

Maryland Guardianship: Title 10 Amendments Effective January 1, 2018

(Rules Order filed 10-10-17: <http://www.courts.state.md.us/rules/rodocs/ro194.pdf>)

Rule	Impact
<p>10-106</p>	<p>New requirements. To be eligible for appointment, an attorney shall:</p> <ul style="list-style-type: none"> (1) (A) be a member in good standing of the Maryland Bar; (B) provide satisfactory evidence of financial responsibility; and (C) unless waived by the court for good cause, have been trained in aspects of guardianship law and practice in conformance with the <i>Maryland Guidelines for Court-Appointed Attorney in Guardianship Proceedings</i> attached as an Appendix to the Rules in this Title. <p>Determination of Fees. Courts shall apply the factors set forth in Rule 2-703(f)(3) and in the <i>Guidelines Regarding Compensable and Non-Compensable Attorneys' Fees and Related Expenses</i>, contained in an Appendix to the Rules in Title 2, Chapter 700 in determining the reasonableness of fees.</p>
<p>NEW 10-106.1</p>	<p>Investigator provisions with amendments defining the role of the investigator, both before and after the establishment of a guardianship.</p>
<p>10-108</p> <p>Also see:</p> <p>NEW 10-205.1</p> <p>NEW 10-304.1</p>	<p>Contents of Order. Directs certain guardians to complete an orientation program and training in conformance with the applicable Maryland Guidelines for Court-Appointed Guardians, allows the court to permit guardians to disclose information necessary to administer the guardianship, and adds the date by which any bond shall be filed.</p> <p>Appendices: <i>Guidelines for Court-Appointed Guardians of the Person</i> and <i>Guidelines for Court-Appointed Guardians of the Property</i></p> <ul style="list-style-type: none"> • Orientation Program – To be completed before appointment or as the court otherwise directs • Training Programs <ul style="list-style-type: none"> ○ Guardians of the Person – To be completed within 120 days of appointment ○ Guardians of the Property – To be completed within 60 days of appointment ○ Attorney-Guardian Ethics Program (for attorneys with no prior relationship to the minor or disabled person) <p>Resources:</p> <ul style="list-style-type: none"> • Court-Appointed Guardian webpage: www.mdcourts.gov/guardianship
<p>10-111 10-112</p>	<p>Clarifying changes to the Md. Rules 10-111 (Petition for Guardianship of Minor) and Md. 10-112 (Petition for Guardianship of Alleged Disabled Person).</p>
<p>NEW 10-113</p>	<p>Factors to consider when determining whether to appoint a guardian who has been convicted of a disqualifying offense under Md. Code, Estates and Trusts Article § 11-114.</p>
<p>10-202 10-301</p>	<p>Certificates required by Md. Rule 10-202(a)(1) must “be substantially in the form approved by the State Court Administrator, posted on the Judiciary website, and available in offices of the clerks of the circuit courts.”</p> <p>Certificates:</p> <ul style="list-style-type: none"> • Physician’s Certificate (CC-GN-019) – http://mdcourts.gov/family/forms/ccgn019.pdf • Psychologist’s Certificate (CC-GN-020) – http://mdcourts.gov/family/forms/ccgn020.pdf • Licensed Certified Social Worker-Clinical (LCSW-C) Certificate (CC-GN-021) – http://mdcourts.gov/family/forms/ccgn021.pdf
<p>10-702</p>	<p>Bond. Factors to consider when determining whether to require a guardian of the property to post a bond, stating that the amount of bond should be based on the value of the property of the estate the fiduciary has or will have control, or the ability to expend, encumber, or convey.</p>