

SENATE BILL 43

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2000 Regular Session
0lr0084

(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (Departmental - Aging)**

Requested: November 3, 1999

Introduced and read first time: January 12, 2000

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of authorizing the Secretary of Aging to delegate responsibilities as
4 guardian of the person to staff persons registered with the court; and generally
5 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 1999 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;

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

24 (3) The disabled person's spouse;

25 (4) The disabled person's parents;

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

3 (6) The disabled person's children;

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

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

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

10 (10) For adults less than 65 years old, the director of the local department
11 of social services or, for adults 65 years old or older, the Secretary of Aging or the
12 director of the area agency on aging, except in those cases where the department of
13 social services has been appointed guardian of the person prior to age 65. [Directors]
14 UPON APPOINTMENT AS GUARDIAN, DIRECTORS of local departments of social
15 services, DIRECTORS OF [and] area agencies on aging, AND THE SECRETARY OF
16 AGING [upon appointment as guardian,] may delegate responsibilities of
17 guardianship to staff persons whose names and positions have been registered with
18 the court.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
20 effect October 1, 2000.