



Introduction to Adult Guardianship

Adult guardianship is a legal process in which one person is granted the legal authority and duty to take care of a person who is unable to care for themselves or their finances. There are two types of guardianship: Guardianship of the Person and Guardianship of the Property.

What is an Alleged Disabled Person (ADP)?

- An alleged disabled person, or ADP, is the person for whom guardianship is being sought. Once the court has granted a guardianship, the ADP is called the “ward.”

When is Guardianship Appropriate?

The court will consider three factors:

- Does the ADP need a guardian? The court needs proof that the ADP lacks *capacity* to make and communicate sound decisions. Proof includes certification from two medical professionals.
- Is there a less-restrictive alternative? Examples include powers of attorney, advanced directives, representative payees, and authorized payers.
- Is the person asking to be guardian qualified?

What is the Process for Appointing a Guardian?

- Fill out a petition form ([CC-GN-002](#)). Explain why a guardian should be appointed and provide a list of the ADP’s property and assets, and all interested persons.
- Include two certificates of incompetency, and the name of another person who supports the petition.
- File the completed form with the Circuit Court where the ADP lives or is hospitalized. Pay any fees, if not waived.
- The court will mail you a Show Cause Order which will include the date by which service of process must be done.
- Visit a Family Law Self-Help Center in most Circuit Courts for help with forms.

What is Service of Process?

- The term refers to how people receive notice of your guardianship case. It gives the ADP and interested persons a chance to come to court and respond.
- See the video [Service of Process](#) (and [Tip Sheet 6](#)) for step-by-step instructions.

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