



Maryland Senior Citizens Action Network

MSCAN

AARP Maryland

*Alzheimer's
Association,
Maryland Chapters*

*Baltimore Jewish
Council*

Catholic Charities

*Central Maryland
Ecumenical Council*

Church of the Brethren

*Episcopal Diocese of
Maryland*

*Housing Opportunities
Commission of
Montgomery County*

*Jewish Community
Relations Council of
Greater Washington*

*Lutheran Office on
Public Policy in
Maryland*

*Maryland Association of
Area Agencies on Aging*

*Maryland Catholic
Conference*

*Mental Health
Association of Maryland*

Mid-Atlantic LifeSpan

*National Association of
Social Workers,
Maryland Chapter*

Presbytery of Baltimore

*The Coordinating
Center*

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Testimony in OPPOSITION to SB 759 – Estates and Trusts – Guardianship of a Disabled Person – Expedited Proceedings Senate Judicial Proceedings Committee February 20, 2024

The Maryland Senior Citizens Action Network (MSCAN) is a statewide coalition of advocacy groups, service providers, faith-based and mission-driven organizations that supports policies that meet the housing, health and quality of care needs of Maryland's low and moderate-income seniors.

MSCAN respectfully opposes SB 759. We are concerned about the negative consequences to the Area Agencies on Aging who administrate the Public Guardianship Program and serve as the court-appointed Guardian of Person for seniors who have been legally determined to be disabled without family or friends to serve as guardian.

SB 759 suggests that in-person hearings would only be required if requested, but that virtual hearings would be the first option. The bill also mandates a hearing within 10-calendar-days for the court to rule on guardianship petitions for hospital discharges or transfers of disabled persons to other facilities. This timeframe may not allow enough time for the Area Agencies to seek the safest and least restrictive choices for vulnerable persons who may be unable to advocate for themselves. There is special concern that if the Area Agencies do not have sufficient time to find family members who are willing to serve as guardians that the Area Agency resources could easily be overwhelmed, increasing the number of public guardianships.

MSCAN is aware of a \$1.1 million dollar Elder Justice Innovations grant from the U.S. Department of Health and Human Services. The grant will allow Maryland to assess the fairness, effectiveness, timeliness, and safety adult guardianship proceedings and to develop innovations to improve the experiences of individuals at risk of guardianship. This will enable Maryland to develop a plan for outreach and educational programs around alternatives to guardianship for healthcare decision-makers and stakeholders. It will determine if mediation can be an effective tool to resolve conflicts and to explore alternatives to guardianship. Interagency workgroups have been hard at work conducting assessments of Maryland's guardianship system, and designing a guidebook for interventions to divert patients to faster, less restrictive alternatives. The grant will wrap up in August. The results will provide important guidance on the issues reflected in this legislation.

In our opposition, MSCAN respectfully requests that the results of this grant guide the development of a more effective and sensitive approach to guardianship.