

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ORDER 04-07

**(Relating to Oversight of Lay Fiduciaries in Probate Division Proceedings)
(With Administrative Order 04-06
Replaces Administrative Order 03-16)**

WHEREAS, in a number of cases, fiduciaries have failed to file timely reports and accounts, oversee the personal care of subjects and administer and account for funds for which they are responsible; and,

WHEREAS, in order to better assure proper court oversight for those in need of assistance with their personal care and of the administration and accounting for funds in intervention and other Probate Division proceedings;

NOW, THEREFORE, it is, by the Court:

ORDERED, any petition or request by a fiduciary for compensation from private or public funds for him or herself or for approval of payment of compensation to any attorney or other provider of professional services must be accompanied by an affidavit stating the following:

- 1) within the last 30 days, I have personally verified the current location and health status and ongoing availability of placements for subjects in guardianship cases, except guardianships of the property of minors, and except that in the event a ward cannot be located, I have diligently sought to locate the ward as follows (detailed description of efforts to locate the ward) and for wards who have no fixed address, it is for the following reasons: (detailed explanation);
- 2) in all guardianships and conservatorships, with the sole exception of petitions or requests for compensation to me, I have filed all reports, verifications of notice, accounts and subsequent requirements for which I am responsible as fiduciary due as of the date of this petition or request;

and it is further,

ORDERED, at any time the Court may require a fiduciary in any guardianship, conservatorship or other Probate Division case to file an affidavit as set forth above, and whenever a question arises as to the propriety of a fiduciary's handling of personal care or funds in any guardianship, conservatorship or other Probate Division case, the Court shall require an affidavit as set forth above to be filed within not more than 30 days; and it is further,

ORDERED, unless and until an affidavit required under this order or requested by the Court is filed, the fiduciary shall be precluded from receiving any compensation from public or private funds in any guardianship, conservatorship or other Probate Division case in which compensation must be approved by the Court and shall be precluded from appointment in any other cases; and it is further,

ORDERED, this order shall take effect immediately.

SO ORDERED.

BY THE COURT.

April 28, 2004

_____/S/_____
Chief Judge Rufus G. King, III

Copies to:

**All Judges and Magistrate Judges
Executive Officer
Clerk of the Court
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