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**SB 903 Task Force to Study the Maryland Public Guardianship Program  
House Health and Government Operations Committee  
February 18<sup>th</sup>, 2021**

Good afternoon Chairwoman Pendergrass and members of the Health and Government Operations Committee. I am Tammy Bresnahan, Director of advocacy for AARP Maryland. I am here today representing AARP MD and its more than 850,000 members in support with amendments for SB 903 Task Force to Study Public Guardianship.

AARP is the largest nonprofit, nonpartisan organization representing the interests of Americans age 50 and older and their families. Key priorities of our organization include helping all Marylanders achieve financial and health security. In particular, AARP strongly believes that all individuals have the right to be self-reliant and live with dignity.

HB 903 establishes a Task Force to Study the Maryland Public Guardianship Program. The Bill provides for the composition of the task force including the co-chairs, and staffing of the Task Force. HB 903 also requires the Task Force to assess and analyze the Maryland Public Guardianship Program and make recommendations about how to improve the guardianship program in Maryland; and requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before January 1, 2022.

As background, the Adult Public Guardianship program in Maryland exists to safeguard the welfare of persons with disabilities and who may have been abused and or neglected but most importantly are vulnerable. Public guardianship is a legal procedure in which the Maryland Equity Court determines if a person's ability to make health and safety decisions for themselves and are significantly impaired by disease, accident or disability. If so, the court will appoint a guardian to act as a substitute decision-maker. The Office of Adult Services within the Department of Human Services focuses on the needs of elderly, disabled and vulnerable adults. The office works with local Departments of Social Services and community based organizations to coordinate services for the vulnerable adult population throughout Maryland to promote their safety, stability and independence.

Public guardianship in Maryland is administered by local Departments of Social Services for those aged 18-64, and the Department of Aging for those aged 65+. Public guardianship is a situation of last resort, when there are no family members, friends and loved ones to serve in this capacity.

Real Possibilities

There are two types of adult guardianship:

- A guardian of the person is authorized by the Court to make decisions for the disabled person about their health care, shelter, or other daily needs.
- A guardian of the property is a person or agency appointed by the court to manage the property of a disabled person. A public agency may not be the guardian of the property.

In addition, to local departments and the Department of Aging having responsibility for public guardianship cases, by Maryland statute there are also Adult Public Guardianship Review Boards. Adult Public Guardianship Review Boards are available in each county and Baltimore City and are interdisciplinary teams that act as consultants to the public guardians and by statute, the oversight of those Boards are by the Department of Social Services. The Review Boards review public guardianship cases every six months. They make recommendations to the court to either continue, modify, or terminate guardianship of the person.

While we support a comprehensive look at public guardianship in Maryland, we believe that the Department of Human Services and a disability advocate should also be added to the task force, as they are already key entities to the current public guardianship process in Maryland. Without their input any findings and recommendations to the legislature would be incomplete.

AARP MD requests the Health and Government Operations Committee for a favorable with amendments report on HB 903. For questions please contact Tammy Bresnahan at [tbresnahan@aarp.org](mailto:tbresnahan@aarp.org) or by calling 410-302-8451.