

HB0109/886781/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 109  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 3 and 4, strike “in a proceeding” and substitute “incurred in bringing a petition”; in line 5, after “circumstances;” insert “requiring the court to consider certain factors before ordering the payment; requiring the court to deny a certain petition for certain attorney’s fees under certain circumstances; prohibiting the court from awarding certain attorney’s fees under certain circumstances;”; in line 6, after “in” insert “the court registry or”; and in the same line, after “circumstances;” insert “prohibiting a court from requiring the deposit of a certain sum of money in the court registry or a certain attorney’s escrow account under certain circumstances;”.

AMENDMENT NO. 2

On page 1, in line 22, strike the colon.

On page 2, strike beginning with “(I)” in line 1 down through the first bracket in line 4; in line 4, strike “] DIRECTING”; after line 7, insert:

**“(C) (1) ON THE FILING OF A PETITION FOR ATTORNEY’S FEES MADE IN REASONABLE DETAIL BY AN INTERESTED PERSON OR AN ATTORNEY EMPLOYED BY THE INTERESTED PERSON, THE COURT MAY ORDER REASONABLE AND NECESSARY ATTORNEY’S FEES INCURRED IN BRINGING A PETITION FOR APPOINTMENT OF A GUARDIAN OF THE PERSON OF A DISABLED PERSON TO BE PAID FROM THE ESTATE OF THE DISABLED PERSON.**

**(2) BEFORE ORDERING THE PAYMENT OF ATTORNEY’S FEES UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COURT SHALL CONSIDER:**

(Over)

(I) THE FINANCIAL RESOURCES AND NEEDS OF THE DISABLED PERSON; AND

(II) WHETHER THERE WAS SUBSTANTIAL JUSTIFICATION FOR THE FILING OF THE PETITION FOR GUARDIANSHIP.

(3) ON A FINDING BY THE COURT OF AN ABSENCE OF SUBSTANTIAL JUSTIFICATION FOR BRINGING THE PETITION FOR GUARDIANSHIP, THE COURT SHALL DENY A PETITION FOR ATTORNEY'S FEES FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(4) THE COURT MAY NOT AWARD ATTORNEY'S FEES UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE PETITION FOR GUARDIANSHIP IS BROUGHT BY:

(I) A GOVERNMENT AGENCY PAYING BENEFITS TO THE DISABLED PERSON;

(II) A LOCAL DEPARTMENT OF SOCIAL SERVICES; OR

(III) AN AGENCY ELIGIBLE TO SERVE AS THE GUARDIAN OF THE DISABLED PERSON UNDER § 13-707 OF THIS SUBTITLE.”;

in line 12, after “THE” insert “COURT REGISTRY OR THE APPOINTED”; in line 13, strike “15” and substitute “30”; in the same line, after the first “THE” insert “ORDER OF”; in the same line, after “APPOINTMENT” insert “HAS BEEN ENTERED”; and after line 16, insert:

“(III) THE COURT MAY NOT REQUIRE THE DEPOSIT OF AN APPROPRIATE SUM INTO THE COURT REGISTRY OR THE APPOINTED ATTORNEY’S

ESCROW ACCOUNT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IF PAYMENT FOR THE SERVICES OF THE COURT-APPOINTED ATTORNEY FOR THE ALLEGED DISABLED PERSON IS THE RESPONSIBILITY OF:

1. A GOVERNMENT AGENCY PAYING BENEFITS TO THE DISABLED PERSON;
2. A LOCAL DEPARTMENT OF SOCIAL SERVICES; OR
3. AN AGENCY ELIGIBLE TO SERVE AS THE GUARDIAN OF THE DISABLED PERSON UNDER § 13-707 OF THIS SUBTITLE.”.