

**FILING FOR GUARDIANSHIP OF THE
ESTATE OF A MINOR (GDN)
IN THE DISTRICT OF COLUMBIA**



**Office of the Register of Wills, Probate Division
515 5th Street, NW, Third Floor
Washington, DC 20001**

All attached forms and documents are available through the division's website:
http://www.dccourts.gov/internet/public/aud_probate/minor.jsf

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Step by Step Guide to Guardianships of Estates of Minors

A guardianship of the estate of a minor (a person who is not yet 18) is begun when a minor who resides in the District of Columbia is to receive an asset, such as an inheritance, the proceeds of an insurance policy, or the settlement of a lawsuit. According to D.C. Code, sec. 21-120, a person may not receive money on behalf of a minor or in satisfaction of a judgment in favor of a minor when the net value is more than \$3,000.00 unless the person has been appointed guardian of the minor.

The petition for guardianship of the minor's estate and other supporting documents are filed with the Probate Division of the Superior Court of the District of Columbia. The forms are located at www.dccourts.gov/internet/public/aud_probate/minor.jsp in the section titled Guardianship of Minor's Estates and are interactive. They can be completed online but must be printed out for filing. A list of the forms required in different situations is included in Section B of this booklet.

When the documents are ready to be filed, the petitioner (i.e., the person asking to be appointed guardian or asking that a guardian be appointed), the minor, and counsel of record, if any, must appear before an Assistant Deputy Register of Wills in the Probate Division for a brief interview so that the forms can be reviewed before filing.

Guardianship proceedings are governed by Chapter 1 of Title 21 of the 2001 edition of the District of Columbia Code, which can be found at <http://dccouncil.us/legislation>. The Probate Division Rules regarding guardianship proceedings are available on the Probate Division website at <http://www.dccourts.gov/internet/documents/SuperiorCourtRulesForTheProbateDivision.pdf>.

After an order of appointment is issued, the guardian must file an inventory listing all the assets of the minor's estate within 90 days and an account once a year, no later than 30 days from the anniversary of the date of the appointment. Information regarding preparation of these filings is contained in the Inventory and Accounting Guide, which can be viewed at http://www.dccourts.gov/internet/legal/aud_probate/brochvideo.jsf

Note that no funds of the minor may be spent without prior Court approval except to pay Court costs of the guardianship, bond premiums for the guardian, and income taxes on the funds of the minor that are under the control of the guardian.

Please be advised that neither the Register of Wills nor any member of her staff is permitted to give legal advice. If help is needed to prepare or complete petitions for guardianship or any other pleadings or papers to be filed in the Probate Division, consult an attorney.

Forms To Be Filed

Parent/Petitioner Seeks To Serve As Guardian

The following original documents must be filed together:

1. Petition for Appointment of Guardian of Estate of a Minor and Proposed Order
2. Bond in the amount of the asset plus interest. See, D.C. Code, sec. 21-115 and SCR-PD 221(d).
3. Consent from any living, no petitioning parent/domestic partner. See, D.C. Code, sec. 20-107 and SCR- PD 221(c).
4. Nomination of Minor if the minor is 14 or older
5. Admonishment

Parent/Petitioner Seeks Appointment of Disinterested Member of the Bar

The following original documents must be filed together:

1. Petition for Appointment of Guardian of Estate of a Minor and Proposed Order
2. Consents from any living, no petitioning parent/domestic partner. See, D.C. Code, sec. 20-107 and SCR- PD 221(c).
3. Nomination of Minor if the minor is 14 or older

Parent/Petitioner Seeks Appointment of a Nominee (Relative, Friend, Attorney, or Other Third Person)

The following original documents must be filed together:

1. Petition for Appointment of Guardian of Estate of a Minor and Proposed Order
2. Bond in the amount of the asset plus interest. See, D.C. Code, sec. 21-115 and SCR-PD 221(d).
3. Consents from any living non petitioning parents/domestic partners or legal guardians, See, D.C. Code, sec 20-107 and SCR-PD 221(c).
4. Nomination of Minor if the minor is 14 or older

Superior Court, Probate Division Rule 221. Appointment of guardian

(a) Petition.

A petition for the appointment of a guardian for an infant or infants shall be typewritten, double spaced, and verified by the petitioner. The petition shall set forth:

(1) The residence, citizenship and freedom from legal disability of the proposed guardian;

(2) The relationship of the proposed guardian to each infant;

(3) By what right the petitioner makes application, and, if the application is not for petitioner's appointment, by what right the proposed guardian may be appointed;

(4) The name, residence and date of birth of each infant;

(5) The names and residence(s) of the parents of each infant and the date of death of any deceased parent;

(6) The nature, location and estimated value of the real and personal property to which the infant is entitled, and the annual rental value of any such real property.

(b) Presence and selection.

Unless the infant's presence is excused for sufficient cause, the infant shall be present at Court when the guardian is appointed, and, if over 14 years of age, shall be entitled to select the proposed guardian.

(c) Written consents of parents, if non-petitioning party, shall be filed with petition for the appointment of a guardian. If unavailable, a summons and copy of the petition shall be served personally on the parent if whereabouts known, in accordance with Civil Rule 4. Otherwise notice by publication may be substituted for personal service in the manner authorized by applicable statute upon the filing of an affidavit evidencing diligent effort to ascertain the parent's whereabouts. The Court, for good cause shown upon the filing of a petition and affidavit, may provide for a different method of giving of notice or waive notice.

(d) The guardian shall file a bond pursuant to *D.C. Code § 21-115* with the Court at the time of the filing of the petition for the appointment of guardian.

(e) Order appointing guardian.

The order of appointment shall state the date of birth of the infant, and, if the infant is over 14 years of age, shall state that the infant was present and selected the guardian, or that such presence was excused.

(f) Accounts.

A guardian shall not dispose of the infant's property or encumber it without prior order of the Court. Vouchers shall be obtained for all disbursements, when practicable, and accurate records of all receipts and disbursements shall be maintained for each infant.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

_____ GDN _____

In re Estate of

Minor

PETITION FOR APPOINTMENT OF GUARDIAN OF ESTATE OF A MINOR

Petitioner asks the Court to appoint the person nominated below as guardian of the estate of this minor, who is under the age of 18.

1. Petitioner

a. Name:

b. Address:

c. Relationship to minor (if any):

2. Nominated guardian if not petitioner

a. Name:

b. Address:

c. Relationship to minor (if any):

3. Minor and family members

a. Minor's name:

Date of birth:

Address:

b. Mother's name (if not petitioner):

Address:

Consent attached:

Yes No

c. Father's name (if not petitioner):

Address:

Consent attached:

Yes No

d. Court-appointed custodian or caretaker (if not petitioner):

Address:

Consent attached:

Yes No

4. Assets to which the minor is entitled

a. Type of asset (e.g., house, life insurance, proceeds of lawsuit):

b. Total amount of assets:

c. If the assets are from a lawsuit, provide the caption of the lawsuit, the case number, and the Court in which the suit is pending:

5. Bond is required and is attached.

6. The Court needs to be made aware of the following other circumstances:

7. A minor who is fourteen or older has the right to nominate a guardian. Is a consent to the appointment of the guardian requested in this petition attached?

Yes No

If the minor is fourteen or older and no consent is attached, state why:

8. If the petitioner is also seeking appointment as guardian, the petitioner hereby affirms that appointment herein will not cause petitioner to be guardian of the estate's of more than 5 minors unless they are members of the same family.

Signature

Typed Name

Address (Actual address/not Post Office Box)

Telephone number

VERIFICATION

I _____, being first duly sworn, on oath, depose and say 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/Deputy

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

_____ GDN _____

In re Estate of

Minor

ORDER

Upon consideration of the Petition for Appointment of Guardian of the Estate of a Minor requesting appointment of _____ as guardian filed herein on _____, 20__ by _____, it appearing to the satisfaction of the Court that said petitioner is entitled to the relief requested and it further appearing that the proposed guardian and the minor personally appeared for an interview in the Office of the Register of Wills, that the proposed guardian was admonished, and that the minor's parents are deceased or consent to the appointment or have been served and have not responded, and that bond of \$_____ has been filed, it is by the Court this _____ day of _____, 20__, hereby

ORDERED that the undertaking heretofore filed in the amount of \$_____ is approved and that _____ is appointed guardian of the estate of _____, a minor, whose date of birth is _____, and it is further

ORDERED that prior to receipt of assets in excess of \$_____, said guardian shall apply to the Court for an additional undertaking in an amount to be fixed by the Court, and it is further

ORDERED that said guardian shall file an acceptance and consent and a nonresident power of attorney, if applicable, within fourteen (14) days of the date hereof if not filed previously.

JUDGE

cc:

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

_____ GDN _____

In re Estate of

Minor

CONSENT

I, _____, the mother/father/domestic partner of
the minor named above, do hereby consent to the appointment of

[] _____

[] a disinterested member of the Bar from the Fiduciary Panel

as guardian of the estate of this minor.

Date

Signature of mother/father/domestic partner

Typed Name

Address (Actual address/not Post Office box)

Telephone number

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

_____ GDN _____

In re Estate of

Minor

NOMINATION OF MINOR

I, _____, the minor named above, being
fourteen or older, do hereby ask the Court

[] to appoint _____

[] to appoint a disinterested member of the Bar from the Fiduciary Panel
as guardian of my estate.

_____ Date

_____ Signature of minor

_____ Typed Name

_____ Address (Actual address/not Post Office box)

_____ Telephone number

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

_____ GDN _____

In re Estate of

Minor

ACCEPTANCE OF GUARDIAN OF ESTATE OF MINOR

I, _____, do hereby accept the duties of the office of guardian of the estate of _____, minor, and consent to jurisdiction in any action instituted in the District of Columbia by any interested person against me as guardian arising from the duties of my office and, if a non-resident, I do hereby irrevocably appoint the Register of Wills and successors in office as the person upon whom all notice and process issued by a competent Court in the District of Columbia may be served with the same effect as personal service in relation to all suits or matters pertaining to the proceeding in which letters of guardianship are issued.

_____ Date

_____ Signature

_____ Typed Name

_____ Address (Actual address/not Post Office box)

_____ Telephone number

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

_____ GDN _____

In re Estate of

Minor

ADMONISHMENT

Proposed guardian interviewed and admonished pursuant to Superior Court, Probate Division Rule 202(e) and Probate Division Rule 223(a) that no fiduciary appointed by this Court shall, without prior Court approval, remove or maintain outside the District of Columbia any assets of the minor held in a fiduciary capacity and that all expenditures from this minor's estate by a fiduciary, except those allowed by statute and Court costs, shall be made only upon prior authorization by the Court.

Proposed guardian

Counsel (if any)

Proposed guardian(s) and minor(s) appeared personally and proposed guardian(s) was admonished.

Register of Wills/Deputy Register of Wills/Assistant Deputy Register of Wills

Date

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

_____ GDN _____

In re Estate of

Minor

BOND

Whereas, by decree of the Superior Court of the District of Columbia, Probate Division, letters of guardianship have been granted to _____ as guardian of the estate of _____ (minor) born on _____, which letters are to issue upon his/her/their giving the undertaking required by law in the maximum sum of _____ dollars,

Now the conditions of this undertaking are, and we, the undersigned _____, guardian to _____, as principal, and _____, as surety, do hereby undertake that the above _____ shall faithfully account to the Court, as required by law, for the management of the property and estate of the minor under his/her/their care and shall also deliver up said property and estate agreeably to the order of the Court or the direction of law and shall in all respects faithfully perform the duty of guardian to the said minor according to law and without injury or damage to any person interested in the same and shall in all things abide by and perform such judgment or decree as the Court may make in the premises.

And we, the said _____, as principal, and _____, as surety, do hereby appear and submit ourselves to the jurisdiction of the Court, and undertake for ourselves and each of us, and each of our heirs, executors, administrators, successors, and assigns in the maximum sum of _____ dollars, to abide by and perform the judgment or decree of the Court in the premises and further agree that upon default by the principal in any of the conditions hereof, the damages may be ascertained in such a manner as the Court shall direct, that the Court may give judgment hereon in favor of any person thereby aggrieved against us as principal and surety for the damages, not exceeding _____ dollars, suffered or sustained by such aggrieved party, and that such judgment may be rendered in the above entitled cause or proceeding against all or any of us whose names are hereto signed, as provided by D.C. Code, 16-601 (2001 ed.).

Witness our hands and seal this _____ day of _____, 20____.

_____ [seal]

Signed, sealed and delivered
in the presence of

_____ [seal]

Approved: _____, 20__

Register of Wills, Clerk of the Probate Division

FILE IN RED (Confidential/Sealed) JACKET

Financial Account Information (Form 27)

Estate of _____
decedent/minor/adult ward/custodian

_____ ADM _____
_____ SEB _____
_____ INT _____
_____ CON _____
_____ GDN _____

Name on Account	Name and Address of Bank/Financial Institution	Account Number

This report will be maintained under seal pursuant to SCR-PD 5.1, recorded in a secure Court database, and available only to authorized Court personnel, unless otherwise included in the public record.

