

SENILITY, OTHER MENTAL WEAKNESS, DISEASE, HABITUAL DRUNKENNESS, OR ADDICTION TO DRUGS, AND THAT NO LESS RESTRICTIVE FORM OF INTERVENTION IS AVAILABLE WHICH IS CONSISTENT WITH THE PERSON'S WELFARE AND SAFETY.

(C) PROCEDURES AND VENUE IN THESE CASES SHALL BE AS DESCRIBED BY CHAPTER 1100, SUBTITLE R OF THE MARYLAND RULES.

(D) UNLESS THE ALLEGED DISABLED PERSON HAS COUNSEL OF HIS OWN CHOICE, THE COURT SHALL APPOINT AN ATTORNEY TO REPRESENT HIM IN THE PROCEEDING. IF THE PERSON IS INDIGENT, THE STATE SHALL PAY A REASONABLE ATTORNEY'S FEE.

(E) THE PERSON ALLEGED TO BE DISABLED IS ENTITLED TO BE PRESENT AT THE HEARING UNLESS HE HAS KNOWINGLY AND VOLUNTARILY WAIVED THE RIGHT TO BE PRESENT OR CANNOT BE PRESENT BECAUSE OF PHYSICAL OR MENTAL INCAPACITY. WAIVER OR INCAPACITY MAY NOT BE PRESUMED FROM NONAPPEARANCE BUT SHALL BE DETERMINED ON THE BASIS OF FACTUAL INFORMATION SUPPLIED TO THE COURT BY COUNSEL OR A REPRESENTATIVE APPOINTED BY THE COURT. THE PERSON ALLEGED TO BE DISABLED IS ALSO ENTITLED TO PRESENT EVIDENCE AND TO CROSS-EXAMINE WITNESSES. THE ISSUE MAY BE DETERMINED AT A CLOSED HEARING WITHOUT A JURY IF THE PERSON ALLEGED TO BE DISABLED OR HIS COUNSEL SO REQUESTS AND ALL HEARINGS HEREIN SHALL BE CONFIDENTIAL AND SEALED UNLESS OTHERWISE ORDERED BY A COURT OF COMPETENT JURISDICTION FOR GOOD CAUSE SHOWN.

~~(F) THE PERSON ALLEGED TO BE DISABLED HAS THE RIGHT, AT HIS OWN EXPENSE OR, IF INDIGENT, AT THE EXPENSE OF THE STATE, TO SECURE AN INDEPENDENT MEDICAL AND PSYCHOLOGICAL EXAMINATION RELEVANT TO THE ISSUE OF DISABILITY, AND TO PRESENT A REPORT OF THIS INDEPENDENT EVALUATION OR THE EVALUATOR'S PERSONAL TESTIMONY AS EVIDENCE AT THE HEARING.~~

13-706.

(A) AN ADJUDICATION OF A DISABILITY FOR PURPOSES OF APPOINTING A GUARDIAN OF A PERSON MAY NOT BE THE BASIS FOR COMMITMENT OF THE DISABLED PERSON TO A MENTAL INSTITUTION.

(B) APPOINTMENT OF A GUARDIAN OF THE PERSON:

(1) IS NOT EVIDENCE OF INCOMPETENCY OF THE DISABLED PERSON; AND

(2) DOES NOT MODIFY ANY CIVIL RIGHT OF THE DISABLED PERSON UNLESS THE COURT ORDERS, INCLUDING ANY CIVIL SERVICE RANKING, APPOINTMENT, AND RIGHTS RELATING TO LICENSURE, PERMIT, PRIVILEGE, OR BENEFIT UNDER ANY LAW.