

(d) A comprehensive evaluation or habilitation plan does does not exist.

6. (a) The name and address of the personal examiner [e.g. attending physician] of the subject of this proceeding is:

An existing examiner's report is attached hereto.

(b) Petitioner seeks appointment of said personal examiner as examiner and:

- (1) Petitioner has discussed such appointment with said personal examiner and advised the personal examiner of the duties of the examiner, and the right of the subject to cross-examine the examiner in court.
- (2) The Subject's personal examiner is willing to serve as examiner.
- (3) If the alleged incapacity arises out of mental retardation said personal examiner is a qualified mental retardation professional.

(c) Petitioner does not seek appointment of said personal examiner as examiner and requests the court to appoint another person as examiner.

(d) Petitioner waives appointment of an examiner.

7. (a) The name and address of a personal visitor [e.g. social worker] who is familiar with the case of the subject of this proceeding is _____

(b) Petitioner seeks appointment of said person as visitor, and:

- (1) Petitioner has discussed such appointment with the nominated personal visitor and advised the nominee of the duties of the visitor, and the rights of the subject to cross-examine the visitor in court.
- (2) The subject's personal visitor is willing to serve as visitor.
- (3) If alleged incapacity arises out of mental retardation said personal visitor is a qualified mental retardation professional.

(c) Petitioner does not seek appointment of said person as visitor and requests the court to appoint another person as visitor.

(d) Petitioner waives the appointment of a visitor.

8. Listed below are the names, addresses and telephone numbers of the persons to whom notice will be sent pursuant to SCR-PD 325:

Name of Subject of Proceeding

Spouse and adult children

Any counsel to the subject known to petitioner

Persons nominated in subject's durable power of attorney to be guardian and conservator

Any previously appointed guardian and/or conservator

9. (a) Petitioner requests the court to appoint a Guardian *ad litem* for the subject of this proceeding for the following purpose(s):

To assist the subject to determine his or her interests in regard to this proceeding.

To determine the interests of the subject in regard to this proceeding because the subject is unconscious or otherwise wholly incapable of determining his or her interest in this proceeding even with assistance.

(b) Appointment of a Guardian *ad litem* is not required.

10. (a) Appointment of a guardian is sought and is necessary as a means of providing continuing care and supervision of the subject of this proceeding

and/or

(b) A protective order should be made

or

(c) A conservator should be appointed because:

(Select appropriate box(es))

the subject of the proceeding has property that will be wasted or dissipated unless property management is provided, and/or

money is needed for the support, care and welfare of the subject, and/or

money is needed for those entitled to the subject's support and protection is necessary or desirable to obtain and provide money. (If this box is checked, list names and addresses of all said persons:) _____

11. If entry of a protective order or appointment of a conservator is sought, describe generally the subject's property with an estimate of the value of that property including any compensation, insurance, pension, or allowance to which the subject is entitled.

12. Petitioner seeks the following relief:

Entry of a protective order as follows:

Appointment of guardian and/or conservator with Statutory powers as

guardian

conservator

or

greater powers

(specify power sought and by what authority court may grant it.)

or

lesser powers

(Note that if the conservator's bond is not to include securities and/or real estate, this box must be checked.)

13. Petitioner requests the following temporary relief pursuant to D.C. Code §21-2044(d) or §21-2055(b) (1) pending the hearing of this petition:

14. Bond is sought in the amount of _____
because the aggregate capital value of the property of the estate in the proposed conservator's control, plus one year's estimated income, and minus the value of securities deposited under arrangements requiring an order of the court for their removal and the value of any land that the fiduciary, by express limitation of

power, lacks power to sell or convey without court authorization is

(If petitioner seeks reduced bond, list all securities and/or real estate for which court authorization for sale or conveyance will be sought:)

Petitioner

VERIFICATION

I _____, being the first sworn, on oath, depose and say that I have read the foregoing pleadings by me subscribed and that the facts therein stated are true to the best of my knowledge, information and belief.

Petitioner

Subscribed and sworn before me this _____ day of _____, 20____.

Notary Public

Acceptance of

- guardian
- conservator

and

consent to jurisdiction

I do hereby accept the duties of the office of guardian conservator of _____ (subject of proceeding) and consent to personal jurisdiction in any action instituted in the District of Columbia by any interested person against me guardian conservator arising out of the duties of my office and if a non-resident, I do hereby irrevocably appoint the Register of Wills and successors in office as the person upon whom all notice and process issued by a competent court in the District of Columbia may be served with the same effect as personal service in relation to all suits or matters pertaining to the proceeding in which letters of guardianship conservatorship shall issue.

Petitioner *(sign only if seeking appointment)*

Telephone Number

CERTIFICATE OF SERVICE

I hereby certify that copy of the foregoing petition was served by first class mail, postage prepaid, on the following persons who are entitled to service pursuant to SCR-PD 321(c) within three days of the date of filing of the foregoing petition.

Signature

Name, address, telephone number and bar number of counsel for petitioner

Subjects Name

Intervention Number

CC: