

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

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

In re

\_\_\_\_\_  
Subject

**PETITION FOR A GENERAL PROCEEDING**

- Appointment of a guardian of an incapacitated individual
  - General                       Limited
  - mental retardation                       mental retardation
  - other                       other
- Appointment of successor guardian
  - General                       Limited
- Appointment of a conservator of a protected individual
  - General                       Limited
- Appointment of a special conservator of a protected individual
- Entry of a protective order

1. Petitioner

a. Name:

\_\_\_\_\_

b. Address:

\_\_\_\_\_

c. 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):

\_\_\_\_\_

\_\_\_\_\_

f. Alleged incapacity

does                       does not arise from mental retardation.

g. A comprehensive evaluation or habilitation plan

does  does not exist.

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. 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

\_\_\_\_\_

\_\_\_\_\_

6. The subject's ability to receive and evaluate information effectively or to communicate decisions is impaired to such an extent that the subject lacks the capacity to take actions necessary to

obtain, administer, dispose of real and personal property, intangible property, business property, benefits, and income  
and/or

provide health care, food, shelter, clothing, personal hygiene and other care without which serious physical injury or illness is more likely than not to occur  
and/or

acquire and maintain those life skills that enable the subject to cope more effectively with the demands of the subject's own person and environment and to raise the level of the subject's physical, intellectual, social, emotional, and economic efficiency or meet all or some essential requirements for the subject's therapeutic needs

without court-ordered assistance  
or

without the appointment of  
 a guardian  
 a conservator

7. Examiner (i.e., attending physician/doctor) familiar with the subject

a. Name:

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b. Address:

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c. Phone:

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d. Report attached

yes  no

e.  Appoint this person as examiner. (Choose this only if: (1) you have discussed this appointment with the examiner and advised him/her of the duties of an examiner, including the need to attend the hearing to be scheduled regarding this petition and the right of the subject to cross examine the examiner in court, (2) he/she is willing to serve, and (3) if the alleged incapacity arises from mental retardation, he/she is a qualified mental retardation professional.)

Appoint another examiner.

Waive appointment of examiner.

8. Visitor (i.e., social worker) familiar with the subject

a. Name:

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b. Address:

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c. Phone:

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d. Report attached  yes  no

e.  Appoint this person as visitor.

Appoint another visitor.

Waive appointment of visitor.

9. 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 this 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*

10. Persons to whom notice will be sent pursuant to D.C. Code, secs. 21-2042 and 21-2402.08 and SCR-PD 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: \_\_\_\_\_

11.  Appointment of a guardian is requested and is necessary to provide continuing care and supervision to the subject and/or
- A protective order should be entered or
- A conservator should be appointed because
- the subject has property that will be wasted or dissipated unless property management is provided, and/or
- money is needed for the support, care, and welfare of the subject, and/or
- money is needed for those entitled to the subject's support, and protection is necessary or desirable to obtain and provide money. The names and addresses of those persons are as follows: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

12. If a protective order or conservator is requested, describe the subject's property with an estimate of the value of that property including any income, insurance, pension, or allowance to which the subject is entitled:

\_\_\_\_\_

13. Bond

- Not required
- Covering all assets of the subject plus one year's income:  
\$ \_\_\_\_\_
- Reduced bond. \$ \_\_\_\_\_ List all assets not covered.  
Those assets cannot be sold, transferred, or encumbered without prior court order.

14. Petitioner asks for temporary relief in accordance with D.C. Code, sec. 21-2044(d) or D.C. Code, sec. 21-2055(b)(1). State exactly what is requested and why. Attach an additional sheet if necessary.

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15. Petitioner asks for the following relief:

- A protective order as follows:

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- Appointment of a
  - Guardian with
    - Statutory powers
    - Greater powers. Specify power sought and legal authority by which court may grant such power.  
\_\_\_\_\_  
\_\_\_\_\_
  - Lesser powers

- Conservator with
  - Statutory powers
  - Greater powers. Specify power sought and legal authority by which court may grant such power.  
\_\_\_\_\_  
\_\_\_\_\_

Lesser powers. Note: This box must be checked if petitioner is asking that bond not include real estate or securities.

\_\_\_\_\_  
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/Deputy

**ACCEPTANCE OF APPOINTMENT AND CONSENT TO PERSONAL JURISDICTION**

I hereby accept the duties of the office of \_\_\_\_\_  
[ ] guardian [ ] conservator  
of \_\_\_\_\_ (subject) and consent to personal jurisdiction in any action begun in the District of Columbia by any interested person against me as guardian and/or conservator arising from the duties of my office and, if I am 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 and/or conservatorship shall issue.

\_\_\_\_\_  
Signature of petitioner if seeking appointment

\_\_\_\_\_  
Telephone number

**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)