

physician and a certain licensed certified social worker—clinical; and generally relating to petitions for guardianship of disabled persons.

BY repealing and reenacting, with amendments,

Article - Estates and Trusts

Section 13-705

Annotated Code of Maryland

(2001 Replacement Volume and 2006 Supplement)

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

Article - Estates and Trusts

13-705.

(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, 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) (1) Procedures and venue in these cases shall be as described by Title 10, Chapters 100 and 200 of the Maryland Rules.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, a petition for guardianship of a disabled person shall include signed and verified certificates of competency from the following health care professionals:

(i) Two licensed physicians who have examined the disabled person; or

(ii) 1. One licensed physician who has examined the disabled person; and

2. A. [one] ONE licensed psychologist who has evaluated the disabled person[.]; OR

B. ONE LICENSED CERTIFIED SOCIAL WORKER—CLINICAL WHO HAS EVALUATED THE DISABLED PERSON.