

Rule 323. Procedures in proceedings for appointment of 6-month temporary guardian.

Upon the filing of a petition (Form II-C) pursuant to *D.C. Code § 21-2046(b)*, the Court may appoint a temporary guardian who shall have the powers set forth in the previous order of appointment for a specified period not to exceed 6 months, if it is satisfied that an appointed guardian is not effectively performing duties and that the welfare of the incapacitated individual requires immediate action. Upon the entry of such an order, the authority of any permanent guardian previously appointed by the Court is suspended until the expiration of the period specified in the order. Upon the entry of such an order, the petitioner shall give notice (Form II-P) pursuant to *D.C. Code § 21-2031* within 14 days after the appointment. Within 60 days after the termination of the appointment the temporary guardian shall file a report (Form II-M) with the Court and shall file such other report as the Court may direct.

COMMENT:

This proceeding is intended to be limited to the replacement of an existing guardian who is proven not to be effectively performing duties. The allegations with respect to ineffective performance of duties should be made with specificity. If additional relief is desirable (e.g., the expansion of the existing guardian's powers), a petition should also be filed pursuant to SCR-PD 322.