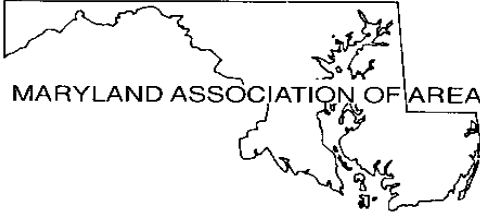


# M 4 A



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*Representing Anne Arundel County*  
*Department of Aging and Disabilities*

## **Judicial Proceedings Committee – Bill Hearing** **February 20, 2024**

**Legislation: SB 759 Estates and Trusts – Guardianship of the Person of a Disabled Person – Expedited Proceedings**

**Position: Oppose**

### **Who is M4A?**

The nineteen member organizations of the Maryland Association of Area Agencies on Aging (M4A) serve Maryland's older and disabled citizens, providing a range of cost-effective state, federal and locally funded programs that help individuals remain secure in the community with dignity, independence, and choice as they age. M4A and its associated Area Agencies on Aging (AAAs) represent the "front line" in Maryland's challenge to meet the complex and varied needs of well over 1 million older adults statewide. M4A's goal is to ensure communication and collaboration with all partners to maximize the resources available to those we serve.

M4A respectfully opposes Senate Bill 759. Representing 19 AAAs across the state, significant concerns are apparent regarding the proposed provisions to expedite guardianship hearings for disabled individuals. As written the bill may adversely affect the AAAs existing Public Guardianship Program.

The AAA serves as the court-appointed "guardian of the person" for older residents ages 65 and older who have been legally adjudicated disabled when the individual has no family members or friends who can serve as their guardian. The Area Agency on Aging Director is appointed the responsibility of guardianship of the person by the courts.

Senate Bill 759 proposes two provisions: first, it suggests virtual hearings as the default for guardianship petitions, with an in-person hearing granted only upon request; second, it mandates a 10-calendar-day timeframe for the court to rule on guardianship petitions related to hospital discharges or transfers of disabled persons. While we appreciate efforts to streamline processes, we believe these provisions could adversely affect the rights and well-being of older adults and disabled individuals.

*(over)*

Virtual hearings, while convenient, may not adequately ensure due process or full participation, particularly for vulnerable individuals. Rushing through these hearings could undermine fundamental principles of self-determination and the least restrictive alternatives. Furthermore, the mandated 10-day timeframe for ruling on guardianship petitions related to hospital discharges may only allow for a thorough consideration of limited factors involved.

Moreover, there's a risk that hospitals may petition for guardianship unnecessarily rather than explore less restrictive options or diligently seek family members or friends who are capable and willing to serve as guardians. This could lead to increased public guardianship cases, overwhelming resources, and potentially depriving individuals of their right to decide about their own lives.

In conclusion, while we support joint efforts to improve efficiency, we urge the committee to reconsider the proposed provisions of Senate Bill 759. Any changes to the guardianship process should prioritize the protection and autonomy of those it affects.