

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Probate Division

II-J1

IN RE: _____ Intervention Proceeding No. _____

An Adult

NOTICE OF INITIAL HEARING PURSUANT TO 325(b)

(to subject of proceeding only)

TO: _____

ADDRESS: _____

You are notified that a petition has been filed, a copy of which is attached hereto, in which it is alleged that you are incapable of properly caring for yourself or of managing your financial affairs or both. The petition seeks the appointment of a guardian for your person or a conservator for your estate or both. The Court, being satisfied that there is good cause for the exercise of jurisdiction as to the matters alleged in said petition has set the matter for hearing on _____, 20____ at _____ o'clock ____ m. in Courtroom _____ of the Superior Court of the District of Columbia located at 515 5th Street, N.W., Washington, D.C. 20001.

If you do not have retained counsel, the Court will appoint an attorney to represent you in these proceedings.

A list of your rights in connection with the above described hearing is attached hereto.

Petitioner/Attorney

Address

NOTE: Pursuant to 325(a) and 311(c)(3) this notice must be personally delivered at least 14 days before the time set for the hearing.

Copies to: Parties to the above captioned case and persons granted permission to participate pursuant to SCR-PD 303 and persons who requested notice pursuant to SCR-PD 304.

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An Adult

YOUR HEARING RIGHTS

As the subject of an intervention proceeding, you have the following rights:

1. To have your partial or total incapacity proved by clear and convincing evidence by the petitioner.
2. To an attorney of your own choice or to have an attorney appointed for you if you have not retained an attorney.
3. To be present at the hearing.
4. To present evidence on your own behalf.
5. To cross-examine witnesses who testify against you, and the right to cross-examine any examiner and visitor.
6. To have the hearing open or closed to the public at your election.
7. The right to appointment of an examiner unless a report on you has been submitted to the Court.

GENERAL RIGHTS

1. Unless it is waived, notice of hearings in these proceedings must be given to each of the following:
 - A. The subject of the petition and his or her spouse and adult children, or if none, parents:
 - B. Any person who is serving as guardian or conservator, or who has the care and custody of the individual alleged to be incapacitated:

- C. In case no other individual is notified under paragraph (A) of this subsection, at least one of the nearest adult relatives, if any can be found; and
- D. Any other person as directed by the Court.
2. The subject of the petition may not waive notice. Other individuals including a guardian *ad litem* or other fiduciary may waive notice by a signed writing with the court.
 3. Upon the filing of the petition, the Court will appoint an attorney to represent the subject of the petition, unless the individual has retained counsel.
 4. At any point in the proceeding, the Court may appoint a guardian *ad litem* to prosecute or defend the interest of any individual if the court determines that representation of the interest otherwise would be inadequate.
 5. Upon the filing of the petition, the Court may appoint a visitor and an examiner pursuant to D. C. Code §§21-2042 or 21-2045. The examiner and visitor will be separate individuals. Each must file and serve on all parties written reports no later than 10 days before the date of the hearing.

POSSIBLE CONSEQUENCES OF A FINDING OF INCAPACITY OF THE RESPONDENT

At the hearing, a guardian may be appointed for your person, and/or a conservator for your estate. The appointment may affect or transfer to the guardian or conservator title to your property, your right to contract, to manage and control your property, to give informed consent for medical treatment, to fix your place of residence, and other important rights.

GENERAL CONSEQUENCES

Persons with personal and/or financial dealings with you must be aware that appointment of a guardian or conservator may affect or transfer to the guardian or conservator title to your property, your right to contract, to manage and control of property, to give informed consent to medical treatment, to fix the place of residence and other important rights.