

Definitions

Complaint: A concern that a guardian or conservator is not fulfilling his or her duties to the ward. Submitting a written concern to the Office of the Register of Wills is called “filing a complaint.”

Conservator: A person appointed by the court with the authority and duty to manage the ward’s property on the ward’s behalf.

Estate: The ward’s property.

Examiner: A professional appointed by the court to help determine if a person is incapacitated and needs a guardian.

Fiduciary: A person who has a duty to act for the benefit of another person. A guardian or conservator is a fiduciary for a ward; often the responsibilities of a guardian or conservator are called “fiduciary duties.”

Guardian: A person appointed by the court with the authority and duty to care for a ward.

Petition Post Appointment: A form filed with the court asking for a court order, including an order to remove or change a guardian or conservator.

Visitor: A person appointed by the court to investigate issues related to the ward

Ward: A person who is incapacitated and who has a court-appointed guardian or conservator.

Additional Resources

Guardianship Assistance Program

Provides information and guidance on adult guardianship cases within the Probate Division

Phone: (202) 879-0748

Probate Resource Center

Provides information and assistance on adult guardianships and conservatorships
Wednesdays from 1 p.m. to 5 p.m.

Call (202) 879-9476 to make an appointment

D.C. Superior Court Online Resources

Includes brochures and videos on guardianship and conservatorship, frequently asked questions, and forms.

www.dccourts.gov

Go to *Probate Matters*

Legal Counsel for the Elderly

Legal advice, assistance, and referrals for D.C. residents 60 years of age or older
601 E Street NW, Bldg A. (4th Floor)

Washington, DC 20049

Phone: (202) 434-2120

Brochures (B) and forms (F), available from the D.C. Superior Court website or the Office of the Register of Wills:

Filing a Complaint in an Intervention Proceeding (B)

Now That You’re a Guardian (B)

Now That You’re a Conservator (B)

Petition Post Appointment (F)

Response to Petition Post Appointment (F)

Filing a Complaint Against a Guardian or Conservator



Office of the Register of Wills
Probate Division
515 5th Street, NW, Room 314
Washington, DC 20001
(202) 879-9460

Filing a Complaint Against a Guardian

A guardian's primary duty is to ensure the health and well-being of the ward. A list of specific duties can be found in the *Now That You're A Guardian* brochure from the Office of the Register of Wills. Possible reasons to file a complaint against a guardian include, but are not limited to:

- Allowing the ward to live in unsafe or unhealthy conditions
- Failing to maintain contact (visit or communication) with the ward or care team
- Failing to involve the ward, when appropriate, in decision-making that affects the ward

Filing a Complaint Against a Conservator

A conservator's primary duty is to manage the ward's property in a manner that promotes the best interests of the ward. A list of specific duties can be found in the *Now That You're A Conservator* brochure from the Office of the Register of Wills. Possible reasons to file a complaint against a conservator include, but are not limited to:

- Failing to maintain the ward's property separate from the property of the conservator or others
- Failing to pay the ward's bills
- Failing to communicate with the ward or being unaware of the ward's needs and condition.

There are separate forms you must use to object to fee petitions of guardians or conservators or to conservator accounts or inventories.

Where can I get the form?

Get a copy of the form *Complaint Regarding an Intervention Proceeding* online (www.dccourts.gov, under "Probate Matters") or from the Office of the Register of Wills.

Where can I submit my complaint?

Submit the form to the Office of the Register of Wills at the address listed on the front of this brochure. You can send it by mail or drop it off in person.

Notes on Filing a Complaint

- The complaint is not appropriate if there is an actual emergency regarding the ward.
 - An emergency is when the ward needs immediate care for a medical crisis to avoid further injury, pain or death
 - An emergency is not a disagreement with the guardian or conservator over a course of action they are following
- You do not have to be a relative of the ward to submit a complaint. If you see something that might need the Court's attention, you may consider filing a complaint
- If you file multiple complaints for the purpose of harassing a guardian, conservator, or ward, then the court may place restrictions on your ability to make further filings

Complaint Process

File a complaint with the Office of the Register of Wills¹



The Office reviews the complaint and then recommends further action² to the court



The court may take further action based on the recommendation³

1. The Office will send a receipt for a properly filed complaint. If the complaint is incomplete, you will receive a letter indicating the form must be complete.
2. The Office can recommend that the court take one of the following actions:
 - Direct the guardian or conservator to respond to the complaint
 - Appoint a Visitor or an Examiner
 - Schedule mediation between the parties
 - Hold a hearing, which may result in referring the matter to a law enforcement agency
 - Take no action
3. If the court takes no action, you will receive a notice that no further action is recommended and a copy of a brochure that explains how to file a Petition Post Appointment in case you still want to file something with the Court.