

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

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In re:

An Adult

PETITION FOR APPOINTMENT OF TEMPORARY GUARDIAN

- Emergency guardian for up to 21 days based on a life-threatening situation or situation involving emergency care when no other person appears to have authority to act under the circumstances.
- Health care guardian for up to 90 days when there is no guardian, there are two certifications of incapacity under D.C. Code, sec. 21-2204, and no other person appears to have authority to act under the circumstances.
- Provisional guardian for up to six months based on a finding that any guardian is not effectively performing said guardian's duties and the welfare of the ward requires immediate action.
- Extension of appointment
 - Emergency guardian to serve as health care guardian
 - Health care guardian to serve an additional 90 days.

1. Petitioner

a. Name:

b. Address:

c. Telephone:

d. Relationship to subject:

2. Subject

a. Name:

b. Age:

c. Address:

d. Telephone:

e. Specific reasons why the subject is incapacitated (i.e., the diagnoses):

3. Nominated guardian and/or conservator if not petitioner

a. Name

b. Address

c. Entitled to serve because

4. 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 has declined to exercise jurisdiction because the District of Columbia is the more appropriate forum.

3. No petition or order is pending before the home state or a significant connection state.

The District of Columbia is not the home state or a significant connection state, but 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: _____

5. Appointment of the following is necessary because

Emergency guardian for up to 21 days

There is no guardian and no other person with authority to act under the circumstances, and there is

A life-threatening situation. State the nature of such situation:

_____or

A situation involving emergency care. State the nature of such situation. (This relief should be requested only when immediate treatment, including diagnostic treatment, is needed in response to a sudden, acute, and unanticipated medical crisis to avoid injury, extreme pain, impairment, or death.) _____

- Health care guardian for up to 90 days
 - There is no guardian and no other person with authority to act under the circumstances, and
 - The incapacity of the subject 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 examined the subject within 1 day preceding the certification.

- Provisional guardian for up to 6 months
 - The existing guardian is not effectively performing the duties of a guardian and the welfare of the ward requires immediate action.
 - The name, address, and telephone number of the existing guardian are _____
 - The length of time for which the provisional guardian should be appointed is _____

- Extension of appointment
 - Emergency guardian be allowed to serve as health care guardian.
 - Health care guardian be appointed for an additional 90 days (1) because of the continued incapacity of the subject 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 (2) because a petition for appointment of a limited or general guardian was filed before the current appointment of a health care guardian expired but has not yet been heard by the Court.

6. For requests for an emergency guardian or health care guardian, petitioner has
- Attached two certifications of incapacity in accordance with D.C. Code, sec. 21-2204 and asks that the appointment of an examiner be waived.
 - Has not attached two certifications of incapacity, so an examiner must be appointed.
 - Has attached two certifications of incapacity and requests appointment of an examiner.

7. A Guardian *ad litem* is a person appointed by the court at the beginning of an intervention proceeding to help the subject determine the subject's interest in the proceeding or to make that determination for the subject if the subject is unconscious or otherwise wholly incapable of making such a determination, even with assistance. Petitioner asks the court to

- Appoint a Guardian *ad litem*
- Not appoint a Guardian *ad litem*

8. If there is any person who otherwise appears to have authority to act under the circumstances, provide an explanation as to why appointment of an emergency guardian or a health care guardian is being sought: _____

9. Persons to whom notice will be sent pursuant to D.C. Code, secs. 21-2042 and 21-2402.08 and Superior Court, Probate Division Rule 325, including name, address, and telephone number:

- a. Spouse. (If none, adult children. If none, parents. If none, at least one of the nearest adult relatives of the subject.):

Name: _____
Address: _____

Phone: _____
Name: _____
Address: _____

Phone: _____

b. Counsel to the subject:
Name: _____
Address: _____
Phone: _____

c. Attorney in fact nominated in durable power of attorney as guardian and/or conservator and any previously appointed guardian and/or conservator and the custodian of the subject:
Name: _____
Address: _____
Phone: _____

d. All persons entitled to notice if this petition had been filed in the subject's home state:
Name: _____
Address: _____
Phone: _____

10. No guardian or conservator has been appointed in any other jurisdiction and there are no pending proceedings in any other jurisdiction to do so except

11. Petitioner seeks the following relief:

- Appointment of an emergency or health care guardian with
 - All powers under D.C. Code, sec. 21-2047.02 including the power to
 - Grant, refuse, or withdraw consent to medical examination and health care treatment.
 - Obtain medical records to provide substituted consent pursuant to D.C. Code, sec. 21-2210.
 - Exercise the status of a legal representative under Chapter 12 of Title 7.
 - For a health care guardian only and only when there is no durable power of attorney, all powers under D.C. Code, sec. 21-2210 including
 - Granting, refusing, or withdrawing consent to the provision of any health care service, treatment, or procedure,
 - Certain enumerated powers: _____

Appointment of a provisional guardian:

Name if a specific appointment is requested or a disinterested member of the Bar will be appointed.

Address _____

Telephone

Signature of petitioner

Telephone number

VERIFICATION

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

Signature of petitioner

Subscribed and sworn to before me this ____ day of _____, 20____.

Notary Public/Clerk

CERTIFICATE OF SERVICE

I hereby certify that within three (3) days of the filing of the foregoing petition, a copy was served by first class mail, postage prepaid, on the following parties. (List each person by name and complete address. Use the "tab" key to move from box to box. Attach an additional sheet of paper if necessary. An example is given.)

Jane Doe
Department of Human Services
2341 City Street, NW
Washington, DC 20000

Signature

Signature of Attorney

Typed Name of Attorney

Address (Actual address/not Post Office Box)

Telephone Number

Unified Bar number

E-mail address (optional)

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

_____ INT _____
_____ IDD _____

In re:

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_____, hereby

ORDERED that the petition is dismissed.

ORDERED that it appearing that _____ is an incapacitated person for whom (1) no guardian is in place, (2) no other person appears to have authority to act under the circumstances, and (3) 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, _____, whose address and telephone number are

_____ be and hereby is appointed as emergency guardian for a period not to exceed 21 days from the date of this order;

ORDERED that it appearing that _____ is an incapacitated person for whom (1) no guardian is in place, (2) no other person appears to have authority to act under the circumstances, and (3) two certifications of incapacity have been presented to the Court in accordance with D.C. Code, sec. 21-2204, _____, whose address and telephone number are

_____ be and hereby is appointed as health care guardian for a period not to exceed 90 days from the date of this order;

ORDERED that it appearing that a guardian has been appointed but that the guardian is not effectively performing the duties of a guardian and the welfare of the ward requires immediate action, (1) _____, whose address and telephone number are _____

_____ be and hereby is appointed as provisional guardian for a period not to exceed six months from the date of this order, and (2) the authority of _____, the guardian previously appointed by the Court, is suspended for the duration of the appointment of the provisional guardian;

ORDERED that the appointment of _____ as emergency guardian be and hereby is extended until _____, 20__ (said extension not to exceed 90 days), during which period, _____ shall serve as health care guardian;

ORDERED that it appearing that (1) _____ is still an incapacitated person and (2) there is a continued need to provide substituted consent in accordance with D.C. Code, sec. 21-2210 for any health care service, treatment, or procedure or (3) a petition for appointment of a limited or general guardian was filed before the current appointment of the health care guardian expired but has not yet been

heard by the Court, the appointment of _____ as health care guardian be and hereby is extended for one additional period of 90 days;

ORDERED that the emergency or health care guardian shall have the powers and duties set forth in D.C. Code, secs. 21-2047.01 and 21.2047.02 and shall (1) become or remain personally acquainted with the ward and maintain sufficient contact with the ward to know the ward's capacities, limitations, needs, opportunities, and physical and mental health; (2) 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 decisions 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; (3) 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 able to do so and to develop or regain capacity to make decisions in those areas in which decision-making assistance is needed to the maximum extent possible; and (4) make any report that the Court requires;

ORDERED that the emergency or health care guardian may

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;

ORDERED that the power of any emergency, health care, or provisional guardian shall be limited as provided by D.C. Code, sec. 21-2047.01;

ORDERED that it appearing that the ward did not have a durable power of attorney for health care and that the certifications of incapacity required by D.C. Code, sec. 21-2204 have been provided, the powers as health care guardian shall include the power to grant, refuse, or withdraw consent to the provision of any health care service, treatment, or procedure in accordance with D.C. Code, sec. 21-2210;

ORDERED that the powers of the emergency, health care, or provisional guardian shall be limited to the following: _____

ORDERED that bond is set in the amount of \$_____

ORDERED that _____

JUDGE

cc: