

Making a Complaint in an Adult Guardianship Proceeding

Intervention proceedings are opened for adults 18 or older who live in the District of Columbia, are incapacitated, and need assistance with health care, quality of life, or placement decisions or the handling of finances or other assets. After the Court has determined that a fiduciary should be appointed to assist the incapacitated adult, that fiduciary has legal duties and responsibilities to that person, called a "ward." A person may be appointed as a guardian, a conservator, or both to act as a fiduciary for the ward.

If a member of the public believes that a guardian is not providing adequately for the health and well-being of a ward or a conservator is not managing a ward's property in a manner to promote the best interests of the ward, he or she may make a complaint using this new and streamlined complaint procedure. This complaint procedure is not for emergencies, objections to fee petitions, or objections to inventories or accounts.

SUBMITTING THE COMPLAINT

Any person may submit a written complaint concerning a court-appointed guardian or conservator by mail or in person. The complaint should contain as much detail as possible to help the Court determine what course of action will be most beneficial to the ward under the circumstances. The complaint cannot be submitted anonymously and must be signed by the person submitting the complaint.

- a) The Complaint form is available on the Court's website, http://www.dccourts.gov/internet/legal/aud_probate/int-iddlegal.jsf then click the forms link, on the "Probate Matters" page available under "Featured Topics." The form in this brochure may also be used.
 - i. Submitting in person: The Complaint may be submitted in person at the Probate Clerk's office, located in Room 314, in an envelope with a completed intake form. The clerk will review the intake form and stamp it "Received". The envelope containing the Complaint is placed in a box for later staff review.
 - ii. Submitting by mail: A Complaint received by mail will be stamped "Received" and forwarded to staff for review. Complaints that are mailed should be sent to "Office of the Register of Wills, 515 5th Street NW, Room 314, Washington, DC 20001."
- b) The Complaint is then reviewed by staff to determine if the complaint can be accepted using this new process.
- c) A complaint will not be accepted and will be returned to the filer if:

- i. The complaint is incomplete.
- ii. The complaint does not relate to the guardian or conservator's duties to the ward
- iii. The complaint appears to be about an emergency situation
- iv. The complaint is about an inventory, account, or fee petition.

WHAT HAPPENS NEXT?

Once the complaint has been reviewed and accepted for filing:

- a) The complaint will be filed on the court docket of the case;
- b) A copy of the complaint will be mailed to the guardian or conservator to give them an opportunity to respond to the complaint; and
- c) The person who filed the complaint will receive, by mail, confirmation that the complaint has been accepted and a copy of the notice sent to the guardian or conservator.

Responses to the complaint, if timely filed, will also be reviewed by staff, who will thereafter make a recommendation to the Court. Recommendations to Court could include:

- a) That the fiduciary be directed to respond to the complaint if the fiduciary has not already done so;
- b) That the fiduciary be directed to file a supplemental response about a particular issue;
- c) That a visitor from the Visitor Panel be appointed;
- d) That an examiner be appointed;
- e) That mediation between the parties be scheduled;
- f) That the court hold a hearing;
- g) That the court consider referring the complaint to the appropriate law enforcement agency;
- h) That no further action be taken on the complaint.

The person who filed the complaint will receive notice of the recommendation made to the court. If the court decides to issue an order, the order issued by the court will be sent to the person who filed the complaint and to all other parties, participants, and persons who have filed a request for notice in the case.