

Rule 309. Irregularities, delinquencies, insufficiencies, defaults and orders to show cause.

(a) Removal after warning.

Whenever the Register of Wills finds an irregularity or default in the administration of an intervention proceeding, the Register of Wills shall promptly notify the fiduciary responsible that unless the irregularity or default is corrected forthwith, the fiduciary may be removed from office. If the irregularity or default is not remedied, the Register of Wills shall report it to the Court which, after notice to the fiduciary and a hearing, may either remove the fiduciary and appoint a successor pursuant to *D.C. Code § 21-2049(c)* and/or *§ 21-2061* or excuse the irregularity or default or take other appropriate action.

(b) Removal without warning.

In extraordinary cases, the Court, either sua sponte or at the request of the Register of Wills, may order a summary hearing without giving the fiduciary prior notice or opportunity to correct an irregularity or default. After such hearing, the Court may take any appropriate action including excusing the irregularity or default.

(c) Show cause.

The Court, sua sponte or upon motion of the Register of Wills, may issue an order to show cause why any action should not be taken in proceedings subsequent to the appointment of a guardian or conservator, including proceedings to limit powers or remove or modify limitations on the powers of a guardian or conservator; to accept resignation of or remove a guardian or conservator; to object to or modify a guardianship report or conservatorship plan; and proceedings with respect to the administration of a conservatorship or guardianship.

(d) Notice.

Notice of any hearing held pursuant to this Rule shall be sent by first class mail to the address of record of the fiduciary, counsel of record, all parties, those entitled to participate and those who filed an effective request for notice.