

Department of Legislative Services
 Maryland General Assembly
 2020 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1471 (Delegate Bridges, *et al.*)
 Health and Government Operations

Guardianship of Disabled Persons - Delegation of Responsibilities - Limitation

This bill prohibits a director of a local department of social services, the Secretary of Aging, or a director of an area agency on aging, from delegating responsibilities in guardianship of the person cases to a designated staff member if the delegation results in the staff member being responsible for the guardianship of more than 26 individuals.

Fiscal Summary

State Effect: General fund expenditures increase by at least \$907,700 in FY 2021, reflecting costs of additional local department of social services personnel in the State’s larger jurisdictions; future years reflect annualization and ongoing costs. General fund expenditures may increase further to the extent personnel or funding needs increase for the Maryland Department of Aging (MDOA). Revenues are not affected.

(in dollars)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	907,700	1,090,800	1,116,500	1,154,000	1,192,800
Net Effect	(\$907,700)	(\$1,090,800)	(\$1,116,500)	(\$1,154,000)	(\$1,192,800)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local government expenditures may increase, as discussed below. Local revenues are not directly affected. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law: Section 13-705 of the Estates and Trusts Article establishes the process for the appointment of a guardian of the person for a disabled person. On petition and after any notice or hearing prescribed by law or the Maryland Rules, a court may appoint a guardian of the person of a disabled person. A guardian of the person must be appointed if the court determines from clear and convincing evidence that specified conditions are satisfied.

Statute specifies priorities of persons entitled to appointment as guardian of the person. At the end of the prioritized list of persons entitled to appointment, are (1) for adults younger than age 65, the director of the local department of social services or (2) for adults age 65 or older, the Secretary of Aging or the director of the area agency on aging, except where the department of social services has been appointed guardian of the person before age 65.

Upon appointment, directors of local departments of social services, directors of area agencies on aging, and the Secretary of Aging are authorized to delegate responsibilities of guardianship to staff whose names and positions have been registered with the court. There is no existing limitation in statute on the number of guardianship cases an individual staff person may be assigned.

State Expenditures: General fund expenditures increase by at least \$907,709 in fiscal 2021, which accounts for the bill's October 1, 2020 effective date. This estimate reflects the costs of hiring nine social workers and three social worker supervisors to handle guardianship cases in local departments of social services. The estimate is based on (1) data provided by DHS showing the numbers of guardianship cases per staff person in the local departments of social services in Baltimore City and Anne Arundel, Baltimore, Howard, Montgomery, and Prince George's counties and (2) the number of additional staff needed to reduce those numbers to not more than 26 guardianship cases per staff person. The estimate includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

The estimate does not include any expenditures MDOA may incur, to the extent the department may need (1) to hire additional personnel to assume responsibility for guardianship cases currently handled by area agencies on aging that are beyond the 26 guardianship cases per staff person limit or (2) increase State funding for area agencies on aging to hire additional personnel. To the extent additional personnel/funding is needed by MDOA, general fund expenditures increase by a greater amount than the minimum identified in this estimate.

Positions	12
Salaries and Fringe Benefits	\$820,814
Operating Expenses	<u>86,895</u>
Minimum FY 2021 State Expenditures	\$907,709

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses.

Local Fiscal Effect: Local government expenditures may increase to the extent that area agencies on aging need to hire additional personnel and the cost of those personnel is not covered by State or other funding. Of a small number of local jurisdictions contacted, Baltimore City and Prince George’s County indicate that their staff currently handle more than 26 guardianships per person and, therefore, need to hire additional staff under the bill (unless guardianship cases over the limit are assumed by MDOA). In Anne Arundel, Howard, and Montgomery counties, however, the ratio is less than 26 guardianships per staff person.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Department of Aging; Judiciary (Administrative Office of the Courts); Register of Wills; Maryland Department of Disabilities; Department of Human Services; Baltimore City; Anne Arundel, Howard, Montgomery, and Prince George’s counties; Department of Legislative Services

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Analysis by: Donovan A. Ham

Direct Inquiries to:
(410) 946-5510
(301) 970-5510