

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 8

(Senator Kelley, *et al.*)

Judicial Proceedings

Task Force to Study the Need for Enhanced Monitoring of Guardians of
Vulnerable Minors

This bill establishes the Task Force to Study the Need for Enhanced Monitoring of Guardians of Vulnerable Minors to be staffed by the Department of Legislative Services (DLS). The task force must study the processes by which the State and local governments currently monitor guardians of vulnerable minors for (1) the mismanagement of the assets and finances of vulnerable minors; (2) neglect of vulnerable minors; and (3) abuse of vulnerable minors. It must also make recommendations on whether there is a need for enhanced monitoring of the guardians of vulnerable minors, including any necessary regulatory changes or legislation. By October 1, 2023, the task force must report its findings and recommendations to the Governor and the General Assembly. **The bill takes effect June 1, 2022, and terminates December 31, 2023.**

Fiscal Summary

State Effect: Any reimbursement for task force members and staffing costs for DLS are assumed to be minimal and absorbable within existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: A “minor” is a person younger than age 18 whom the juvenile court has granted guardianship of under specified provisions of the Family Law Article.

The President of the Senate and the Speaker of the House of Delegates must jointly designate a senator and delegate to serve as cochairs. Task force members may not receive compensation but are entitled to reimbursement for expenses under the standard State travel regulations.

Current Law: Title 5, Subtitle 3 of the Family Law Article is only applicable to, and outlines procedures governing, a guardianship of an individual *who is committed to a local department of social services as a child in need of assistance (CINA)*. If an order for guardianship is granted, the juvenile court must hold an initial guardianship review hearing, as specified, and a guardianship review hearing at least once each year until the juvenile court's jurisdiction terminates. Among other requirements, the juvenile court must determine at each review hearing whether the child's current circumstances and placement are in the child's best interests.

The Estates and Trusts Article generally outlines procedures and requirements for the appointment of guardians of minors who are appointed for reasons other than a child's status as a CINA. Under these provisions, an individual may be appointed as a guardian of the person (who would be responsible for the minor's personal and physical needs) and/or as a guardian of the property (who would manage the minor's financial affairs).

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader - January 23, 2022
fnu2/lgc

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510