

Testimony Before the Senate Judicial Proceedings Committee February 20, 2024

Senate Bill 759: Estates and Trusts - Guardianship of the Person of a Disabled Person - Expedited Proceedings

**** Oppose ****

The National Association of Social Workers – Maryland Chapter is a professional organization representing over 3,000 social workers statewide. On behalf of NASW-MD’s Committee on Aging, we would like to express our opposition to SB 759 Estates and Trusts – Guardianship of the Person of a Disabled Person – Expedited Proceedings.

As social workers serving older adults, we oppose this bill because it calls for expediting the establishment of a guardianship of the person, primarily for the benefit of hospital systems who are pressed to quickly discharge patients once their acute medical needs are met. This bill would harm vulnerable adults in several ways:

- The assignment of a Guardian of the Person results in stripping away an individual’s right to self-determination. An individual under Guardianship loses the right to decide where they will live, what medical care they receive and most other life decisions. Reducing the Guardianship determination to ten days does not allow time for the consideration of less restrictive alternatives, such as supportive decision-making or surrogate decision-making.
- An expedited guardianship process does not allow investigators an opportunity to contact all interested parties (including family members) who might understand the person’s needs and be able to help them find suitable care arrangements. Expedited guardianships are thus more likely to assign as Guardian a government officer who does not know the individual.
- Guardianships, once granted, are rarely terminated. Therefore, a person who might need someone to help for a short period in finding a place to live might be saddled with a lifetime of lost liberties.

We agree with the late Congressman Claude Pepper, who said, “The typical ward has fewer rights than the typical convicted felon - they no longer receive money or pay their bills. They cannot marry or divorce...someone else is given the power to choose where they live, what medical treatment they receive, and in rare cases, when they will die. It is, in short, the most punitive civil penalty that can be levied against an American citizen, with the exception, of course, of the death penalty.”

(over)

We urge you not to expedite the guardianship process simply to facilitate hospital discharges. We ask that you give an unfavorable report on SB 759.

Respectfully,

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