



# MARYLAND DEVELOPMENTAL DISABILITIES COALITION

Dedicated to the rights and quality of life for people with developmental disabilities in Maryland

## House Health and Government Operations Committee House Bill 903: Task Force to Study the Maryland Public Guardianship Program

### Position: Support with Amendments

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The Maryland Developmental Disabilities (DD) Coalition is comprised of five statewide organizations that are committed to improving the opportunities and outcomes for Marylanders with intellectual and developmental disabilities (I/DD). The DD Coalition works to ensure that people with I/DD live fully inclusive lives in the community and are able to fully exercise their civil rights, including their right to make their own decisions.

Too often, we see people with I/DD placed under guardianship merely because of stereotypes and antiquated assumptions about their capabilities. This is why the DD Coalition has been involved in promoting cross-disability reform of our guardianship system, including by bolstering alternatives to guardianship. At a time when the numbers of people under guardianship are rising, it is critical that we evaluate how we can improve the public guardianship program and ensure that guardianship is only utilized as a tool when absolutely necessary. From this perspective, the DD Coalition supports HB 903 with amendments. The bill seeks to study the public guardianship program and improve it. **Because the public guardianship program serves not only older adults, but also people with disabilities, we recommended that the bill be amended to include representation from disability advocacy organizations and the Department of Human Services on its task force.**

#### **HOW are we recommending this legislation be amended?**

- The public guardianship program is administered by Adult Protective Services through the Department of Human Services. Through this program, the state provides guardians for both older adults and people with disabilities over the age of 18. Thus, a task force that studies the program must have representation from both of these communities. For this reason we are recommending that the bill be amended to:
  - Add a representative from the disability advocacy community to the task force.
  - Add a representative from the Department of Human Services, which runs the public guardianship program, to the task force.

#### **WHY is this legislation important?**

- While guardianship is sometimes the best option, it restricts a person's ability to make everyday decisions about their lives—including whether they marry, where they live, and whether they can vote.
- Public guardianship is only used as a last resort and involves the state acting as guardian for a person when no other suitable guardian is available. It is often the most restrictive form of guardianship, since it involves a person who does not know the adult with disabilities, making decisions for them.
- Maryland's public guardianship program has additional safeguards that even our private guardianship system does not, including being one of few states that has a review board that evaluates the continuing need for a public guardianship every six

months. However, it is critical at a time when the number of people under guardianship is rising, that we evaluate how we can improve our public guardianship system.

- People with disabilities are vulnerable to unnecessary guardianships and it is critical that we evaluate our guardianship systems to ensure that guardianship is only used when necessary and that when utilized it seeks to promote the self-determination and dignity of those subject to it.

**WHAT does this legislation do?**

- It creates a task force to investigate and make recommendations to improve Maryland's public guardianship program. However, as written, the bill only includes representation from the aging community. Since public guardianship is administered by the Department of Human Services and also serves people with disabilities, the task force composition should represent that reality.

We believe this bill will provides an opportunity to improve our public guardianship program and ensure that guardianship is only used when necessary. For additional information, contact Megan Rusciano, [meganr@disabilityrightsmd.org](mailto:meganr@disabilityrightsmd.org).

