

SENATE BILL 556

N2

7lr0878

By: **Senator Bates**

Introduced and read first time: February 1, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Guardianship of a Disabled Person – Visitation and**
3 **Notification**

4 FOR the purpose of authorizing a court to order visitation for certain interested parties
5 eligible to be appointed as a guardian of a person; authorizing a court to identify a
6 certain interested party entitled to visitation in the order of appointment; providing
7 that the identification of a certain interested party in the order does not limit
8 visitation by other certain interested parties; requiring a guardian of the person to
9 notify certain interested parties within a certain time period after certain events;
10 requiring certain notifications to be made in a certain manner; defining certain
11 terms; and generally relating to guardianships of disabled persons.

12 BY adding to
13 Article – Estates and Trusts
14 Section 13–705.1 and 13–708.1
15 Annotated Code of Maryland
16 (2011 Replacement Volume and 2016 Supplement)

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

19 **Article – Estates and Trusts**

20 **13–705.1.**

21 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
22 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) (I) “INTERESTED PARTY” MEANS A PERSON, AN AGENCY, OR A**
2 **CORPORATION ELIGIBLE TO BE APPOINTED AS GUARDIAN OF THE PERSON UNDER §**
3 **13-707(A)(1) THROUGH (9) OF THIS SUBTITLE.**

4 **(II) “INTERESTED PARTY” DOES NOT INCLUDE AN INDIVIDUAL**
5 **DESCRIBED IN § 13-707(A)(10) OF THIS SUBTITLE.**

6 **(3) “VISITATION” MEANS IN-PERSON VISITATION AND ANY ORAL OR**
7 **WRITTEN COMMUNICATION, INCLUDING TELEPHONE CALLS, E-MAIL, AND**
8 **PERSONAL MAIL.**

9 **(B) ON THE FILING OF A PETITION FOR VISITATION MADE BY AN**
10 **INTERESTED PARTY, THE COURT MAY ORDER VISITATION.**

11 **(C) (1) IF THE COURT GRANTS A PETITION FOR VISITATION MADE UNDER**
12 **SUBSECTION (B) OF THIS SECTION, THE COURT MAY IDENTIFY THE INTERESTED**
13 **PARTY ENTITLED TO VISITATION IN THE COURT’S ORDER OF APPOINTMENT.**

14 **(2) THE IDENTIFICATION OF AN INTERESTED PARTY IN THE ORDER**
15 **OF APPOINTMENT MAY NOT LIMIT VISITATION BY OTHER INTERESTED PARTIES.**

16 **(D) PROCEDURES AND VENUE IN THESE CASES SHALL BE IN ACCORDANCE**
17 **WITH TITLE 10, CHAPTERS 100 AND 200 OF THE MARYLAND RULES.**

18 **13-708.1.**

19 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
20 **INDICATED.**

21 **(2) “EMERGENCY CONTACT” MEANS AN INDIVIDUAL DESIGNATED BY**
22 **A DISABLED PERSON TO BE NOTIFIED UNDER THIS SECTION.**

23 **(3) “HEALTH CARE FACILITY” MEANS:**

24 **(I) AN ASSISTED LIVING PROGRAM;**

25 **(II) A HOSPICE;**

26 **(III) A HOSPITAL; OR**

27 **(IV) A NURSING HOME.**

1 **(4) “INTERESTED PARTY” HAS THE MEANING STATED IN § 13-705.1**
2 **OF THIS SUBTITLE.**

3 **(B) THE GUARDIAN OF THE PERSON OF A DISABLED PERSON SHALL NOTIFY**
4 **THE DISABLED PERSON’S EMERGENCY CONTACT AND EACH INTERESTED PARTY FOR**
5 **WHOM THE GUARDIAN HAS CONTACT INFORMATION:**

6 **(1) NO LATER THAN 72 HOURS AFTER THE DISABLED PERSON IS:**

7 **(I) ADMITTED TO A HEALTH CARE FACILITY; OR**

8 **(II) MOVED TO A NEW HEALTH CARE FACILITY OR RESIDENCE;**

9 **(2) AS SOON AS POSSIBLE BUT NO LATER THAN 24 HOURS AFTER THE**
10 **DISABLED PERSON DIES; AND**

11 **(3) NO LATER THAN 24 HOURS AFTER THE DISABLED PERSON’S**
12 **FUNERAL ARRANGEMENTS OR FINAL RESTING PLACE HAS BEEN DETERMINED.**

13 **(C) NOTIFICATION UNDER THIS SECTION SHALL BE MADE:**

14 **(1) BY TELEPHONE; AND**

15 **(2) IN WRITTEN FORM BY AN E-MAIL OR A TEXT MESSAGE.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2017.