

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

INT
IDD

In re

Subject

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A hearing was held on _____, 20__ on the petition of
_____ for

- Appointment of a guardian of an incapacitated individual
 - General Limited
 - intellectual disability intellectual disability
 - other 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
- Other: _____

And the Court makes the following preliminary findings:

1. The following were present:

- Judge _____
- Petitioner _____
- Attorney for petitioner _____
- Attorney for subject _____
- Examiner _____
- Visitor _____
- Guardian *ad litem* _____
- Subject was present
- Subject was not present, and good cause was shown for subject's absence.
- Other persons who were given permission to participate after the Court determined that the subject's best interests would be served by the person's participation. _____

2. The subject of the proceeding is an adult.

3. The Court has jurisdiction because

A. D.C. Code, sec. 21-2402.03

- The District of Columbia is the subject's home state as defined in D.C. Code, sec. 21-2402.01(a)(2).
- The District of Columbia is a significant connection state as defined in D.C. Code, sec. 21-2402.01(a)(3) and one of the following applies:

1. The subject does not have a home state.
 2. The home state court declines to exercise jurisdiction because the District of Columbia is the more appropriate forum.
- At the time of this order, no petition or order is pending before the home state or a significant connection state and
- No petition has been filed in the home state, and
 - No objection has filed in Superior Court, and
 - The Court finds that it is an appropriate forum.
- The home state and all significant connection states decline to exercise jurisdiction, and jurisdiction in the District of Columbia is more appropriate and consistent with Title 11 and the Constitution.
- Special jurisdiction exists in accordance with D.C. Code, sec. 21-2402.04 for the following:
- Issuance of a protective order as to real or tangible personal property located in the District of Columbia
 - Appointment of a guardian or conservator for whom a provisional order to transfer a proceeding from another state has been issued.
- B. Other basis for jurisdiction: _____

4. The subject of the proceeding was personally served at least 14 days before the hearing date.

5. All notices required by law have been given, or notice has been waived by the party to whom notice should have been sent.

6. The hearing was
- Open
 - Closed at the request of counsel and/or the subject

FINDINGS OF FACT

Upon consideration of the petition, any reports filed herein, and the testimony and evidence presented at the hearing, the Court makes the following findings of fact:

1. The subject of this proceeding
 - is not incapacitated.
 - is incapacitated.

2. The subject of this proceeding is an adult whose ability to receive and evaluate information effectively or to communicate decisions is impaired to take actions necessary to
 - 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 the subject to cope more effectively with the demands of the subject's own person and environment and to raise the level of the subject's physical, intellectual, social, emotional, and economic efficiency or meet all or some essential requirements for the subject's therapeutic needs

- without court-ordered assistance
or
- without the appointment of
 - a guardian
 - a conservator

3. The incapacity of the individual

- Does not arise from intellectual disability.
- Does arise from intellectual disability.

4. A current comprehensive evaluation or habilitation plan

- Does not exist.
- Does exist and
 - Is on file herein
 - May be located at _____

5. If a conservator is being appointed, select appropriate boxes:

- The incapacitated individual has property that will be wasted or dissipated unless property management is provided.
- Money is needed for the support, care, and welfare of the subject, and protection is necessary or desirable to obtain and provide money.
- Money is needed for those entitled to the incapacitated individual's support, and protection is necessary or desirable to obtain and provide money. The names and addresses of the persons entitled to such support are as follows:

6. A Statement of Criminal History

- Has been filed and reviewed by the Court
- Has not been filed and must be filed within 14 days of the date of this order as specified below.

7. Special findings of fact: _____

The court therefore makes the following

CONCLUSIONS OF LAW

The subject of this proceeding is not incapacitated, and this petition is hereby dismissed.

_____ is an incapacitated individual whose best interests would be served by

- Appointment of a guardian as a means of providing continuing care and supervision of said individual
- Appointment of a conservator as a means of property management
- Entry of a protective order

On consideration of the foregoing Findings of Fact and Conclusions of Law, it is this _____ day of _____, 20____,

ORDERED

[] That the petition is dismissed.

[] That _____

(Name)

(Address)

(Phone)

is appointed

[] limited guardian

[] successor guardian

[] general guardian

of _____

(Name)

Appointment of this guardian shall not take effect and Letters shall not issue until (1) the Statement of Criminal History required by D.C. Code, sec. 21-2043(d-1)(1) is filed, if it has not already been filed and reviewed by the Court, and (2) the acceptance and consent to jurisdiction is filed, if not filed previously. Both items are to be filed within 14 days of the date of this order. Failure to file either item within the time specified will be called to the attention of the Court and may result in the appointment of a different guardian. Any irregularity in the Statement of Criminal History will be brought to the attention of the Court pursuant to SCR-PD 309 for entry of an additional order confirming appointment, setting a hearing, or appointing another person to serve as fiduciary.

The guardian is responsible for the care, custody, and control of the ward and shall be governed by the general powers and duties listed in D.C. Code, sec. 21-2047(a), (b), and (c)

[] **subject to the following limitations, which shall be endorsed on the guardian's Letters:**

The Specific Instructions to Guardians and Guardianship Information Sheet are incorporated herein by reference, and the guardian is admonished to read this information.

The guardian is hereby notified of the following additional required filings.

1. A guardianship plan is to be filed by the guardian no later than 90 days from the date of the guardian's appointment in INT cases only. (A guardianship plan is not required in IDD cases).
2. Guardianship reports are to be filed by the guardian every six months from the date of the guardian's appointment.
3. The results of a criminal history check conducted by the Metropolitan Police Department are to be filed within 60 days of the date of appointment of the guardian. This check must have been conducted not more than 90 days prior to this appointment unless the guardian is a member of the Probate Fiduciary Panel. Any irregularity in the criminal history check will be brought to the attention of the Court pursuant to SCR-PD 309 and a hearing will be scheduled without further notice.
4. The results of a Federal Bureau of Investigation ("FBI") fingerprint background check are to be filed within 180 days of the date of appointment of the guardian. This check must have been conducted not more than 90 days prior to this appointment unless the guardian is a member of the Probate Fiduciary Panel. Any irregularity in the FBI fingerprint background check will be brought to the attention of the Court pursuant to SCR-PD 309 and a hearing will be scheduled without further notice.
5. Change of Address Requirements:
 - a. The guardian shall file a Change of Address of Ward Praecepte within 10 days of the date of the move if the ward moves to another residence within the District of Columbia.
 - b. The guardian shall file a Notice of Change of Address of Ward within 10 days of the date of the move if the ward moves to a location outside the District of Columbia but within the geographical boundaries of Montgomery County, Prince Georges' County, Arlington County, City of Alexandria or Fairfax County.
 - c. Before moving the ward to a location that is outside the District of Columbia and not within the geographical boundaries of the neighboring jurisdictions listed above, the guardian must file a Petition Post Appointment for Permission to Move the Ward Outside the District of Columbia and Neighboring Jurisdictions and obtain prior court approval of the move.

Copies of these filings are to be mailed to all parties, any person who has filed an effective request for notice in accordance with SCR-PD 304, and anyone else required by subsequent order of the Court.

[] That _____

(Name)

(Address)

(Phone)

is appointed

[] limited conservator

[] general conservator

[] special conservator

of _____
(Name)

Bond

- Is not required.
 Is set at \$_____ to be filed within 14 days of the date hereof.
 Bond Restrictions: _____

Conservator shall observe the standards of care applicable to trustees and shall have the powers set forth in D.C. Code, sec. 21-2070 and the distributive duties and powers in D.C. Code, sec. 21-2071

subject to the following enlargements and/or limitations, which shall be endorsed on the conservator's Letters:

Letters shall issue upon the filing of the acceptance and consent to jurisdiction if not filed previously and any required bond. The Specific Instructions to Conservators and Conservatorship Information Sheet are incorporated herein by reference, and the conservator is admonished to read said information.

The conservator is hereby notified of the following required filings.

1. An acceptance and consent to jurisdiction is to be filed by the conservator within 14 days of the date of the conservator's appointment if not filed previously.
2. Bond (if set herein) is to be filed by the conservator within 14 days of the date of the conservator's appointment.
3. A conservatorship plan and inventory are to be filed by the conservator within 60 days of the conservator's appointment.
4. Annual accounts are to be filed by the conservator within 30 days of the anniversary of the date of the conservator's appointment.

Copies of these filings are to be mailed to all parties, any person who has filed an effective request for notice in accordance with SCR-PD 304, and anyone else required by subsequent order of the Court.

The Court makes the following protective order: _____

The following persons shall continue as
 Parties: _____

Participants: _____

Counsel: _____

Other: _____

JUDGE

cc: