

AN ACT concerning

Guardians – Disabled Persons – Medical Treatment

FOR the purpose of altering the power of a guardian of a disabled person relating to certain medical or professional care, counsel, treatment, or services; requiring a court to authorize a guardian's power to withhold or withdraw certain medical procedures where there is a substantial risk to the life of a disabled person; and generally relating to the rights, duties, and powers of a guardian of a disabled person.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 13-708

Annotated Code of Maryland

(1974 Volume and 1989 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Estates and Trusts

13-708.

(a) The court may grant to a guardian of a person only those powers necessary to provide for the demonstrated need of the disabled person.

(b) Subject to subsection (a) of this section, the rights, duties, and powers which the court may order include, but are not limited to:

(1) The same rights, powers, and duties that a parent has with respect to an unemancipated minor child, except that the guardian is not liable solely by reason of the guardianship to third persons for any act of the disabled person;

(2) The right to custody of the disabled person and to establish his place of abode within and without the State, provided there is court authorization for any change in abode, except that no one may be committed to a mental facility without an involuntary commitment proceeding as provided by law;

(3) The duty to provide for care, comfort, and maintenance, including social, recreational, and friendship requirements, and, if appropriate, for training and education of the disabled person;

(4) The duty to take reasonable care of the clothing, furniture, vehicles, and other personal effects of the disabled person, and, if other property requires protection, the power to commence protective proceedings;