

Rule 224. Duties and compensation of a guardian ad litem in conservatorship proceedings.

(a) Appointment.

When the Court in its discretion appoints a guardian ad litem in a conservatorship proceeding, no person, other than an active member of the District of Columbia Bar, shall be so appointed except for good cause shown.

(b) Duties.

A guardian ad litem shall appear and represent the best interests of the proposed ward and shall answer allegations set forth in the petition by filing a written report with recommendations not less than seventy-two (72) hours prior to the hearing date and shall serve a copy on the petitioner. The guardian ad litem should compile information sufficient to support the conclusions reached in the written report. The guardian ad litem shall:

(1) Investigate the allegations of the petition.

(2) Interview the proposed ward on at least one occasion, if feasible and appropriate. During the course of the interview the guardian shall ascertain, if possible, the views of the proposed ward toward a conservatorship over the ward's person and estate.

(3) Interview such other person or persons including health care providers as may be necessary in the formulation of the report with respect to the necessity for a conservatorship and who should be appointed.

(4) Prepare a written report which shall make recommendations as to whether the petition should be granted, including when applicable, who should be appointed to serve as a conservator and the amount of bond required, if relevant.

(5) Attend the hearing for the appointment of a conservator.

(c) Expansion or limitation of duties.

Nothing in this rule shall preclude the Court from expanding or limiting the duties of the guardian ad litem in any proceeding as may be appropriate.

(d) Termination of appointment.

The guardian ad litem shall serve until disposition by the Court of the petition for appointment of a conservator at which time the guardian shall automatically be discharged, unless discharged by prior Court order. Nothing in this rule, however, shall preclude the Court from considering at an appropriate time an application for fees and expenses of the guardian for services rendered upon proper application to the Court pursuant to subsection (f) of this rule.

(e) Reappointment of guardian ad litem.

As circumstances warrant, the Court may reappoint the guardian ad litem or appoint another member of the Bar to serve as guardian ad litem for a specified purpose at any time during the administration of the conservatorship.

(f) Compensation.

(1) Petition.

Allowance by the Court of compensation to a guardian ad litem shall be made only upon petition supported by a detailed statement of services describing the work undertaken in performing the duties prescribed under subsection (b) of this rule and containing a certification that the written report was filed not less than seventy-two (72) hours prior to the hearing or if not so filed, an explanation for late filing.

(2) Notice.

When a claim is made by a guardian ad litem against any estate, notice need be given only to the conservator unless the Court directs that notice be given to others. When a claim is against a particular party to the suit, notice shall be given to the conservator and to that party and that party's attorney and to such affected persons as the Court may determine. Persons entitled to notice shall have twenty (20) days from the date of mailing of said notice in which to file objections with the Court.

COMMENT:

The appointment of a guardian ad litem under this rule is not intended to preclude the retention by the proposed ward of independent counsel to oppose the petition for conservatorship.

Performance of excessive service is not looked upon with favor. However, if special circumstances exist, such as inadequate records or apparent conflict of interest, the guardian ad litem may consider ascertaining the following:

- (a) Verification of names and addresses of heirs at law and next of kin;
- (b) Names, addresses, and telephone numbers of physicians involved in the care and treatment of the proposed ward, including references to substantive medical and psychological reports and tests, including dates of examination;
- (c) Description of the information obtained from interviews with persons having knowledge of the proposed ward and any other person of importance to the proposed ward, including name, address and telephone number of persons interviewed, the date of the interview, and a summary of the information obtained.

The petition for compensation should ordinarily be filed within sixty (60) days after entry of the order granting or denying appointment of a conservator or disposing of the matter at issue.