

Rule 306. Guardian ad litem; duties and appointment.

(a) Guardian ad litem; members of the bar to be appointed.

Except for special cause shown no person other than a member of the District of Columbia Bar shall be appointed guardian ad litem.

(b) Guardian ad litem for subject of proceeding; petition.

(1) Upon petition of a party, or sua sponte, the Court may appoint a guardian ad litem for the subject of the proceeding.

(2) A notice (Form I-J) prescribed by SCR-PD 311 shall be served with the petition. The petition shall set forth the name, address, and telephone number of any limited guardian, guardian, limited conservator or conservator for the subject of the proceeding, the individuals most closely related to the subject by blood or marriage, and the individual or facility, if any, having custody of the subject. The petition shall set forth the facts and reasons supporting the request and the proposed specific duties of a guardian ad litem. If the appointment of a specific individual is sought, the name, address, telephone number and qualifications of that individual shall be given. The petitioner shall set forth facts to show that because of impaired ability to receive and evaluate information regarding the proceeding, or because of impaired ability to communicate decisions regarding the proceeding, the subject of the proceeding cannot determine the subject's own interests without assistance, and:

(A) No limited guardian or guardian for the individual has been appointed;

(B) The subject's interests and those of the subject's limited guardian or guardian conflict;
or

(C) The appointment is otherwise required in the interests of justice.

(c) Proposed order.

Petitioner shall file with the petition a proposed order substantially in the format of PD Form I-F.

(d) Duties of guardian ad litem.

A guardian ad litem shall assist the individual for whom the guardian ad litem has been appointed to determine the individual's interests in regard to the legal proceedings in which the individual is involved. If the individual is wholly incapable of determining his or her own interests, the guardian ad litem shall make that determination and advise the individual's counsel accordingly. In so doing, a guardian ad litem shall:

(1) Inquire thoroughly into all the circumstances that a prudent individual in the position of the person for whom the guardian ad litem has been appointed would consider in determining his or her interests in the proceedings; and

(2) Encourage the individual whom the guardian ad litem is serving to participate, to the maximum extent of that individual's ability, in all decisions and to act on his or her own behalf on all matters in which he or she is able.

(e) Guardians ad litem for other persons.

Parties to an intervention proceeding or their counsel may apply, in the manner prescribed above, for the appointment of a guardian ad litem to prosecute or defend the interests of an individual other than the subject of a proceeding. If the Court determines that representation of those interests would otherwise be inadequate, it may appoint a guardian ad litem to represent those interests.

(f) Termination of appointment of guardian ad litem.

The Court, as a part of the record of the proceeding, shall set out its reasons for appointing a guardian ad litem, his or her specific duties and when the appointment shall terminate. The appointment of the guardian ad litem shall terminate upon the disposition of the petition for which the guardian ad litem was appointed unless otherwise directed by the Court.