
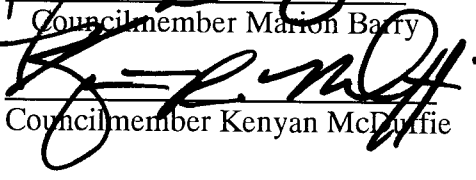



1 
2 Councilmember Marion Barry
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4 Councilmember Kenyan McDuffie
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Councilmember Anita Bonds

6 A BILL
7 _____

8 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
9 _____

10 Councilmember Anita Bonds introduced the following bill, which was referred to the
11 Committee on _____.

12
13 To amend Title 21 of the District of Columbia Official Code to protect the well-being of
14 incapacitated individuals from unreasonable confinement or involuntary seclusion
15 by temporary, limited, and general guardians, to require all individuals seeking to
16 be appointed as a guardian or conservator to submit and pay for a District of
17 Columbia and national criminal history record check that uses a fingerprint card,
18 to require all individuals seeking to be appointed as a guardian or conservator to
19 file a statement with the court indicating whether the nominee has been convicted
20 of, pled nolo contendere to, or received a deferred sentence for a felony or
21 misdemeanor, to require the courts to limit the duration of any limited
22 guardianship order to no more than three years and general guardianship order to
23 no more than five years and have the party seeking guardianship to initiate a new
24 petition based on clear and convincing evidence on the need for a guardianship
25 order.
26

27 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

28 That this act may be cited as the "Limitations of Guardianship Amendment Act of 2014".

29 Sec. 2. Section § 21-2407.01 of the District of Columbia Official Code is
30 amended by adding a new paragraph (7) to read:

31 "(7) To impose unreasonable confinement or involuntary seclusion, including but
32 not limited to forced separation from other persons against his or her will, including the
33 restriction of the ward from receiving phone calls and mail, on the direction of any legal
34 representative."

1 Sec. 3. Section § 21-2043 of the District of Columbia Office Code is amended by
2 adding the new subsections (f), (g), (h), (i) to read:

3 “(f) No individual shall be appointed as a paid professional guardian or
4 conservator of an incapacitated person unless the proposed paid professional guardian or
5 conservator has submitted to, and paid for, a District of Columbia and national criminal
6 history record check that uses a fingerprint card. The clerk of the court shall obtain
7 fingerprint cards from the Federal Bureau of Investigation and make them available to
8 prospective guardians and conservators. The results of the fingerprint card criminal
9 history record check shall be forwarded to the clerk of the court, who shall maintain the
10 results in the file of the guardian or conservator and make the results available to the
11 court.

12 (g) All other individuals seeking to be appointed as a guardian or conservator
13 shall file a statement with the court indicating whether the nominee has been convicted
14 of, pled nolo contendere to, or received a deferred sentence for a felony or misdemeanor,
15 and, if so, the name of the state and court issuing the order.

16 (h) It is presumed to be not in the best interests of a ward or incapacitated person
17 to appoint as guardian or conservator a person who has been convicted of:

18 (1) any sexual offense, including sexual assault, aggravated sexual assault,

19 and prohibited sexual conduct;

20 (2) aggravated assault;

21 (3) injury to a child, elderly individual, or disabled individual; or

22 (4) fraud or theft.

23 (i) Under the best interests determination, the court shall consider the following:

- 1 (1) nature of the offense;(2) date of the offense;
- 2 (3) evidence of the rehabilitation of the proposed guardian or conservator;
- 3 (4) prior relationship, if any, to the proposed ward.”

4 Sec. 4. Section § 21-2044 of the District of Columbia Official Code is amended
5 by adding a new paragraph (c) to read:

6 “(c) The court shall limit the duration of any limited guardianship order to no
7 more than 3 years and any general guardianship order to no more than 5 years. At the
8 time of the order’s expiration, the court shall convene a new hearing pursuant to § 21-
9 2044. The party seeking guardianship must initiate a new petition for guardianship and
10 prove by clear and convincing evidence the need for a guardianship order. The court may
11 order a guardianship identical to the prior order, modify the prior guardianship order in
12 some manner, or reject guardianship.”

13 Sec. 5. Fiscal impact statement.

14 The Council adopts the fiscal impact statement in the committee report as the
15 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
16 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
17 206.02(c)(3)).

18 Sec. 6. Effective date.

19 This act shall take effect following approval by the Mayor (or in the event of veto
20 by the Mayor, action by the Council to override the veto), a 30-day period of
21 Congressional review as provided in section 602(c)(1) of the District of Columbia Home
22 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
23 206.02(c)(1)), and publication in the District of Columbia Register.