

## Maryland Guardianship: Title 10 Amendments Effective January 1, 2019

(Rules Order filed 12/04/2018 - <https://www.courts.state.md.us/sites/default/files/rules/order/ro198.pdf>)

### Expedited Hearings

Rule	Summary
<b>10-104</b>	<p><i>Show Cause Order</i></p> <ul style="list-style-type: none"> <li>New committee note: "To the extent practicable, a hearing date should be included on the show cause order, particularly when the court has granted a request for an expedited hearing on a petition for guardianship pursuant to Rule 10-201 (f)."</li> </ul>
<b>10-201</b>	<p><i>Petition for Appointment of a Guardian of the Person</i></p> <ul style="list-style-type: none"> <li>(b)(<i>Form of Petition</i>) Amended to address requests for expedited hearings pursuant to Estates &amp; Trusts Art., §13-705(f). <ul style="list-style-type: none"> <li>New committee note: Examples of circumstances that may require the hearing of a petition on an expedited basis pursuant to §13-705(f) "include threats to the physical or mental health of an alleged disabled person associated with delaying the appointment of a guardian to make a decision about the starting or stopping of treatment or discharge from a health care facility that, although not posing an imminent risk of harm, compromises the medical well-being of the alleged disabled person."</li> </ul> </li> <li>New (f) (<i>Request for Expedited Hearing in Connection with Medical Treatment</i>) <ul style="list-style-type: none"> <li>(1) Contents of a verified request for an expedited hearing.</li> <li>(2) Factors for the court to consider in determining whether to expedite.</li> <li>(3) Scheduling of the expedited hearing (considerations).</li> </ul> </li> <li>Note: If the petition is also for the appointment of a guardian of the property, the court may hear and rule on that part of the petition on an expedited basis as well.</li> </ul> <p><i>Pro se Request for Expedited Hearing in Connection with Medical Treatment</i> form in development</p>
<b>16-302</b>	<p><i>Assignment of Actions for Trial; Case Management Plan</i></p> <ul style="list-style-type: none"> <li>New (e) (<i>Guardianship Actions</i>) Directing that case management plans contain procedures for non-emergency expedited case processing for guardianships of the person of disabled adults in connection with medical treatment.</li> </ul>

### Hearings, Guardianships of Veterans, Exhibit Requirements

Rule	Summary
<b>10-202</b>	<p><i>Certificates and Consents</i></p> <ul style="list-style-type: none"> <li>Amended by striking provisions allowing a petitioner to file a single certificate issued by the Secretary of the U.S. Department of Veterans Affairs in lieu of the two certificates required by Estates &amp; Trusts Art., §13-705(c)(1) and (a) of this rule.</li> </ul>
<b>10-205</b>	<p><i>Hearing</i></p> <ul style="list-style-type: none"> <li>(a) (<i>Guardianship of the Person of a Minor</i>) Amended to require a hearing on all petitions for guardianship of the person of a minor.</li> <li>(b) (<i>Guardianship of Alleged Disabled Person</i>) Amended by striking provisions allowing for the appointment of a guardian of the person for certain beneficiaries of the U.S. Department of Veterans Affairs without a hearing.</li> <li>New cross-reference: Rule 2-806 (remote electronic participation).</li> </ul>
<b>10-301</b>	<p><i>Petition for Appointment of a Guardian of Property</i></p> <ul style="list-style-type: none"> <li>(d)(<i>Required Exhibits</i>) Amended by striking (d)(2)(A), allowing a petitioner to file a single certificate issued by the Secretary of the U.S. Department of Veterans Affairs in lieu of the two certificates required by 10-202(a).</li> </ul>

	<ul style="list-style-type: none"> <li>New (d)(2) &amp; (3) Added to provide alternate exhibit requirements (affidavits or exhibits) where the alleged disability is due to detention by a foreign power, disappearance, or imprisonment.</li> </ul>
<b>10-304</b>	<i>Hearing</i> <ul style="list-style-type: none"> <li>Amended to require a hearing on all petitions for guardianship of the property.</li> </ul>

### Standby Guardianships

Rule	Summary
<b>10-106.1</b>	<i>Appointment of Investigator</i> <ul style="list-style-type: none"> <li>Amended to permit the appointment of an investigator in connection with petitions for guardianship of minors, including standby guardianships.</li> </ul>
<b>10-402</b>	<i>Petition by Parent</i> <ul style="list-style-type: none"> <li>(c) (<i>Contents</i>) Amended to require additional information including information about the wishes of a minor who is at least 14 years old (if known), the minor’s siblings, the proposed standby guardian’s history of convictions for disqualifying offenses under Estates &amp; Trusts, Art., §11-114 (if any), and persons with parental rights over the minor.</li> </ul> <p>Pro se <i>Petition by Parent</i> form in development.</p>
<b>10-403</b>	<i>Petition by Standby Guardian</i> <ul style="list-style-type: none"> <li>(a) (<i>Filing of Petition</i>) Amended by adding (1) through (4), specifying when a standby guardian must file a petition for judicial appointment to retain authority granted through a parent’s designation.</li> <li>(c) (<i>Contents</i>) Amended to require additional information including information about the wishes of a minor who is at least 14 years old (if known), the minor’s siblings, the standby guardian’s history of convictions for disqualifying offenses under Estates &amp; Trusts, Art., §11-114 (if any), persons with parental rights over the minor, and interested persons.</li> <li>(d) (<i>Documentation</i>) Amended to require evidence of incapacity, debilitation, adverse immigration action, certain consents, and, if the petition is filed more than three months after the standby guardianship became effective, evidence of healthcare, schooling, and information about any court records pertaining to the minor.</li> <li>(e) (<i>Notice</i>) Amended to include an exception if the parent’s designation is based on an adverse immigration action and a person with parental rights over the minor resides outside of the United States.</li> </ul> <p>Pro se <i>Petition by Standby Guardian</i> form in development.  Pro se <i>Designation and Consent to the Beginning of Standby Guardian</i> form (CC-GN-041) available at <a href="https://www.courts.state.md.us/sites/default/files/court-forms/ccgn041.pdf">https://www.courts.state.md.us/sites/default/files/court-forms/ccgn041.pdf</a></p>
<b>10-404</b>	<i>Hearing</i> <ul style="list-style-type: none"> <li>Amended to require a hearing on all petitions for the judicial appointment of a standby guardian.</li> <li>New cross-reference to the court’s other powers in Title 10, including the power to appoint an attorney for the minor under Rule 10-106 and an independent investigator under Rule 10-106.1.</li> </ul>
<b>10-405</b>	<i>Order</i> <ul style="list-style-type: none"> <li>(c) (<i>Order Appointing Standby Guardian</i>) Amended to allow the court to direct the standby guardian to complete training in conformance with the applicable <i>Guidelines for Court-Appointed Guardians of the Person or Property</i> (Appendices).</li> </ul>
<b>NEW 10.405.1</b>	<i>Periodic Report</i> <ul style="list-style-type: none"> <li>Requires that standby guardians to comply with the annual reporting requirements (Rules 10-206 and 10-706) and allows the court, for good cause, to require more frequent reports.</li> </ul>