

Rule 105. Procedures for Petitions and Objections

(a) APPLICABILITY.

(1) *Petition.* This rule applies unless the form of a petition is prescribed by a specific rule.

(2) *Objection.* This rule applies when a rule permits the filing of an objection.

(b) CONTENTS OF PETITION OR OBJECTION.

(1) *Required Contents.* The petition or objection must include:

(A) the case caption, which must include:

(i) "Superior Court of the District of Columbia, Probate Division";

(ii) the case name; and

(iii) the case number;

(B) the filer's interest;

(C) a statement of the court action or assistance requested;

(D) the reasons why the court action or assistance requested is necessary or appropriate;

(E) the signature, printed name, address, and telephone number of the filer and, for electronic filers, the information required by any applicable administrative order; and

(F) a certificate of service, listing the names and addresses of the parties and the interested persons in the case and any attorney of record.

(2) *Request for Hearing.* A petition or objection may include a request for a hearing.

(3) *Proposed Order.* A petition or objection must be filed with a separate proposed order that specifically sets out the court action or assistance sought by the filer. Electronic filers must also send a copy of the proposed order by e-mail to the clerk as required by any applicable administrative order.

(c) RESPONSE TO PETITION OR OBJECTION.

(1) *When Permitted.* Any party or interested person may file a response to a petition or objection.

(2) *Timing.* A response must be filed within 14 days after the petition or objection is filed.

(3) *Contents of Response.* Rule 105(b)(1) applies to a response to a petition or objection.

(d) SERVICE OF PETITION, OBJECTION, OR RESPONSE.

(1) *How Served.* Unless otherwise required by a specific statute or rule, a petition or objection, or a response to a petition or objection, must be served on the persons listed in the certificate of service:

(A) by electronic service, to attorneys and persons registered for electronic filing; or

(B) by first class mail or personal service.

(2) *When Served.* Unless otherwise provided by a specific statute or rule, a petition or objection, or a response to a petition or objection, must be served not later than the date on which it is filed.

(e) HEARING ON PETITION OR OBJECTION.

(1) *Setting Hearing.* The court may set a hearing on a petition or an objection in response to a request for hearing or on its own initiative.

(2) *Notice of Hearing.*

(A) *In General.* Except as provided in Rule 105(e)(2)(B), the court must give notice of the hearing under Rule 106.

(B) *Petitions Filed Under D.C. Code § 20-107(b).* For petitions filed under D.C. Code § 20-107(b) (2012 Repl.), the court must notify the personal representative that a hearing on the petition has been set, and the personal representative must serve written notice of the hearing on all interested persons by certified mail or personal delivery at least 10 days prior to the hearing.

(f) DISCOVERY. On request, the court may authorize discovery in accordance with Civil Rules 26 through 37. If the court authorizes discovery, the court must specify the extent of discovery permitted.

COMMENT

For purposes of this rule, “fiduciary” includes a personal representative; guardian, conservator, or special conservator, for an incapacitated adult; guardian of the property of a minor; or court-appointed trustee.