

# **SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

Probate Division - Office of the Register of Wills  
515 5<sup>th</sup> Street, N.W.  
Washington, D.C. 20001

## **Capacity Assessment Summary Report – FAQs**

### **1. Why is a Capacity Assessment Summary Report being requested?**

On December 30, 2014, The Guardianship Amendment Act of 2014 was passed by the Council of the District of Columbia. This act establishes a mandatory court review of all guardianship cases in which a new or successor guardian was appointed on or after January 1, 2015. Mandatory reviews are conducted every three years after the initiation of the guardianship and/or appointment of a successor guardian. The mandatory review must include an updated Capacity Assessment Summary Report.

### **2. What is a Capacity Assessment Summary Report?**

A Capacity Assessment Summary Report is a medical or psychological report or statement completed by a licensed professional (physician, psychiatrist, clinical social worker, etc.) that speak to a person's ability to receive and evaluate information effectively to meet essential physical health, safety, habilitation or therapeutic needs and/or communicate decisions regarding assets, property and finances.

### **3. What information is included in a Capacity Assessment Summary Report?**

The Capacity Assessment Summary Report must explicitly address the person under guardianship's ability to make functional decisions in the areas of health care and maintenance, safety, housing, finances and personal care. It may include tests of the ward's memory, attention, and language depending on the professional completing the Capacity Assessment Summary Report

### **4. Who can complete a Capacity Assessment Summary Report?**

A Capacity Assessment Summary Report must be performed by a licensed professional qualified to determine the current capacity of the person under guardianship such as a medical physician, psychiatrist, nurse practitioner, clinical social worker or other licensed professional qualified by training or experience in the diagnosis, care or treatment of the causes and conditions of incapacity.

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**  
**PROBATE DIVISION**

In re:

\_\_\_\_\_  
\_\_\_\_\_  
INT  
IDD

\_\_\_\_\_  
An Adult

**CAPACITY ASSESSMENT SUMMARY REPORT**  
**[Pursuant to D.C. Code, sec. 21-2045.01]**

**Name of Practitioner:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Email:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**Declaration:**

I have completed this assessment in accordance with the usual and customary standards and practices of my profession. I am of the opinion that (Please select **ONE** option below):

- A. ☐ The ward does **not** have a mental or physical impairment which affects the ward's ability to receive and evaluate information effectively to meet essential physical health, safety, habilitation or therapeutic needs and/or communicate decisions regarding assets, property and finances. I am of the opinion that the ward **does not need a guardian**.
- B. ☐ The ward has a mental or physical impairment, but presently has the capacity to receive and evaluate information effectively to meet essential physical health, safety, habilitation or therapeutic needs and/or communicate decisions regarding assets, property and finances. I am of the opinion that the ward needs assistance available through community supports and **if that assistance is made available then the ward does not need a guardian**. Please indicate type of assistance in comment section.
- C. ☐ The ward has a mental or physical impairment that affects the ward's ability to receive and evaluate information effectively to meet essential physical health, safety, habilitation or therapeutic needs and/or communicate decisions regarding assets, property and finances. I am of the opinion that the ward **needs a guardian**. The ward is impaired to such extent that the ward lacks capacity to take actions necessary to obtain, administer and/or manage (check **ALL** that apply):

- ☐ Routine financial matters
- ☐ Personal care expenses/incidentals
- ☐ Housing/shelter
- ☐ Health care
- ☐ Personal care
- ☐ Safety
- ☐ Selecting a Surrogate decision-maker

Additional Comments (optional):

---



---



---



---

☐ I have included (optional) attachments to this summary report. This report was completed on the \_\_\_\_ day of 20, by \_\_\_\_\_

\_\_\_\_\_  
(Name of Practitioner)

\_\_\_\_\_  
(License Number)

\_\_\_\_\_  
(Signature of Practitioner)

#### Filing Instructions:

Attorneys and members of the Non-Lawyer Guardianship Pilot Project who are serving as guardians must eFile this report, selecting Guardianship Program Capacity Assessment as the document type. Please do not eServe this document on anyone other than the Court. All others have the choice of either eFiling this report or filing it in person or by mail to:

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Probate Division - Office of the Register of Wills  
515 5<sup>th</sup> Street, N.W.  
Washington, D.C. 20001

**5. How do I obtain a Capacity Assessment Summary Report?**

You may wish to ask the person under guardianship's primary medical care provider, mental health provider or by contacting the Medical Director if the person resides in a nursing home, community residence facility, or assisted living facility.

**6. Is there a Capacity Assessment Summary Report Form available for use?**

Yes, a Capacity assessment Summary Report form is available for use by the appropriate licensed professional. The form can be found on the last two pages of this document.

**7. Do I have to use the form provided by the Court?**

No, while it is not mandatory to use the Court's form, it is important that an updated Capacity Assessment Summary Report addresses the person's ability to make functional decisions in the areas of health care and maintenance, safety, housing, finances and personal care.

**8. Can I provide information about the person's medical and/or mental health diagnosis and use it as a Capacity Assessment Summary Report?**

No, a medical or mental health diagnosis does not demonstrate level of capacity. The Capacity Assessment Summary Report must speak specifically to a person's ability to make functional decisions in the areas of health care and maintenance, safety, housing, finances and personal care.

**9. What is an "Updated" Capacity Assessment Summary Report?**

Capacity Assessment Summary Reports completed up to one year before the initiation of the mandatory review will be considered as, "updated."

**10. What is a Notice of Request for Capacity Assessment?**

The Notice of Request for Capacity Assessment may be sent by the Court to remind a guardian of the upcoming expiration of the three year mandatory review cycle. If the Guardian has not already arranged for an updated capacity assessment to be filed, the Notice of Request for Capacity Assessment will serve to alert the guardian that the statutory time for filing an updated capacity assessment is about to expire.

**11. What if I received a Notice of Request for Capacity Assessment but need more time to file?**

An updated capacity assessment is due every three years from the date of appointment if a guardian or successor was appointed in the case on or after January 1, 2015. As the three year anniversary approaches, the guardian should anticipate the need to file an updated capacity assessment for the ward. Notice may also be provided by the Court asking for submission of the capacity assessment within a time certain. If additional time is needed, the guardian should file a motion requesting additional time, advising the Court as to the anticipated date an updated capacity assessment will be filed.

**12. What if there are co-guardians? Which guardian is responsible for obtaining a capacity assessment?**

Both guardians are responsible for obtaining a capacity assessment of the ward, but only one assessment needs to be submitted to the Court. If you are a co-guardian, please consult with your co-guardian to make these arrangements and ensure that a Capacity Assessment Summary Report is filed with the Court.

**13. How do I file a Capacity Assessment Summary Report?**

Attorneys and members of the Non-Lawyer Guardianship Pilot Project who are serving as guardians must eFile this report, selecting Guardianship Program Capacity Assessment as the document type. Please do not eServe this document on anyone other than the Court. All others have the choice of either eFiling this report or filing it in person or by mail to:

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Probate Division - Office of the Register of Wills  
515 5<sup>th</sup> Street, N.W.  
Washington, D.C. 20001