

NOTICE OF SUSPENSION OF MANDATORY VISITATION


It is the Probate Division's highest priority to ensure the health, safety and welfare of the vulnerable persons whom the Division serves and of the Guardians and Conservators who provide support to those individuals. Out of concern over the spread of COVID-19 (also known as the "Coronavirus") and the particular risk it poses to many ill and elderly persons, several nursing homes and assisted living facilities in the District of Columbia metropolitan area have instituted certain visitation restrictions. Judges' Chambers have received many inquiries from Guardians about how they may satisfy their duty under D.C. Code §21-2043(e)(2) to conduct in-person monthly visits with Wards in view of such restrictions.

Given such visitation restrictions by certain care facilities, and concerns generally about the spread of the virus, effective immediately and until further notice, Guardians will not be required to file a petition post-appointment to modify visitation pursuant to SCR-PD 322. Rather, in balancing a Guardian's duty of continued monitoring and care of Wards with ensuring the health of both the Wards and the Guardians, Guardians should feel free to suspend temporarily their monthly in-person visitation obligations. Each Guardian should notify the Court of any visitation modifications in the following manner:

If a facility has announced a restriction on visitations, Guardians should attach the announcement to their bi-annual guardianship reports. Any guardianship report with such attachment should also include a brief explanation why the in-person monthly visit was suspended, the duration of the suspension, and what alternative methods were employed to maintain regular and reasonable contact with the Ward consistent with D.C. Code §21-2047(a)(1).

If a guardianship report is not due within five months of the date of this notice and a facility has not established or announced a policy restricting visitation, Guardians may file a praecipe with the Court. The praecipe should explain why the Guardian deemed it necessary to suspend monthly visitations, provide the duration of the suspension, and detail alternative methods the Guardian employed to maintain regular and reasonable contact with the Ward.

Thank you for your cooperation as we work to confront the challenge that COVID-19 presents to our community.


Judge Alfred S. Irving, Jr.
Presiding Judge, Probate Division