

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
PROBATE DIVISION

IN RE: INTERVENTION PROCEEDING

\_\_\_\_\_ NO. \_\_\_\_\_  
An Adult

PETITION FOR APPOINTMENT OF TEMPORARY GUARDIAN

- /\_/\_/ Emergency Guardian for up to 15 day period based upon life threatening situation or situation involving emergency care where no other person appears to have authority to act under the circumstances
- /\_/\_/ Health Care Guardian for up to 90 days where there is no guardian, where there are two certifications of incapacity under D.C. Code, sec.21-2204 and where no other person appears to have authority to act under the circumstances
- /\_/\_/ Provisional Guardian for up to six months based upon finding that any guardian is not effectively performing his or her duties and that the welfare of the ward requires immediate action
- /\_/\_/ Extension of appointment of an Emergency Guardian to serve as Health Care Guardian
- /\_/\_/ Extension of appointment of a Health Care Guardian for an additional 90 days

1. \_\_\_\_\_  
Name of petitioner  
\_\_\_\_\_  
Address of petitioner  
\_\_\_\_\_  
Telephone number of petitioner  
\_\_\_\_\_  
Petitioner's relationship to subject of the proceeding

2. \_\_\_\_\_ Age \_\_\_\_\_  
Name of alleged incapacitated person  
\_\_\_\_\_  
\_\_\_\_\_  
Residence of alleged incapacitated person
3. This Court has jurisdiction because:  
The alleged incapacitated person is physically present in the District of Columbia or is domiciled in the District of Columbia.

4. (a) /\_/ The appointment of an emergency guardian is necessary because there is no guardian, no other person appears to have authority to act under the circumstances and a life threatening situation or situation involving emergency care exists:

(1) if a life threatening situation, please state the nature of the life threatening situation \_\_\_\_\_

\_\_\_\_\_; or

(2) if a situation involving emergency care (meaning immediate treatment, including diagnostic treatment, provided in response to a sudden, acute and unanticipated medical crisis in order to avoid injury, extreme pain, impairment, or death), please state the nature of such situation involving emergency care:

\_\_\_\_\_  
\_\_\_\_\_

(b) /\_/ The appointment of a health care guardian is necessary because there is no guardian and the incapacity of the proposed ward has been certified pursuant to D. C. Code, sec. 21-2204 by two professionals, one of whom is a physician and one of whom is a qualified psychologist or psychiatrist and one of whom has made the examination within 1 day preceding certification; or

(c) /\_/ The appointment of a provisional guardian is necessary because the guardian is not effectively performing his or her duties and the welfare of the ward requires immediate action. The name, address and telephone number of the existing guardian is as follows:

\_\_\_\_\_

The length of time for which a provision guardian is sought is: \_\_\_\_\_

(d) /\_/ The extension of the appointment of an emergency guardian is sought, requesting that hereafter the emergency guardian serve as health care guardian

(e) /\_/ The extension of the appointment of a health care guardian is sought for a period up to an additional 90 day based upon the continued incapacity of the subject of this proceeding and the continued need to provide substituted consent in accordance with D. C. Code, sec. 21-2210 for any health care service, treatment or procedure or based upon the filing of a petition for limited or general guardian prior to the expiration of the appointment of the health care guardian which has not yet been heard by the Court.

5. The alleged incapacity of the subject of this proceeding  
 does  does not arise out of mental retardation.
  
6. For requests for an emergency guardian or health care guardian,  
 Petitioner has attached two certifications of incapacity in accordance with D. Code, sec. 21-2204 and requests that the appointment of an examiner be waived; or  
 Petitioner has not attached two certifications of incapacity in accordance with D. C. Code, sec. 21-2204, and an examiner must be appointed; or  
 Petitioner has filed the certificates of incapacity and requests appointment of an examiner.
  
7. (a)  Petitioner requests the appointment of a Guardian Ad Litem for the subject of the proceeding for the following purposes:  
 To assist the subject to determine his or her own interests in regard to this proceeding  
 To determine the interests of the subject of the 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 necessary.
  
8. If there is any person who otherwise appears to have authority to act under the circumstances, please provide a detailed explanation of why appointment of either an emergency guardian or health care guardian is being sought by the petitioner:

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

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Name of Subject of the Proceeding

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Spouse or domestic partner or if none and adult child(ren) or if none parents or if none adult sibling

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If none of the above, at least one of the nearest adult relatives if such person can be found

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Any person serving a guardian or conservator or who has care and custody of the subject

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Any counsel known to petitioner

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

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Any previously appointed guardian or conservator

10. Petitioner seeks the appointment of an emergency or health care guardian with the following powers:

All powers under D.C. Code, sec. 21-2047b(b), including

The power to grant, refuse, or withdraw consent to medical examination and health care treatment for which the individual has been deemed incapacitated pursuant to D. C. Code, sec. 21-2204;

The power to obtain medical records for the purposes of providing substituted consent pursuant to D. C. Code, sec. 21-2210;

The power to exercise the status of a legal representative under Chapter 12 of title 7.

For a health care guardian only and in the absence of a durable power of attorney for health care, all powers under D. C. Code, sec. 21-2210, including

The power to grant, refuse or withdraw consent on behalf of the patient with respect to the provision of any health-care service, treatment or procedure; and/or

Certain enumerated powers as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

For a provisional guardian, petitioner seeks the appointment of: (if specific appointment sought)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone number

VERIFICATION

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

\_\_\_\_\_  
Signature of Petitioner

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CERTIFICATE OF SERVICE

I hereby certify that on the \_\_\_ day of \_\_\_\_\_, 20\_\_, a copy of the foregoing was  
served by first class mail postage prepaid upon the following 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.


\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Counsel for Petitioner

\_\_\_\_\_  
Address, Telephone Number and Bar Number

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
PROBATE DIVISION

IN RE: INTERVENTION PROCEEDING

\_\_\_\_\_ NO. \_\_\_\_\_  
An Adult

ORDER APPOINTING TEMPORARY GUARDIAN

Upon consideration of the Petition for Appointment of Temporary Guardian filed on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, it is by the Court this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_,

/\_/ ORDERED, That upon a finding that \_\_\_\_\_ is an incapacitated person for whom there is no guardian in place, that no other person appears to have authority to act under the circumstances and that a life-threatening situation or a situation involving emergency care exists within the meaning of the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, as amended by the Health-Care Decisions for Persons with Developmental Disabilities Act, \_\_\_\_\_ be and hereby is appointed as emergency guardian for \_\_\_\_\_ for a period not to exceed 15 days from the date of this order;

/\_/ ORDERED, That upon a finding that there is no guardian in place, that no other person appears to have authority to act under the circumstances and that \_\_\_\_\_ has been found to be an incapacitated individual for health care decisions within the meaning of the Health-Care Decisions for Persons with Developmental Disabilities Act, and two certifications of incapacity have been presented to the Court in accordance with D. C. Code, sec. 21-2204, \_\_\_\_\_ be and hereby is appointed as health care guardian for \_\_\_\_\_ for a period not to exceed 90 days from the date of this order;

/\_/ ORDERED, That upon a finding that a guardian is in place but the guardian is not effectively performing his or her duties and the welfare of the ward requires immediate action, \_\_\_\_\_ be and hereby is appointed as provisional guardian for a period not to exceed six months from the date of this order and the authority of the permanent guardian previously appointed by the Court, \_\_\_\_\_, is suspended for as long as the provisional guardian has authority;

/\_/ ORDERED, That the authority of \_\_\_\_\_ as emergency guardian be and hereby is extended for a specified period until \_\_\_\_\_ (such period not to exceed 90 days) by authorizing the emergency guardian to serve as a health-care guardian within the meaning of the Health-Care Decisions for Persons with Developmental Disabilities Act;

/\_/ ORDERED, That (A) upon a determination of continued incapacity and continued need for the provision of substituted consent for any health-care service, treatment, or procedure pursuant to D. C. Code, sec. 21-2210 or (B) upon a determination that a petition for a permanent limited guardian or general guardian has been filed pursuant to D. C. Code, sec. 21-2041, prior the expiration of the appointment of the temporary guardian but has not yet acted upon by the Court, the appointment of \_\_\_\_\_ as health-care guardian be and hereby is extended for one additional period of up to 90 days;

/\_/ ORDERED, That the emergency or health-care guardian shall have the powers and duties set forth in D. C. Code, secs. 21-2047 and 21-2047b(b), and shall (A) become or remain personally acquainted with the ward and maintain sufficient contact with the ward to know of the ward's capacities, limitations, needs, opportunities, and physical and mental health; (B) make decisions on behalf of the ward by conforming as closely as possible to a standard of substituted judgment or, if the ward's wishes are unknown and remain unknown after reasonable efforts to discern them, make the decision on the basis of the ward's best interests as that term is defined by the Health-Care Decisions for Persons with Developmental Disabilities Act; (C) encourage the ward to participate with the guardian in the decision-making process to the maximum extent of the ward's ability in order to encourage the individual to act on his or her own behalf whenever he or she is able to do so, and to develop or regain capacity to make decisions in those areas in which he or she is in need of decision-making assistance, to the maximum extent possible; and (D) make any report the Court requires; and it is further

/\_/ ORDERED, That the Court further grants the emergency or health-care guardian the power under D. C. Code, sec. 21-2047b(c) to:

/\_/ Grant, refuse, or withdraw consent to medical examination and health-care treatment for which the individual has been deemed incapacitated pursuant to D. C. Code, sec. 21-2204;

/\_/ Obtain medical records for the purpose of providing substituted consent pursuant to D. C. Code, sec. 21-2210;

/\_/ Have the status of a legal representative under Chapter 12 of Title 7; and it is further

/\_/ ORDERED, That the power of any emergency, health-care or provisional guardian shall be limited as provided by D. C. Code, sec. 21-2047a; and it is further

/\_/ ORDERED, That in the absence of a durable power for health care and based upon the certification of incapacity in accordance with D. C. Code, sec. 21-2204, the powers of \_\_\_\_\_ as health-care guardian shall include the power grant, refuse or withdraw consent on behalf of the patient with respect to the provision of any health-care service, treatment, or procedures in accordance with D.C. Code, sec. 21-2210; and it is further

/\_/ ORDERED, That the powers of the emergency, temporary or provisional guardian shall be limited to the following enumerated powers:

\_\_\_\_\_  
\_\_\_\_\_;

/\_/ ORDERED, That bond is set in the amount of \$\_\_\_\_\_; and it is further

/\_/ ORDERED,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SO ORDERED.

\_\_\_\_\_  
Judge