

Rule 208. Proceedings in contested cases.

(a) Commencement of action.

An action to contest a petition for the appointment of a guardian of a minor's estate, custodian of a minor, conservator, committee or trustee or to remove a guardian of a minor's estate, conservator, committee or trustee who has been appointed, to ratify and confirm a contract for the sale of a minor's interest in real estate (pursuant to *D.C. Code § 21-146*), to construe a will after approval of the personal representative's final account, for instructions, to construe, modify, reform or terminate a trust, for instruction or to construe the Uniform Principal and Income Act, to reform an instrument to comply with the statutory rule against perpetuities under *D.C. Code § 19-903* or to declare one dead based on a presumption of death (*D.C. Code § 14-701*), or any other complaint, regarding the guardian of a minor's estate, custodian of a minor, conservator, committee or trustee may be commenced by any party in interest by filing a verified complaint with the Register of Wills. Except as otherwise provided, the procedure in such actions, including service of process, shall be governed by the Superior Court Rules of Civil Procedure, as amended.

(b) Summons.

The Register of Wills shall issue a summons upon the request of the plaintiff in the action. In an action brought pursuant to this Rule to contest a petition for the appointment of, or to remove, a guardian of a minor's estate, custodian of a minor, conservator, committee or trustee, to construe a will after approval of the personal representative's final account, for instructions, or to construe or reform a trust, or to declare one dead based on a presumption of death, the summons shall be directed to all interested persons and all indispensable parties under Civil Rule 19. In any other action against the estate, the summons shall be directed only to the fiduciary thereof and may be directed to others. In such actions against an estate wherein the interested persons are not named parties, the fiduciary thereof shall notify the interested persons of the pendency of the actions and of the right to intervene. The notice shall be provided by first class mail within 20 days of the service of the action; and the fiduciary shall file a certificate reflecting service of the notice at the time of filing a response.

(c) Discovery.

When a complaint is filed pursuant to this Rule, the parties may proceed with discovery pursuant to Civil Rules 26 through 37.

(d) Scheduling and settlement conference.

Within 60 days after a complaint has been filed, the Court shall conduct an initial scheduling and settlement conference pursuant to Civil Rule 16(b).

(e) Other contested matters.

All other contested matters which are not initiated by complaint, including objection to reports or petitions filed with the Court shall be treated as motions pursuant to Civil Rule 12-1 (d) through (n). The Court may permit discovery under this paragraph upon a showing of good cause.