

This handbook was created by the Montgomery County Circuit Court in collaboration with the Access to Justice Department of the Administrative Office of the Courts.

June 2017

Guardianship of the Person

A Guardian's Handbook



Notes

Your Case Number is: _____

Primary Contact Person for Your Case is:

Date of Guardianship Appointment:_____

Due Date of First Annual Report of the Guardian of
Disabled Person: _____

Court Address: Montgomery County Circuit Court
50 Maryland Avenue
Trust Office – Room 2400
Rockville, MD 20850

Trust Office Phone: (240) 777-9175

(240) 328-2214

Email: mccctrustoffice@mdcourts.gov

TIP: Keep a copy of your guardianship order in a safe place. It is proof of your legal authority to make decisions for your ward.

Helpful Phone Numbers

Montgomery County Services	Dial 311
Montgomery County Aging and Disabilities Services	240-777-3000
Transitioning Youth with Disabilities	240-777-1216
Montgomery County Crisis Services	240-777-4000
Connect-A-Ride	301-738-3252

Helpful Websites

Montgomery County Department of Health and Human
Services – Aging and Disabilities Unit

<https://www.montgomerycountymd.gov/HHS/>

Maryland Access Point

<https://www.marylandaccesspoint.info/>

Medicare/Medical Assistance

www.medicare.gov

Social Security Administration

<https://www.ssa.gov/>

INTRODUCTION

The Montgomery County Circuit Court sincerely appreciates your generous commitment to becoming a guardian. As guardian, you have the legal authority and duty to take care of a person who is unable to care for themselves, their finances, or both. That person is your ward. Guardianship is the legal relationship between the court, the guardian, and the ward.

As a guardian, you have legal duties you owe to the ward and to the court. Guardians of the person and guardians of the property have different duties. The court order signed by the judge is the official document that gives you the legal title of guardian. The order states whether you are appointed guardian of the person, guardian of the property, or both.

This handbook gives you basic information about your responsibilities as guardian of the **person**. There is a separate handbook that covers the duties of a guardian of the **property**.

You can also get more information from the Maryland Court's video series on adult guardianship located at www.montgomerycountymd.gov/circuitcourt.

This handbook does not explain the laws governing guardianships in Maryland. Contact an attorney if you have questions about guardianship law.

The Court's Management of Your Case

After the judge signs the guardianship order, your case will be handled by the Court's Trust Office. That office manages your case by:

- Processing all post-appointment guardianship paperwork for the Court. This paperwork includes annual reports, petitions, and requests by the guardian;
- Collecting filing fees;
- Providing forms;
- Notifying guardians when they must file reports and other documents;
- Initiating court procedures when reports and other documents are overdue.

If you have any questions about your case, your first stop should be the Trust Office.

Trust Office, Room 2400
Phone (240) 777-9175
Text(240) 328-2214
Email mccctrustoffice@mdcourts.gov

- **Keeping the court informed**

You must promptly inform the court about changes to the ward's circumstances and your circumstances.

If the ward dies or has recovered from the disability that caused the need for guardianship, you must file a petition with the court to terminate the guardianship. If the ward dies, you must file the death certificate with the Trust Office.

If you are no longer able to serve as guardian, contact the Trust Office or consult a lawyer about the procedure. The Court understands that circumstances change, and the Court wants to be sure the ward's care is not disrupted. You can continue to serve as guardian if you move out of the jurisdiction or State, as long as you remain able to fulfill your guardianship duties. Remember to give the Trust Office your new contact information.

TIP: Make sure the Trust Office has the most updated contact information for you and the ward at all times.

In the Annual Report of Guardian of Disabled Person, you must provide certain information:

- The ward's address and type of living arrangement.
- The ward's physical and medical condition.
- The type of care the ward is receiving.
- Your opinion about whether the guardianship should continue and why.

The court will review your report. If the judge finds you are meeting all duties of the guardianship, the judge will order that it continue. The guardian does not need to be in court for this review.

TIP: Complete the entire form. Write 'not applicable' in sections where you have no information to include.

Responsibilities You Owe to Your Ward

The judge appointed you as decision-maker because you are the best person to care for your ward. You are familiar with the ward's personal values and preferences, as well as his or her medical situation. As guardian of the person, your primary duty is to protect the rights and best interests of the ward while maintaining the ward's dignity and independence. You have specific responsibilities that you must fulfill. These include:

- **Daily needs**

You are responsible for making sure the ward's daily needs are met. Those needs include proper clothing, nutrition, hygiene, and exercise.

- **Social, recreational, and educational needs**

Make sure that the ward has opportunities for social interaction. This includes arranging visits with friends and family, and other recreational activities. If appropriate, you must coordinate training and education for your ward.

- **Services and benefits needs**

Locate services and benefits for your ward. Services include adult day care, Meals on Wheels, and transportation. Benefits may be payable from Medicare, Medical Assistance, Social Security, and Veterans Affairs. The Montgomery County Department of Health and Human Services - Aging and Disabilities Unit provides information and assistance for seniors, people with disabilities, and caregivers. Please refer to the last page of this handbook for contact information.

- **Housing needs**

Decide where the ward will live depending on his or her needs and desires. Types of housing may include an assisted living facility, group home, or living with a relative. The court must know where the ward is living at all times. You must get court approval before moving your ward from one type of housing to another.

TIP: Contact the Trust Office prior to moving the ward from one type of housing to

Responsibilities You Owe to the Court

- **Annual reporting requirements**

As guardian of the person, you must file an Annual Report of Guardian of Disabled Person with the Trust Office each year within 60 days after the end of the guardianship year. The guardianship year begins on the date of appointment. For example, if you were appointed guardian on March 1, 2017, your first report would be due no later than April 30, 2018.

You can download the form for Annual Report of Guardian of Disabled Person from the Montgomery County Circuit Court website at www.montgomerycountymd.gov/circuitcourt.

If you do not file your report on time, the Trust Office will schedule a hearing and serve you with a “show cause” order with the date. You must appear in court on that date.

TIP: Put a reminder in your calendar a month before this report is due so you have plenty of time to complete and file it.

Good Guardianship Practices for Health Care

When taking care of your ward, here are some good guardianship practices relating to health care:

- Develop a care plan. Don't forget to include dental care.
- Keep a list of medications and dosages.
- Know the ward's insurance plans and what they cover. Pay insurance premiums promptly.
- Maintain a list of health care professionals and contact information.
- Keep a log of visits to health care professionals.

TIP: Make sure prescriptions do not expire. Find out if a visit is required to renew a prescription.

- **Health care needs**

You will also be responsible for coordinating medical care for your ward. Make sure that the ward receives routine medical examinations and medications, and that he or she sees medical specialists when needed. You will consent to medical treatment and surgical decisions that are in the ward's best interests.

There are certain medical decisions that you **cannot** make without a court order. A judge must approve in advance any decision regarding procedures that pose substantial risk to the ward's life. **You must get court approval before withdrawing life support to end your ward's life.**

TIP: Seek second opinions from medical experts when major procedures are recommended.