

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**  
**SPECIFIC INSTRUCTIONS TO CONSERVATORS**

Upon appointment, a conservator, limited or general, shall act as a fiduciary and observe the standards of care applicable to trustees. Specifically the conservator shall do the following:

(1) Upon appointment, the conservator shall qualify by filing bond (if the Court requires bond) and by filing an *Acceptance and Consent to Jurisdiction* unless the conservator has signed the acceptance and consent at the end of the *Petition for a General Proceeding*. These filings must occur within fourteen (14) days of the date of appointment.

(2) The conservator shall develop an individual conservatorship plan in consultation with the guardian (if any) and, to the maximum extent possible, the ward in accordance with the provisions of D.C. Code, §21-2065(b). The conservatorship plan must be filed within sixty days of the date of the appointment of the conservator.

(3) Implicit in the duties of a conservator charged with the responsibility of expending funds for the care and maintenance of a ward is the need to become or remain personally acquainted with the ward and to maintain sufficient contact to know the ward's capacities, limitations, and needs. This is especially true when no guardian has been appointed. To ensure awareness at all times of the incapacitated ward's needs and condition, it is recommended that the conservator visit the ward. The conservator shall file a change of address promptly if either the ward or the conservator moves.

(4) If there are sufficient funds, the conservator shall ensure that money is available each month for the personal use or incidental needs of the ward. If the ward lives in a nursing home, the conservator may consider contacting the appropriate nursing home officials to establish and fund a 'patient's account' with the home to be used for the monthly purchase of incidental needs of the ward. If the ward is a Medicaid recipient, the conservator shall use such amounts as are allowed by Medicaid regulations for the personal use or incidental needs of the ward.

(5) The conservator shall ensure that funds for the care, support, and maintenance of the ward are paid to the nursing home or other authorized caretaker promptly as due.

(6) Whenever it appears to the conservator that the financial resources of the ward are being depleted and that the protected individual will soon become eligible for Medicaid benefits, the conservator shall make timely application for said benefits to ensure uninterrupted funding for the protected individual's care and maintenance.

(7) If the conservator has reason to believe that the ward is in need of protective services because of abuse or neglect by another, the conservator shall immediately report this belief to Adult Protective Services either orally or in writing. The report shall include the name, age, physical description, and location of the adult alleged to be in need of protective services; the name and location of the person allegedly responsible for the abuse, neglect, or exploitation; the nature and extent of the abuse, neglect, or exploitation; the basis of the reporter's knowledge; and any other relevant information. D.C. Code, sec. 7-1903. Any person required to report who

wilfully fails to do so shall be guilty of a misdemeanor and, upon conviction, subject to a fine not exceeding \$300.00. D.C. Code, sec. 7-1912. For additional information, see the Adult Protective Service website at <http://dhs.dc.gov/dhs/csp/view,a,3,q,492691.asp>.

The above instructions are for guidance only and do not include all the conservator's duties and responsibilities. Individuals serving as conservators shall be governed by all applicable statutory provisions, rules of Court and Court orders issued regarding their wards.

# SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

## CONSERVATORSHIP INFORMATION SHEET

The following information is provided to those individuals appointed as limited or general conservator of an incapacitated individual (ward) but is not intended to be all-inclusive. Individuals appointed as conservators shall be governed by all applicable statutory provisions, rules of court, and Court orders regarding their wards.

### **1. PERMANENT GENERAL CONSERVATOR**

A permanent general conservator is one appointed by the Court and on whom the Court has conferred, without limitation, title to all property of the protected individual (ward) and those powers enumerated in D.C. Code, sec. 21-2070 and sec. 21-2071 (2001 ed.).

### **2. PERMANENT LIMITED CONSERVATOR**

The Court establishes a limited conservatorship (1) by entry of an order specifying that only a part of the property of the ward vests in the conservator or (2) by limiting the powers conferred under D.C. Code, sec. 21-2070 or sec. 21-2071 either at the time of appointment or later.

### **3. SPECIAL CONSERVATOR OR TEMPORARY CONSERVATOR**

The Court may appoint a special conservator to discharge specific arrangements or transactions ordered by the Court (D.C. Code, sec. 21-2056(c)) or a temporary conservator (D.C. Code, sec. 21-2062).

### **4. TITLE BY APPOINTMENT**

The appointment of a conservator vests in the conservator title as trustee to all property of the ward presently held or after acquired or to the property specified in the court order, including title to any property held for the ward by custodians or attorneys in fact.

### **5. QUALIFICATION**

A limited or general conservator qualifies by executing an *Acceptance of Guardian/Conservator* form (unless the conservator signed the acceptance at the end of the *Petition for a General Proceeding*). If bond is required by order of the Court, the conservator must also execute and file a bond in the amount set by the Court to qualify. These filings must occur within fourteen (14) days of the date of appointment.

### **6. APPRAISAL**

A limited or general conservator shall promptly engage the services of a qualified appraiser if the value of the ward's personal property exceeds \$1,000.00. This appraisal is filed as part of the Inventory (see item 12). If the value is estimated as being less than \$1,000.00, the conservator shall file an affidavit setting forth the description and the value of the tangible personal property as part of the Inventory (see item 12). The Court has an appraiser on staff that can be used without cost if available.

## **7. RECORDING LETTERS OF CONSERVATORSHIP**

(a) Letters of conservatorship are evidence of the transfer of all assets (or the part of assets specified in the Letters) of a ward to the conservator. An order terminating a conservatorship is evidence of the transfer of all assets subject to the conservatorship from the conservator to the protected individual or to the personal representative of the individual.

(b) Letters of conservatorship and orders terminating conservatorships shall be filed or recorded in the Office of the Recorder of Deeds so that notice of the transfer of title is on file. The Recorder of Deeds is located at 1101 4<sup>th</sup> Street, S.W., Washington, DC, telephone number 202-727-5374.

## **8. GENERAL DUTY OF CONSERVATOR**

A conservator shall act as a fiduciary and observe the standard of care applicable to trustees in relation to the powers conferred. This duty is implicit in the title acquired by virtue of the proceeding.

## **9. POWERS OF CONSERVATOR**

The powers of a conservator in administration are set forth in D.C. Code, sec. 21-2070 and may be found at [www.dccouncil.washington.dc.us/dcofficialcode](http://www.dccouncil.washington.dc.us/dcofficialcode). The powers conferred are subject to any limitations that the Court may impose at the time of appointment or at a later date.

## **10. DISTRIBUTIVE DUTIES AND POWERS**

The distributive duties and powers of a conservator are set forth in D.C. Code, sec. 21-2071. The distributive duties and powers conferred are subject to any limitations that the Court may impose at the time of appointment or at a later date.

## **11. PETITIONS POST APPOINTMENT**

Application to the Court for an order after the appointment of a conservator shall be by the filing of a verified *Petition Post Appointment* that includes a *Notice of Right to Respond and/or Request an Oral Hearing* and a *Notice of Hearing on Subsequent Petition* in accordance with Superior Court, Probate Division Rule 311, an order appointing counsel, and a proposed order for the Court's signature. The petition shall state specifically what is being requested and why the request is being made and shall include such supplemental information and/or documentation as may be considered appropriate.

## **12. CONSERVATORSHIP PLAN AND INVENTORY**

A conservator, limited or general, shall file a conservatorship plan and a complete inventory of the financial resources of the ward with the Court no later than sixty (60) days from the date of appointment. The forms included on the Probate Division website shall be used. The inventory shall be verified and served by first-class mail upon those individuals listed in Superior Court, Probate Division Rule 329.

## **13. ACCOUNTS AND REPORT OF CONSERVATOR**

(a) Filing: A permanent conservator shall file an account and report:

(1) Annually within thirty (30) days after the anniversary date of the date of appointment.

(2) Within sixty (60) days of (a) the resignation or removal of the conservator, (b) as provided in Superior Court Rules, Probate Division 334, or (c) at such other times as ordered by the Court.

- (b) A temporary conservator shall submit an account and report within sixty (60) days of termination of appointment, but if appointed as permanent conservator, an account shall not be required by the temporary conservator;
- (c) A special conservator appointed pursuant to D.C. Code, sec. 21-2056 shall file a report setting forth all matters done within thirty (30) days of completion of the tasks ordered by the Court and not later than six (6) months after the order of appointment or at such other times as ordered by the Court;
- (d) Other requirements:
- (1) The beginning date of the first account shall be the date of appointment, and the account shall cover one year. All subsequent accounts shall begin on the ending date of the previous account and cover one year.
  - (2) The account shall be typewritten or machine printed on the forms on the Probate Division website;
  - (3) Each account shall have attached a *Report of Conservator*;
- (e) Service: The account and report shall be served on those individuals listed in Superior Court, Probate Division Rule 330(d).

#### **14. SUGGESTION OF DEATH**

Upon the death of the ward, the conservator shall file a *Suggestion of Death* form promptly to notify the Court that the ward has died and must serve a copy on all parties.

#### **15. FINAL ACCOUNT**

Upon death of the ward, the conservator shall file a final account, final report, and petition to terminate the conservatorship (see item 17) within sixty (60) days.

#### **16. RECEIPTS**

Promptly after full distribution and settlement of an estate, the fiduciary shall file with the Register of Wills receipts or canceled checks evidencing final distribution. These should be filed with either the Duty Auditor or the Auditor who audited the final account.

#### **17. TERMINATION OF ESTATE**

Upon death of the ward, the Conservator shall file a petition for termination of the conservatorship, accompanied by the final account and report within sixty (60) days of the ward's death. The conservator may also file a petition for expenditures within thirty (30) days of the ward's death. The hearing on the final account shall be held with the hearing on the petition for termination. Upon entry of an order of termination, the conservator shall file a verified statement evidencing transfer of assets, including receipts of final distribution and checks evidencing any expenditures, within sixty (60) days. If assets cannot be transferred within the sixty (60) days, the conservator shall file a petition to deposit funds into the estates deposit account maintained by the Office of the Register of Wills. (See Superior Court, Probate Division Rule 334(b).)

For termination of conservatorships other than upon death, a petition for termination may be filed, and the Court shall schedule a hearing. The Court thereafter may issue a preliminary order of termination and direct the filing of a final account and report within sixty (60) days. Upon approval of the final account, the Court shall enter a final order of termination. The final order shall provide for expenses of administration and direct the conservator to file a verified statement evidencing transfer of assets to the former ward or other appropriate person as determined by the Court. The conservator shall file the verified statement, together with receipts evidencing final

distribution and vouchers or cancelled checks evidencing any expenditures, within thirty (30) days of the order of termination. (See Superior Court, Probate Division Rule 334(c).)

**17. ADDITIONAL INFORMATION**

(a) The law that applies to conservatorships is D.C. Code, Title 21, Chapter 20.

(b) The court rules that apply to conservatorships established since 1981 are in the 300 series of the Probate Rules.

(c) No attorney fees are to be paid from estate funds unless specifically authorized by order of court after compliance with Superior Court, Probate Division Rule 308.

(d) No conservator shall commingle any estate assets with non-estate assets (i.e., no conservator shall mix any of the ward's assets with assets belonging to anyone else).

**(e) Conservators are hereby notified that any authority granted by the Court to administer funds of the ward terminates upon death of the ward. Upon death of the ward, no further expenditures shall be made.**

(f) Court clerks and staff cannot give legal advice. If legal questions arise, consult an attorney. Neither the Register of Wills nor any member of her staff is permitted to recommend lawyers. If legal help is needed, consider consulting the Lawyer Referral Service of the District of Columbia Bar.