

SENATE BILL 43

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2000 Regular Session  
0lr0084

(PRE-FILED)

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

Requested: November 3, 1999

Introduced and read first time: January 12, 2000

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 1, 2000

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CHAPTER \_\_\_\_\_

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;

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

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