

CHARLOTTE CRUTCHFIELD  
*Legislative District 19*  
Montgomery County

Judiciary Committee

*Subcommittees*

Civil Law and Procedure  
Chair, Family and Juvenile Law



*Annapolis Office*  
The Maryland House of Delegates  
6 Bladen Street, Room 226  
Annapolis, Maryland 21401  
410-841-3485 · 301-858-3485  
800-492-7122 Ext. 3485  
Charlotte.Crutchfield@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

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**TESTIMONY IN SUPPORT OF HOUSE BILL 808**

**ESTATES AND TRUSTS-GUARDIANSHIP OF MINORS-APPOINTMENT BY COURT**

House Bill 808 clarifies when a court can appoint a guardian for a minor. Estates & Trusts Article § 13-702 allows a third party to step in to care for a child's medical and mental health care, education, food, clothing, and other personal needs when a parent is unable or unwilling to care for that child. This option can be for a temporary or indefinite period and is subject to oversight by the court. At any time, a parent can ask the court to modify or terminate the guardianship when they are ready to parent again.

This option, however, is not uniformly available across Maryland. Different interpretations of section 13-702 and associated caselaw have in effect eliminated it as an option when a child's parent is alive, even if that parent consents to the guardianship. So, for example, in some jurisdictions, if a parent is going to be deployed and the other parent is deceased, the military parent is unable to consent to a family member serving as guardian of their child.

This legislation simply affirms not only a parent's ability to consent to a guardianship but also their ability to object to one. It also clarifies that guardianship is a parent-driven option; a parent's rights supersede those of the guardian. HB 808 will help ensure this parent-driven option is available in a clearer and more consistent way across our state.

**I respectfully request a favorable report for House Bill 808.**

Sincerely,

Delegate Charlotte Crutchfield