
By: **Delegates Dembrow, Boschert, Turner, O'Donnell, Hutchins, and Grosfeld**

Introduced and read first time: February 4, 1999
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 2, 1999

CHAPTER _____

1 AN ACT concerning

2 **Estates and Trusts - Petition for Guardianship of Disabled Person -**
3 **Certificates of Competency**

4 FOR the purpose of requiring a petitioner for guardianship of a disabled person to
5 submit with the petition a certain combination of certificates of competency;
6 requiring that at least one examination or evaluation by a health care
7 professional who signs and verifies a certificate of competency occur within a
8 certain period before filing the petition; providing for the application of this Act;
9 and generally relating to the certificates of competency submitted with a
10 petition for guardianship of a disabled person.

11 BY repealing and reenacting, with amendments,
12 Article - Estates and Trusts
13 Section 13-705(c)
14 Annotated Code of Maryland
15 (1991 Replacement Volume and 1998 Supplement)

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

18 **Article - Estates and Trusts**

19 13-705.

20 (c) (1) Procedures and venue in these cases shall be as described by Title 10,
21 Chapters 100 and 200 of the Maryland Rules.

1 (2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS
2 SUBSECTION, A PETITION FOR GUARDIANSHIP OF A DISABLED PERSON SHALL
3 INCLUDE SIGNED AND VERIFIED CERTIFICATES OF COMPETENCY FROM THE
4 FOLLOWING HEALTH CARE PROFESSIONALS:

5 (I) TWO LICENSED PHYSICIANS WHO HAVE EXAMINED THE
6 DISABLED PERSON; OR

7 (II) ONE LICENSED PHYSICIAN WHO HAS EXAMINED THE DISABLED
8 PERSON AND ONE LICENSED PSYCHOLOGIST WHO HAS EVALUATED THE DISABLED
9 PERSON.

10 (3) AN EXAMINATION OR EVALUATION BY AT LEAST ONE OF THE
11 HEALTH CARE PROFESSIONALS UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL
12 OCCUR WITHIN 21 DAYS BEFORE FILING A PETITION FOR GUARDIANSHIP OF A
13 DISABLED PERSON.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
15 construed only prospectively and may not be applied or interpreted to have any effect
16 on or application to a petition for guardianship of a disabled person filed before the
17 effective date of this Act.

18 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
19 effect October 1, 1999.