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**By: Senators Teitelbaum and Sfikas**

Introduced and read first time: January 31, 1996

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Powers of Attorney - Attorneys in Fact - Disclosure of Records**

3 FOR the purpose of requiring an attorney in fact or agent of a principal to disclose  
4 certain actions and make available certain records on request of persons interested  
5 in the welfare of the principal; allowing a person interested in the welfare of the  
6 principal to file a petition in circuit court to make the attorney in fact or agent  
7 accede to a certain request; defining a certain term; and generally relating to the  
8 disclosure of actions and records by an attorney in fact or agent.

9 BY adding to

10 Article - Estates and Trusts  
11 Section 13-604  
12 Annotated Code of Maryland  
13 (1991 Replacement Volume and 1995 Supplement)

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

16 **Article - Estates and Trusts**

17 13-604.

18 (A) IN THIS SECTION, "PERSON INTERESTED IN THE WELFARE OF THE  
19 PRINCIPAL" INCLUDES:

20 (1) AN ADULT PARENT, BROTHER, SISTER, AND CHILD, OR OTHER  
21 DESCENDANT OF THE PRINCIPAL;

22 (2) THE SPOUSE OR SURVIVING SPOUSE OF THE PRINCIPAL; AND

23 (3) THE SPOUSE OF A CHILD OF THE PRINCIPAL.

24 (B) ON WRITTEN REQUEST FROM A PERSON INTERESTED IN THE WELFARE  
25 OF THE PRINCIPAL, AN ATTORNEY IN FACT OR AGENT WHO IS DESIGNATED BY A  
26 PRINCIPAL UNDER § 13-601 OF THIS SUBTITLE:

27 (1) SHALL DISCLOSE THE ACTIONS THE ATTORNEY IN FACT OR AGENT  
28 HAS TAKEN ON BEHALF OF THE PRINCIPAL WITHIN 2 YEARS BEFORE THE DATE OF  
29 THE REQUEST; AND

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1                   (2) UNLESS SPECIFICALLY PROHIBITED BY THE INSTRUMENT UNDER  
2 WHICH THE ATTORNEY IN FACT OR AGENT ACTS, SHALL ALLOW REASONABLE  
3 INSPECTION OF THE FOLLOWING INFORMATION CONCERNING THE PERIOD WITHIN  
4 2 YEARS BEFORE THE DATE OF THE REQUEST:

5                   (I) RECORDS CONCERNING THE ACTIONS TAKEN BY THE  
6 ATTORNEY IN FACT OR AGENT;

7                   (II) TAX RETURNS, BANK STATEMENTS, AND OTHER FINANCIAL  
8 RECORDS OF THE PRINCIPAL; AND

9                   (III) THE NAME AND ADDRESS OF EACH PHYSICIAN, THERAPIST,  
10 HOSPITAL, NURSING CARE FACILITY, OR OTHER PROVIDER OR FACILITY THAT HAS  
11 PROVIDED HEALTH CARE TO THE PRINCIPAL.

12                  (C) IF AN ATTORNEY IN FACT OR AGENT DOES NOT ACCEDE TO A REQUEST  
13 ALLOWED UNDER SUBSECTION (A) OF THIS SECTION, A PERSON INTERESTED IN THE  
14 WELFARE OF THE PRINCIPAL MAY SEEK AN ORDER COMPELLING DISCOVERY:

15                  (1) IN THE CIRCUIT COURT OF THE COUNTY IN WHICH THE ATTORNEY  
16 IN FACT OR AGENT RESIDES OR HAS A PRINCIPAL PLACE OF EMPLOYMENT; OR

17                  (2) IF THE ATTORNEY IN FACT OR AGENT IS NOT A RESIDENT OF THE  
18 STATE, IN ANY COURT IN WHICH A DETERMINATION OF INCOMPETENCY,  
19 INCAPACITY, OR IMPAIRMENT OF THE PRINCIPAL IS AUTHORIZED.

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