
By: Delegates O'Donnell, M. Burns, Finifter, and R. Baker

Introduced and read first time: January 26, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Guardians of the Person - Authorization of Medical Procedures - Adult Grandchildren**

3 FOR the purpose of adding a guardian who is also the adult grandchild of a disabled
4 person to the list of guardians whom a court may authorize to make a decision
5 regarding certain medical procedures without further court authorization; and
6 generally relating to the powers of a guardian of a disabled person.

7 BY repealing and reenacting, with amendments,
8 Article - Estates and Trusts
9 Section 13-708(c)
10 Annotated Code of Maryland
11 (1991 Replacement Volume and 1995 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Estates and Trusts**

15 13-708.

16 (c) (1) Notwithstanding the powers conferred to a guardian under subsection
17 (b)(8) of this section, and except as provided in paragraph (2) of this subsection, where a
18 medical procedure involves, or would involve, a substantial risk to the life of a disabled
19 person, the court must authorize a guardian's consent or approval for:

20 (i) The medical procedure;

21 (ii) Withholding the medical procedure; or

22 (iii) Withdrawing the medical procedure that involves, or would
23 involve, a substantial risk to the life of the disabled person.

24 (2) The court may, upon such conditions as the court considers appropriate,
25 authorize a guardian to make a decision regarding medical procedures that involve a
26 substantial risk to life without further court authorization, if:

27 (i) The disabled person has executed an advance directive in
28 accordance with Title 5, Subtitle 6 of the Health - General Article that authorizes the

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1 guardian to consent to the provision, withholding or withdrawal of a medical procedure
2 that involves a substantial risk to life but does not appoint a health care agent; or

3 (ii) The guardian is also the disabled person's spouse, adult child,
4 parent, [or] adult brother or [sister] SISTER, OR ADULT GRANDCHILD.

5 (3) A petition seeking the authorization of a court that a life-sustaining
6 procedure be withheld or withdrawn is subject to the provisions of §§ 13-711 through
7 13-713 of this subtitle.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 1996.