



EXPANDING ACCESS TO JUSTICE FOR 40 YEARS

MARYLAND HOUSE HEALTH AND GOVERNMENT OPERATIONS
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE
IN SUPPORT OF HB0903: TASK FORCE TO STUDY THE MARYLAND PUBLIC
GUARDIANSHIP PROGRAM

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Chair Pendergrass and distinguished members of the Committee, thank you for the opportunity to testify in support to House Bill 903.

My name is Susan Francis and I am the Executive Director at the Maryland Volunteer Lawyers Service (MVLS). MVLS is the oldest and largest provider of pro bono civil legal services to low-income Marylanders. Since MVLS' founding in 1981, our statewide panel of over 1,700 volunteers and staff attorneys, has provided free legal services to over 100,000 Marylanders in a wide range of civil legal matters. In FY20, MVLS volunteer and staff lawyers provided legal services to 4,459 people across the state. MVLS operates two guardianship programs. In private guardianship matters, we match caretakers with volunteer attorneys throughout the state to help them obtain guardianship status, when necessary, over their loved ones. In public guardianship matters, MVLS staff attorneys represent the allegedly disabled individuals in guardianship procedures. For the reasons explained below, we respectfully request a favorable report on House Bill 903.

Each year, through our Adult Protective Guardianship Review Board program, our staff attorneys represent approximately 450 individuals in Baltimore City and Baltimore County at initial circuit court guardianship hearings and semi-annual review board hearings. As guardianship is one of the very few areas of civil law where counsel is state mandated, MVLS operates this program through a contract from the Department of Human Services.

Clients come to us through the court when a guardianship action is filed. Our attorneys and paralegal represent the alleged disabled person and serve as their advocate throughout the guardianship proceeding. As part of their representation, they meet with the clients and conduct research to see if a family member, friend or trusted other can serve as the disabled person's decision-maker. Public guardianship is a last resort when no trusted individual can be found or is unwilling to serve in this capacity.

Once an individual is placed under public guardianship, our staff continues monitoring their well-being and twice a year comes before the guardianship review board to represent the individual and to support either continuation or termination of guardianship.

Our staff often works with these clients for years and develops a connection with them. They serve as the individual's advocate, a role that they take very seriously. Sadly, those in public guardianship generally do not have family members or others looking out for them. As a result, advocacy is left with our staff and with the case managers through the Baltimore City and Baltimore County Area Agencies on Aging. As with many state and local entities with care-taking responsibilities, they are often under resourced.

Throughout all of our work at MVLS, we understand that working in partnership with other programs creates the best outcomes for our clients. Public guardianship is no exception. When we are able to coordinate with case managers, we can ensure the individual is receiving a better level of care. When case managers are stretched too thin amongst too many clients, coordination becomes more difficult.

In 2016, a court workgroup was created and published a report “Guardianship Work Group – Report and Recommendations”. The findings and ensuing implementation of proposed changes dramatically made updates to private guardianship including new trainings for attorneys and those serving as guardians. The report was a response to an awareness that there were gaps in private guardianship matters leaving potential individuals at more risk of exploitation.

Individuals who have been placed in a public guardianship are at particular risk of harm, because they don’t have family members or others regularly visiting them. Social isolation is a major element for exploitation. MVLS staff welcomes the opportunity to work in partnership with case managers and others to reduce the likelihood of harm to these vulnerable adults.

MVLS believes that a comprehensive Task Force focused on public guardianship as proposed in HB903 could accomplish similar updates created by the 2016 workgroup that sought to address potential problems in the guardianship program, reduce exploitation and reflect current best practices. As a result, we urge the Committee to issue a favorable report of HB903.

Madam Chair and members of the Committee, thank you again for the opportunity to testify.