

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

INT
IDD

In re:

An Adult

NOTICE OF INITIAL HEARING PURSUANT TO SUPERIOR COURT, PROBATE
DIVISION RULE 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, of managing your financial affairs, or both. The petition seeks the appointment of a guardian for your person, 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 a hearing on _____, 20____ at _____ o'clock ____m. in Courtroom _____ of the Superior Court of the District of Columbia located at Building A, 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

Telephone number

Address (Actual address/not Post Office Box

NOTE: Pursuant to Superior Court, Probate Division Rules 325(a) and 311(c)(3), this notice must be personally delivered at least 14 days before the date set for the hearing.

Copies to: Parties to the above-captioned case and persons granted permission to participate pursuant to Superior Court, Probate Division Rule 303 and persons who requested notice pursuant to Superior Court, Probate Division Rule 304.

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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 have 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. To have an examiner appointed unless a report regarding 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. If none, his or her adult children. If none, his or her parents. If none, at least one of the nearest adult relatives of the subject.
 - 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. Any counsel for the subject;

D. All persons entitled to notice if this petition had been filed in the subject's home state;
and

E. 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 that person's interest would otherwise be inadequate.

5. Upon the filing of the petition, the Court may appoint a visitor and an examiner pursuant to D. C. Code, sec. 21-2041 or sec. 21-2054. 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

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