

(PRE-FILED)

By: Chairman, Judicial Proceedings Committee (Departmental - Human Resources)

Requested: September 11, 1996

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Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: January 15, 1997

CHAPTER ____

1 AN ACT concerning

2 **Guardian of the Person - Delegation of Authority**

3 FOR the purpose of authorizing directors of local departments of social services to
4 delegate guardian of the person responsibilities to staff persons registered with the
5 court; and generally relating to guardianship of disabled persons.

6 BY repealing and reenacting, with amendments,
7 Article - Estates and Trusts
8 Section 13-707(a)
9 Annotated Code of Maryland
10 (1991 Replacement Volume and 1996 Supplement)

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

13 **Article - Estates and Trusts**

14 13-707.

15 (a) Persons are entitled to appointment as guardian of the person according to
16 the following priorities:

17 (1) A person, agency, or corporation nominated by the disabled person if
18 the disabled person was 16 years old or older when the disabled person signed the
19 designation and, in the opinion of the court, the disabled person had sufficient mental
20 capacity to make an intelligent choice at the time the disabled person executed the
21 designation;

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1 (2) A health care agent appointed by the disabled person in accordance with
2 Title 5, Subtitle 6 of the Health - General Article;

3 (3) The disabled person's spouse;

4 (4) The disabled person's parents;

5 (5) A person, agency, or corporation nominated by the will of a deceased
6 parent;

7 (6) The disabled person's children;

8 (7) Adult persons who would be the disabled person's heirs if the disabled
9 person were dead;

10 (8) A person, agency, or corporation nominated by a person caring for the
11 disabled person;

12 (9) Any other person, agency, or corporation considered appropriate by the
13 court;

14 (10) For adults less than 65 years old, the director of the local department of
15 social services or, for adults 65 years old or older, the director of the State Office on
16 Aging or area agency on aging, except in those cases where the department of social
17 services has been appointed guardian of the person prior to age 65. Directors of LOCAL
18 DEPARTMENTS OF SOCIAL SERVICES AND area agencies on aging, upon appointment as
19 guardian, may delegate responsibilities of guardianship to staff persons whose names and
20 positions have been registered with the court.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 1997.