



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

HB0698

February 14, 2024

TO: Members of the House Judiciary Committee

FROM: Nina Themelis, Director of Mayor's Office of Government Relations

RE: House Bill 698 – Estates and Trusts - Guardianship of the Person of a Disabled Person - Expedited Proceedings

POSITION: UNFAVORABLE

Chair Clippinger, Vice Chair Bartlett, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** House Bill (HB) 698.

HB 698 inserts two provisions designed to expedite guardianship hearings for disabled persons into the Estates and Trusts article. First, it states that a virtual hearing on a guardianship petition meets the requirements of the law and shall be the default for these hearings unless one of the parties involved in the petition requests an in-person hearing. Second, the bill mandates that the court rule on a petition in 10 calendar days if it has been submitted to expedite the discharge or transfer of a disabled person from a hospital.

Baltimore City Health Department (BCHD) serves as the city's Area Agency on Aging (AAA). The AAA serves as the court-appointed "guardian of the person" for City residents ages 65 and older who have been legally adjudicated disabled when the individual has no family members or friends who can serve as their guardian. The Deputy Commissioner of Aging is assigned the responsibility of guardianship of the person by the courts. BCHD's AAA operates the largest public guardianship program in the State for persons 65 and over, acting as the guardian for over 180 disabled persons at any given time.

Guardianship responsibilities require the AAA to seek alternatives to public guardianship prior to the court hearing on a petition. To protect the rights of the disabled person, the AAA tries to find a family member or a friend willing to serve as guardian, or to implement a less restrictive option, such as a health care surrogate, to allow the disabled person to maintain some autonomy over their decision making. Effectuating these alternatives takes time; it may involve locating a family member in another state or negotiating with potential guardians. In addition, if a "guardian of the

property” has not been appointed for the disabled person, managing the financial aspects of placing the disabled person in an alternate setting is difficult.

HB 698 does not take these issues into account. Baltimore City’s AAA will need a significant increase in staff to meet the 10-calendar day requirement. Even with additional staff, it is doubtful that development of alternatives to public guardianship can occur within the 10-calendar day timeframe. As a result, the rights of the disabled person will be infringed upon, and the support the AAA can provide for all its guardianship clients will be diluted due to the growing pressure on our limited staff.

For these reasons, the BCA respectfully requests an **unfavorable** report HB 698.