

(a) On petition and after any notice or hearing prescribed by law or the Maryland Rules, a court may appoint a guardian of the person of a disabled person.

(b) A guardian of the person shall be appointed if the court determines from clear and convincing evidence that a person lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person, including provisions for health care, food, clothing, or shelter, because of any mental disability, 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 COURT SHALL HEAR AND RULE ON A PETITION SEEKING APPOINTMENT OF A GUARDIAN OF THE PERSON OF A DISABLED PERSON IN CONNECTION WITH MEDICAL--TREATMENT--FOR--AN--EMERGENCY--ON--AN EXPEDITED--BASIS--AND--SHALL--PASS--AN--ORDER--IMMEDIATELY- MEDICAL TREATMENT ON AN EXPEDITED BASIS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1984.

Approved May 29, 1984.

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