



GUARDIANS OF THE PERSON TRAINING

Disabled Persons

Thank you for agreeing to serve as guardian of a disabled person. The court chose you because you were the best person for the job and appreciates the commitment you made.

This program was developed by the Guardianship/Vulnerable Adults Workgroup of the Maryland Judicial Council's Domestic Law Committee.

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WELCOME

Part 1: Guardianship terms

Part 2: Role, powers, and duties

Part 3: Decision-making

Part 4: Abuse, neglect, and exploitation

Part 5: Changes to the guardianship

This training will cover your general role and responsibilities as guardian of the person of a disabled person.

PART 1: GUARDIANSHIP TERMS

Guardianship terms

- Disabled Person
- Court
- Guardian
- Guardianship Estate
- Clerk/Trust Clerk
- Interested Persons
- Other Parties

There are key terms and roles that are important for you to understand as guardian of the person.

DISABLED PERSON

Also called:

Disabled adult

Ward

Incapacitated person

Person under guardianship

Vulnerable adult

Lacks the physical or mental capacity to provide for their personal or financial needs

The person under guardianship is legally called “the disabled person.” The disabled person may also be referred to as a “disabled adult,” “ward,” an “incapacitated person,” a “person under guardianship,” or a “vulnerable adult.”

The disabled person is someone who lacks the physical or mental capacity to provide for their personal or financial needs.

COURT

The court is the ultimate guardian

You are its **agent**

Monitors the guardianship

- Review reports
- Address issue or problems

In reality, the court is the disabled person's ultimate guardian. You are the person the court appointed as its agent to carry out its responsibilities as guardian. The court's job is to monitor the guardianship by reviewing reports and addressing issues or problems that come up.

GUARDIAN

Two types:

1. Guardian of the Person
Public Guardian
2. Guardian of the Property (Fiduciary)

Co-Guardians

There are two types of guardians:

Guardian of the Person – A guardian of the person makes decisions about where the disabled person lives and the disabled person’s medical care, clothing, food, education, and every-day needs.

- **Public Guardian** – Refers to a guardian of the person who works for a local Department of Social Services or Area Agency on Aging.

Guardian of the Property – A guardian of the property makes decisions about the disabled person’s money, income, property of any kind, stocks and bonds, and other financial matters.

- **Fiduciary** – A fiduciary is someone who has the primary legal duty to act for the benefit of another person. A guardian of the property is a type of fiduciary.

The court may appoint a guardian of the person, a guardian of the property, or both. The court may appoint the same person to serve as guardian of the person and property or different people.

The court may also appoint more than one person to serve as **co-guardians** and share the responsibilities of serving as a guardian of the person or guardian of the property.

GUARDIANSHIP ESTATE

The disabled person's assets (property) that are under guardianship, including any:

- Income
- Real or personal property
- Benefits
- Stocks, bonds, investments

The guardianship estate includes the disabled person's income, real or personal property, benefits, stocks, bonds, and investments.

CLERK/TRUST CLERK

Court employee whose responsibilities may include:

Managing the guardianship case

Processing all case paperwork

Collecting fees

Providing court forms

Sending out notices

Answering questions about court process

Reviewing reports

Reporting problems to the court

The clerk or trust clerk is a court employee who helps manage guardianship cases, process paperwork, collect fees, provides court forms, sends out notices, answers questions about court process, reviews report, and reports problems to the court.

INTERESTED PERSONS

The law defines “Interested Persons” in a guardianship to include:

The disabled person

The disabled person’s

- Spouse
- Parents
- Children (aged 18+)
- Other relatives
- Heirs

Agencies the disabled person receive benefits and services from

Any other persons named by the court

After appointment of a guardian, and throughout the guardianship, interested persons can ask the court to resolve issues with the guardianship and are entitled to notification about certain guardianship events.

OTHER PARTIES

Other parties important in a guardianship include:

Family members and friends of the disabled person

Health care and other service providers

There are other parties who play an important role in a guardianship, these include:

- **Family members and friends of the disabled person** – People other than interested persons who can give insight into the disabled person’s preferences, wishes, beliefs, and values. People who interact with the disabled person on a regular basis can also help you monitor the disabled person’s well-being.
- **Health care and other service providers** – This includes, but is not limited to, doctors, therapists, staff at medical or residential facilities, clergy, and anyone else who interacts with the disabled person on a regular basis and can help you monitor the disabled person’s care and well-being.

PART 2: ROLE, POWERS, DUTIES

Role, powers, and duties of guardians of the person

Filing and reporting requirements

ROLE AS GUARDIAN OF THE PERSON

Guardianship order

- Powers necessary to provide for the demonstrated need of the disabled person
- What you can and cannot do
- Proof of your appointment and authority

The court will grant a guardian of the person only the powers necessary to provide for the demonstrated needs of the disabled person. In other words, the court may limit the types of decisions a guardian of the person is allowed to make.

Your powers and duties as guardian of the person are laid out in the **Guardianship Order**. It is your responsibility to understand what the order says and what you can and cannot do as a guardian. The order is also proof to others that you have been appointed as guardian of the person and what authority you have.

POSSIBLE POWERS

The court may give you the power to do any of the following:

Determine where the disabled person lives

Provide for the disabled person's care, comfort, and maintenance

Care for the disabled person's personal effects

Arrange for services and care

Request funds for the disabled person's care from the guardian of the property (if one is appointed)

Give necessary consent or approval for medical or other professional care

- **Determine where the disabled person lives** – Determining the best place for the disabled person to live based on his or her needs and wishes. Housing options include assisted living facilities, or group homes, or living with a relative. Even if granted this power, you must ask the court for permission to move the disabled person from one type of housing to another, or to another jurisdiction (county) or state.
- **Provide for the disabled person's care, comfort, and maintenance** – Taking care of the disabled person's food, clothing, social, recreational, and training or educational needs.
- **Care for the disabled person's personal effects** – Taking reasonable care of the disabled person's clothing, furniture, vehicles, and other personal items and taking steps to protect the disabled person's property if needed.
- **Arrange for services and care** – Pursuing government or private services and resources that promote the independence, well-being, and safety of the disabled person. Some government benefits must be applied for and someone will need to apply for them on behalf of the disabled person. If the disabled person has a guardian of the property or another person handling his or her financial affairs, contact that person about applying for those benefits.
- **Request funds for the disabled person's care from the guardian of the property** (if one is appointed) – Taking steps to compel a guardian of the property to apply funds from the guardianship estate for the disabled person's care, comfort, and maintenance.
- **Give necessary consent or approval for medical or other professional care** – Coordinating and giving consent to allow the disabled person to receive medical or other professional care, treatment, counseling, or services.

PRIOR COURT AUTHORIZATION

Get prior court approval before:

performing any action not authorized in the order appointing you as guardian

moving the disabled person from one type of housing to another

committing the disabled person to a mental facility involuntarily

starting, stopping, or withholding medical treatment that would involve a substantial risk to life of the disabled person

Ask the court for permission in writing.

There are other things that you cannot do without prior court approval.

Which form?

- Motion for Appropriate Relief - Guardianship Proceeding (CC-GN-032):
<https://www.courts.state.md.us/sites/default/files/import/family/forms/ccgn032.pdf>

FILING AND REPORTING REQUIREMENTS

Annual Report of Guardian of Disabled Person

- Within 60 days of appointment date
- Use Form CC-GN-013

Tip:

- Complete the entire form
- Write “not applicable” in sections where you have no information to include.

Circuit Court for _____ Case No. _____
City or County

In the Matter of _____
Name of Disabled Person

**ANNUAL REPORT OF GUARDIAN OF DISABLED PERSON
(Md. Rule 10-206(e))**

ANNUAL REPORT OF _____
GUARDIAN OF THE PERSON OF _____, WHO IS DISABLED

1. The name and permanent residence of the disabled person are: _____

2. The disabled person currently resides or is physically present in:

<input type="checkbox"/> own home	<input type="checkbox"/> guardian's home
<input type="checkbox"/> nursing home	<input type="checkbox"/> hospital or medical facility
<input type="checkbox"/> foster or boarding home	<input type="checkbox"/> other _____
<input type="checkbox"/> relative's home: _____	Relationship _____

(If other than disabled person's permanent home, state the name and address of the place where the disabled person lives _____.)

3. The disabled person has been in the current location since _____ Date _____. If the person has moved within the past year, the reasons for the change are: _____

As guardian of the person, you must file an **Annual Report of Guardian of Disabled Person each year within 60 days of the appointment date**. For example, if you were appointed as guardian on March 1, 2017, your first annual report would be due not later than April 30, 2018. Use: Form CC-GN-013, **Annual Report of Guardian of Disabled Person** (<http://www.mdcourts.gov/family/forms/ccgn013.pdf>).

The court uses the report to monitor the disabled person's residence and well-being and to make sure you are performing your guardianship duties. If you do not file the Annual Report on time or fail to address problems with the report, you will be asked to explain why your report was not filed properly and explain why you should not be removed as guardian.

Which form?

- Annual Report of Guardian of Disabled Person (CC-GN-013):
<https://www.courts.state.md.us/sites/default/files/import/family/forms/ccgn013.pdf>

Complete the entire form. Write “not applicable” in sections where you have no information to include.

PART 3: DECISION-MAKING

Decision-making standards

Ethical considerations

Medical decisions

Community resources

As guardian of the person, you are responsible for making decisions that affect the safety, health, and well-being of the disabled person. Some decisions will be easy, but some may be more difficult. There are issues and concepts that should inform how you perform your duties as guardian.

Guardian Video Series: Decision-Making for a Disabled Person

<https://www.courts.state.md.us/family/guardianship/videoseries/decisionmaking>

DECISION-MAKING STANDARDS

1. Substituted Judgment

- Based on what disabled person would do if he or she could

2. Best Interest

- Option with the most benefit and the least harm

3. Least Restrictive Alternative

- Meets the disabled person's needs and places the fewest restrictions on dignity and independence

4. Informed Consent

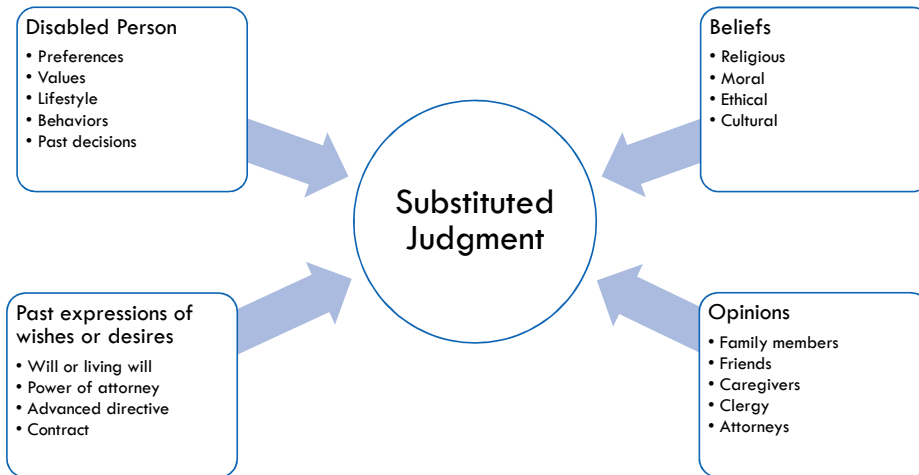
- Understand the purpose, risks, benefits, and alternative to any service you consider

Making decisions as guardian does not come naturally to most people. You must engage in a specific thought process for every decision made. In the legal world, the thought processes are called decision-making standards. There are four different standards.

Guardian Video Series: Decision-Making Standards

<https://www.courts.state.md.us/family/guardianship/videoseries/decisionmakingstandards>

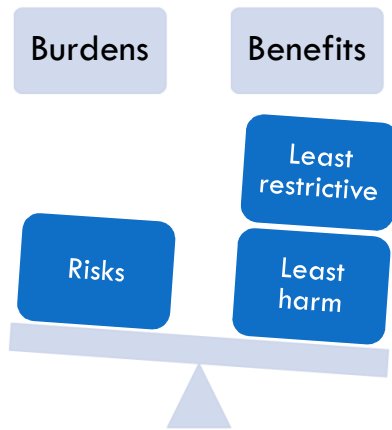
SUBSTITUTED JUDGMENT



Substituted judgment is based on what the disabled person would do if he or she had capacity. This assumes that the disabled person had at one time the ability to make their own decisions. Some guardians will know the disabled person well enough to have that answer. He or she would have had conversations with the disabled person before they lost capacity or the disabled person let their wishes be known in a will, living will, contract, or other document.

If you do not know how the disabled person would decide, learn about the disabled person's preferences, values, lifestyle and behaviors. Learn about decisions he or she made before losing capacity. Speak with people who know the disabled person's preferences. Reach out to family, friends, caregivers, or clergy. Consider the disabled person's religious, moral, cultural, and ethical beliefs.

BEST INTEREST



Weigh benefits against risks

Choose the option with the most benefit and least harm

Least restrictive

Least intrusive

Independent opinions:

- Doctors
- Social workers
- Attorneys
- Government agencies

The **Best Interest** Standard is used when you don't know how the disabled person would act or when the disabled person never had capacity.

Acting in the disabled person's best interest means:

- Weighing the benefits against the burdens an act or decision will have on the disabled person
- Considering all possibilities
- Choosing the option that has the most benefit and results in the least harm to the disabled person

You may need to get independent opinions from experts such as doctors, social workers, attorneys, or government agencies.

LEAST RESTRICTIVE ALTERNATIVE

Meets the needs but places the fewest restrictions on the disabled person's independence and dignity

Consider:

Disabled person's preferences

Opinions of professionals

Community resources

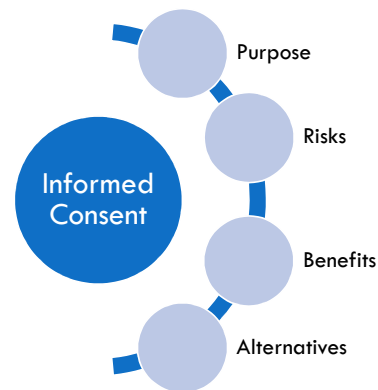
The **least restrictive alternative** means choosing the option that meets the needs of the disabled person, but places the fewest limits on his or her independence and dignity.

When you use this standard, it helps to know the disabled person's preferences and get professional opinions. It also helps to know about available community resources.

INFORMED CONSENT

Give informed consent for care, treatment, or services

Consent must be given freely, without coercion or undue influence



As guardian of the person, you must give **informed consent** for the disabled person to receive care, treatment, or services. This means that you need to know and understand the purpose, risks, benefits, and alternatives to any treatment or service you are considering for the disabled person. Your consent must also be given freely and without coercion or undue influence from others.

TIP: While it is good to get input from others, be careful about what information about the disabled person and about his or her condition you share with others. Balance what others need to know against the disabled person's preferences or interests in privacy. Consider the disabled person's past behavior with respect to what kind of personal information they shared with others and known religious or cultural beliefs and values. If you do share personal information about the disabled person with others, talk to them about keeping sensitive information confidential.

ETHICAL CONSIDERATIONS

Extreme care and diligence

Trust, loyalty, and fidelity

Least restrictive environment

Informed consent

Terminate or limit guardianship when needed

There are certain ethical considerations guardians of the person should keep in mind when making decisions for or on behalf of disabled persons:

- Guardians shall exercise extreme care and diligence when making decisions on behalf of the disabled person.
- Guardians shall exhibit the highest degree of trust, loyalty, and fidelity in the relation to the disabled person.
- Guardians shall assume legal custody of the disabled person and shall ensure the disabled person resides in the least restrictive environment possible.
- Guardians shall assume the responsibility to provide informed consent on behalf of the disabled person for the provisions of care, treatment, and services and that it is the least restrictive form of intervention.
- Guardians have an affirmative obligation to seek termination or limitation of the guardianship whenever indicated.

TIP: When making a decision for the disabled person, ask yourself what the disabled person would do or what would result in the best outcome for disabled person? Recognize that what you would do for yourself, may not be what is best for the disabled person.

Guardian Video Series: Ethical Considerations

<https://www.courts.state.md.us/family/guardianship/videoseries/ethicalconsiderations>

MEDICAL DECISIONS

Am I allowed to consent?

What does the disabled person want?

What do the experts say?

Do I need more information?

Deciding whether to consent to start, stop, or withdraw medical treatment for the disabled person can be very difficult for guardians. You should ask the following questions when making medical decisions:

Am I allowed to consent to the treatment? You cannot consent to treatment unless given authority to do so in the guardianship order. Even if you are authorized to make medical decisions, you must get approval from the court if starting, stopping, or withholding medical treatment would involve a **substantial risk to the life of the disabled person** or to involuntarily commit the disabled person to a mental facility.

What does the disabled person want? Include the disabled person in the decision-making process as much as possible.

What do the experts say? The court does not expect you to be a medical expert. But it does expect you to be a strong advocate. As guardian, you have the right to ask questions and seek second opinions. You also have the right to have information explained to you in way that allows you to make informed decisions. Ask specific questions about the benefits and risks that come with starting, stopping, or withholding treatment. Ask about alternatives to proposed treatments. Seek guidance from medical advocates or social workers. They can help you make an informed decision.

Do I need more information? Gather all the facts and information you need to make an intelligent decision about the disabled person's care. Make sure you understand all the benefits and risks of the treatment. Make sure, too, that you are not being pressured by another person.

Guardian Video Series: Medical Decisions

<https://www.courts.state.md.us/family/guardianship/videoseries/medicaldecisions>

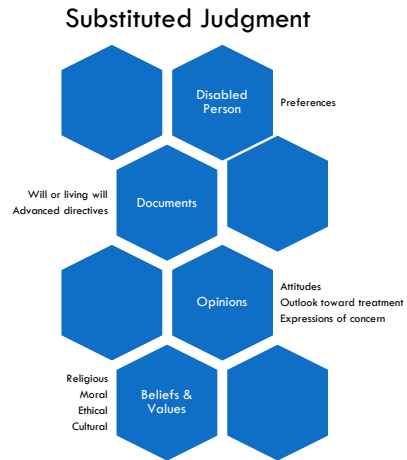
WHAT DOES THE DISABLED PERSON WANT?

Include the disabled person

OR use substituted judgment

OR use best interest standard

- Effect on physical, emotional, and cognitive function
- Risks, benefits, side effects
- Effect on life expectancy and chance of recovery
- Humiliation, loss of dignity, and dependency
- Religious, cultural, moral beliefs
- Personal values



If the disabled person cannot communicate what he or she wants, you should use substituted judgment. If you cannot use substituted judgment because you do not know what the disabled person wants, you should decide what is in the disabled person's best interest.

TIP: As an advocate for the disabled person, make sure experts know and understand the disabled person's history and current condition. Share with experts anything pertinent to recommending medical care. If you do not have this information, put the expert in touch with someone who does.

LIFE-SUSTAINING/END-OF-LIFE DECISIONS

You **MUST** get court approval to:

- Withhold or withdraw life-sustaining medical procedures, care, or treatment
- Execute
 - Do Not Resuscitate (DNR) Order
 - Do Not Intubate (DNI) Order
 - Removal of a feeding tube

You must get approval from the court to withhold or withdraw life-sustaining medical procedures, care, or treatment that would prevent or postpone the death of the disabled person. You must get permission to execute Do Not Resuscitate (DNR) orders, Do Not Intubate (DNI) orders, or to remove a feeding tube.

Contact the court regarding the process.

Which form?

- Motion for Appropriate Relief- Guardianship Proceeding (CC-GN-032):
<https://www.courts.state.md.us/sites/default/files/import/family/forms/ccgn032.pdf>

COMMUNITY RESOURCES

Case management

Information and referrals

Meals

***Program Eligibility**

Health care

In-home aide services

Transportation

Mental and behavioral health resources

Legal advocacy

Public benefit eligibility

Social, recreational, and educational programs

Crisis intervention

As guardian of the person, it is your responsibility to learn about and take advantage of services and resources available through federal, state, county, and private agencies.

Program Eligibility

Some service programs provide services regardless of ability to pay, while other may be means-based or have other eligibility requirements. Some services may be payable through government programs the disabled person receives benefits from such as Medicare, Medicaid, the Social Security Administration, or U.S. Department of Veterans Affairs.

If the disabled person does not receive benefits through one of these government programs, he or she may be eligible for them if he or she meets specific eligibility requirements. A local **Department of Social Services (DSS)** can help you determine what benefits the disabled person is entitled to and access medical, cash, and other public assistance. To find your local DSS office, call 1-800-322-6347 or visit:

<http://dhr.maryland.gov/local-offices/>.

If the disabled person is over the age of 65, a local Area Agency on Aging (<http://www.aging.maryland.gov/Documents/AAADirectoryFeb2017.pdf>) can also help.

If you think the disabled person is entitled to public benefits through a government program, someone will need to apply for those benefits on the disabled person's behalf. If the disabled person has a guardian of the property, that person will need to apply for the benefits.

MARYLAND ACCESS POINT

- Meals
- Housing
- Home repairs
- Long-term care, nursing home, or assisted living
- Adult day care
- Caregiver support
- Transportation
- Personal care
- Healthy living
- Medication management and other medical assistance



www.marylandaccesspoint.info

1-844-627-5465

Maryland Access Point (MAP)

MAP is statewide program that can connect you with resources. For more information, contact your local MAP office to discuss available resources and options for the disabled person by visiting www.marylandaccesspoint.info or calling 1-844-627-5465.

PART 4: ABUSE, NEGLECT, AND EXPLOITATION

Types and signs

People under guardianship often targeted because of:

- Age
- Physical, intellectual, or emotional limitations
- Dependence on others for basic needs
- Inability to communicate they are being hurt
- Limited ability to recognize and avoid danger

Victims of crime can suffer from physical psychological, and financial injuries

A signal indicator is usually not proof

Look for patterns or suggestions of a problem

People under guardianship are vulnerable and often targeted because of their age, physical, intellectual, or emotional limitations, and their dependence on others for basic needs.

Depending on the person under guardianship's age or disability, he or she may not be able to communicate if they are being hurt or be less able to recognize and avoid danger. If they are being hurt by a caregiver, spouse, or child, they may not report abuse because they are afraid of what will happen to them or to protect the abuser.

Victims of crime often suffer physical, psychological, and financial injuries from which it can be difficult to recover from. As guardian, you are in a unique position to help identify when the person under your care is being harmed.

There are signs or indicators that someone is being abused that may be explained by other causes. It is important to keep in mind that a single indicator is usually not proof of abuse, so be on the lookout for patterns or suggestions that there might be a problem.

Guardian Video Series: Abuse, Neglect, & Exploitation

<https://www.courts.state.md.us/family/guardianship/videoseries/abuseneglect>

PHYSICAL ABUSE

Use of force that may result on bodily injury, physical pain, or impairment

Signs

Complaint

Unexplained or poorly explained injuries

- Fractures, sprains, dislocations, bleeding
- Bruises, bites, cuts, sores, burns, scars, head trauma

Behavior Changes

- Withdrawal, aggression, regression, depression
- Substance abuse, attempts to escape, wariness, fear

Sudden Changes

- Weight loss, tooth loss, or hair loss

Other

- Different explanations for injuries
- Fear of a particular person
- Frequent/suspicious hospitalizations
- Delays in treatment

Physical abuse is the use of physical force that may result in bodily injury, physical pain, or impairment. It includes:

- Hitting, beating, pushing, shoving, shaking, and slapping
- Kicking, pinching, choking, pulling hair, and burning
- Inappropriate use of drugs or physical restraints
- Force-feeding, reckless driving, and physical punishment

Signs include:

- A specific complaint of mistreatment
- Unexplained or poorly-explained injuries, such as fractures, sprains, dislocations, or bleeding
- Bruises, bites, cuts, sores, burns, scars, or head trauma
- Sudden change in behavior such as withdrawal, aggression, regression, depression, substance abuse, attempts to escape, wariness of physical contact, or fear of certain places
- Sudden weight loss, tooth loss, or hair loss
- If the victim and the people around him or her have different explanations for the cause of injuries
- The victim seems afraid of or wants to avoid a particular person
- Frequent or suspicious hospitalizations, or if there are delays between the on-set of an injury and seeking medical care

Guardian Video Series: Types & Signs of Abuse

<https://www.courts.state.md.us/family/guardianship/videoseries/abuseneglect>

SEXUAL ABUSE

Nonconsensual sexual contact of any kind

Includes:

- Rape and molestation
- Sexual conduct with a person unable to consent

Victims include:

- Women and men
- Children and people with disabilities especially vulnerable

Signs

Complaint

Injuries

Behavior Changes

- Inappropriate, unusual, or aggressive behavior
- Bedwetting, sleep disruptions
- Fear of the dark, avoids undressing, overdresses

Sexual abuse is nonconsensual sexual contact of any kind. It includes rape, molestation, and any sexual conduct with a person who is unable to consent.

Most victims of sexual abuse are women. But men may also be victims. Children and people who have physical or cognitive disabilities are particularly vulnerable.

Signs of sexual abuse include:

- A specific complaint by the victim
- Report of genital or anal pain, irritation, or bleeding, difficulty walking or sitting, torn, stained, or bloody underclothing, and sexually transmitted diseases
- Behavior changes including inappropriate, unusual, or aggressive sexual behavior, bed wetting, and changes in sleep patterns (over- or under-sleeping and nightmares)
- Victim suddenly afraid of the dark, avoids undressing, or wears extra layers of clothing

Guardian Video Series: Types & Signs of Abuse

<https://www.courts.state.md.us/family/guardianship/videoseries/abuseneglect>

EMOTIONAL ABUSE

The infliction of pain, anguish, or distress

Also known as psychological abuse

Signs

Complaint

Changes

- Weight loss or gain
- Depression, confusion, agitation, withdrawal

Physical signs

- Rashes, hives, facial tics, stomach aches, elevated blood pressure
- Nervous habits (biting, rocking, head-banging, bedwetting, thumb sucking)

Emotional abuse is the infliction of pain, anguish, or distress. Sometimes, it's called psychological abuse.

Someone may cause emotional abuse by using verbal assaults, insults, or threats.

Emotional abuse also includes:

- Intimidation, humiliation, and harassment
- Isolating a person from his or her family, friends, or regular activities

Signs of emotional abuse include:

- A specific disclosure by the victim
- Significant weight loss or gain, depression, confusion, agitation, and withdrawal
- Unexplained rashes, hives, facial tics, or stomach aches
- Nervous habits such as biting, rocking, or head-banging, or bedwetting and thumb sucking

Guardian Video Series: Types & Signs of Abuse

<https://www.courts.state.md.us/family/guardianship/videoseries/abuseneglect>

PERPETRATORS OF ABUSE

Can be anyone

- Often someone the victim knows
 - Family members
 - Acquaintances
 - Dating partners
 - Caregivers

Perpetrators of abuse could be anyone. Most victims of abuse are harmed by someone they know including family members, acquaintances, dating partners, or caregivers.

Guardian Video Series: Types & Signs of Abuse

<https://www.courts.state.md.us/family/guardianship/videoseries/abuseneglect>

NEGLECT

A caregiver's refusal or failure to provide for a person's basic needs

- Food, water, clothing, shelter
- Personal hygiene, medication, comfort, personal safety

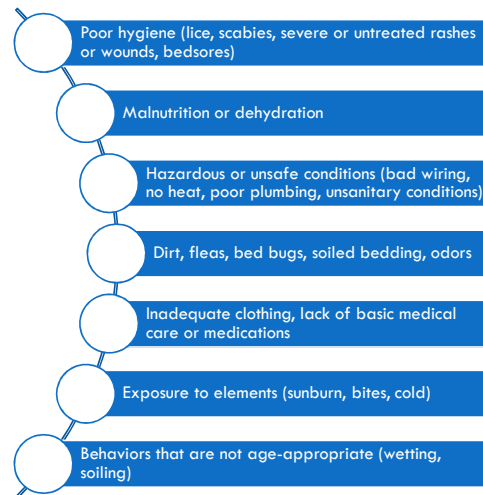
Passive neglect

- Caregiver unable to fulfill obligations

Intentional neglect

- Caregiver able to but refuses to fulfill obligations

Neglectors can be family members, caregivers, or staff at care facilities



Neglect is a caregiver's refusal or failure to provide for a person's basic needs. Basic needs include food, water, clothing, shelter, personal hygiene, medication, comfort, or personal safety.

Passive neglect occurs when a caregiver is unable to fulfill his or her obligations to another person because of illness, disability, stress, or lack of resources.

Intentional neglect occurs when a caregiver is able to fulfill obligations, but refuses to do so.

Neglectors may be family members, paid caregivers, or employees of care facilities.

Signs of neglect include:

- Poor hygiene, including lice, scabies, severe or untreated rashes or wounds, or bed sores
- Malnutrition or dehydration
- Hazardous or unsafe conditions such as exposed or improper wiring, no heat, or poor plumbing
- Unsanitary conditions, dirt, fleas, bed bugs, lice, soiled bedding, and fecal or urine smell
- Unsuitable or missing clothing or a lack of basic medical care or medications
- Indications of exposure to the elements, such as excessive sunburn, insect bites, or cold
- Behaviors that aren't age-appropriate, such as bed wetting, wetting, or soiling

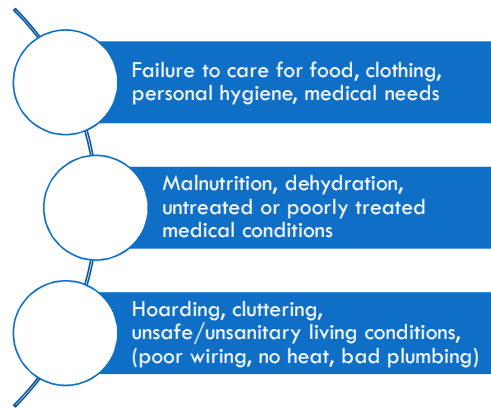
Guardian Video Series: Signs of Neglect

<https://www.courts.state.md.us/family/guardianship/videoseries/signsofneglect>

SELF-NEGLECT

When a person refuses to care for him/herself

- Declining health
- Mental health issues
 - Dementia
 - Substance abuse
 - Depression
 - Significant mental illness



Self-neglect is when a person refuses to care for him or herself. It is often associated with declining health and mental health issues such as dementia, substance abuse, depression, and significant mental illness.

Signs of self-neglect include:

- A failure to take care of one's own food, clothing, personal hygiene, or medical needs.
- Malnutrition, dehydration, untreated or improperly-treated medical conditions
- Hoarding or cluttering
- Unsafe or unsanitary living conditions including poor wiring, no heat, or bad plumbing

Guardian Video Series: Signs of Self-Neglect

<https://www.courts.state.md.us/family/guardianship/videoseries/signsofselfneglect>

RESPONDING TO SUSPECTED ABUSE OR NEGLECT

If someone is in immediate danger, **call 9-1-1**.

Suspect abuse?

- Child Protective Services (under 18 years old)
- Adult Protective Services (over 18 years old)
- Investigate concerns about the safety or well-being of children and vulnerable adults
 - Offer services and support
- Leave investigation to the professionals

If the person is in immediate danger, call 911.

If you are concerned someone is a victim of abuse, neglect, or exploitation but cannot verify the details:

- If the person is under the age of 18, call the local Child Protective Services office
- If the person is over the age of 18, call the local Adult Protective Services office.

Child protective services and adult protective services staff are professionals who are trained to investigate concerns about the safety or well-being of children and vulnerable adults. They offer services and support to help prevent or reduce the risk of someone being abused or neglected.

It is the job of police and protective services professionals to investigate allegations of abuse and neglect. If you think someone is being harmed, do not attempt to “investigate” or question potential suspects or witnesses on your own.

Guardian Video Series: Responding to Abuse or Neglect

<https://www.courts.state.md.us/family/guardianship/videoseries/respondingtoabuseandneglect>

PREVENTING ABUSE AND NEGLECT

Visiting the person under guardianship

- Monitor care
- Track changes
 - Behavior, physical appearance, physical surroundings
 - Specific complaints
 - Unexplained injuries or conflicting explanations
 - Depression, fear, agitation, withdrawal
 - Appropriate clothing, hygiene, living space
- Track people
 - Specific complaint
 - Reluctance/unwillingness to see certain people
 - Interference by others

Receiving proper care?

Is money paid being used properly?

Food, housing, clothing needs met?

Suspicious doctor/hospital visits?

Conflicting explanations for injuries?

You may not see the person under guardianship every day, but your visits are important. Preventing abuse and neglect requires an efficient use of your time with a person under guardianship. Keep records of your visits. Track changes in the person's behaviors and living conditions. Keep notes on the people in the person's life (those records may be the key to preventing problems).

When visiting with the person under guardianship, ask yourself:

- Does he or she report that they are not receiving proper care?
- Is the money paid to caregivers or service providers being used as it should be?
- Are the person's clothing, housing, and food needs being met?
- Has he or she been going to the hospital or doctor's offices for frequent or unexplained injuries?
- Are there conflicting accounts about what caused injuries?

Keep track of changes in the person's behavior, physical appearance, or physical surroundings.

- Does he or she report being harmed or not feeling safe?
- Does the person have any injuries that are not explained or for which there are conflicting explanations?
- Does he or she seem depressed, scared, agitated, or withdrawn?
- Is clothing weather-appropriate and clean?
- Is hygiene good?
- Is the living space clean and safe?

Keep track of people in the person's life.

- Does he or she report being harmed by someone?
- Is he or she afraid of someone?
- Are there new people influencing the person under guardianship?
- Is he or she reluctant or unwilling to see certain family members or service providers?
- Is anyone interfering with your ability to speak with the person alone or with the person's relationships with trusted family, friends, or service providers? Is anyone acting aggressively toward the person?

Guardian Video Series: How to Prevent Abuse & Neglect

<https://www.courts.state.md.us/family/guardianship/videoseries/howtopreventabuseandneglect>

PART 5: CHANGES TO THE GUARDIANSHIP

Termination

Resignation

Removal

End of Appointment

TERMINATION

The guardianship can terminate when:

- Disabled person dies
- Disabled person recovers from disability (cessation)
- Other good cause

Notify the court!

- Within **45 days**: Petition to Terminate the Guardianship

Show cause order

Upon death

- Copy of death certificate

Recovery from disability

- Physician examination within 21 days of filing the petition
- Medical Certificate – Cessation of Disability

Guardians of the property

- Include a final Fiduciary's Account
- Proposal for distribution of remaining assets

The guardianship can terminate (end) when the disabled person dies, recovers from the disability, or other good cause. It is your responsibility to notify the court when one of these events occurs.

Within **45 days** after the disabled person dies, recovers from the disability, or other good cause occurs, you must file a petition to terminate the guardianship in the court that appointed you as guardian.

- If the disabled person died, a copy of the death certificate must be attached to the petition
- If the disabled person recovers from the disability, a physician must examine him or her within 21 days of your filing of the petition to terminate.
 - Have the physician complete and sign Form CC-GN-022 Medical Certificate – Cessation of Disability (<http://www.mdcourts.gov/family/forms/ccgn022.pdf>) and attach the original certificate it to your petition.
- Attach a final Fiduciary's Account covering the period not reported in the last account filed, or, if none, from the date you were appointed as guardian of the property.
 - Attach a proposal for how to distribute any assets that remain in the estate

After the court receives your petition, it will issue a **show cause order**. You must mail a copy of the petition and the show cause order to all interested persons as the court directs. The court will hold a hearing and decide whether to terminate the guardianship.

Which form?

- Petition for Termination of Guardianship of the Person (CC-GN-028):
<https://www.courts.state.md.us/sites/default/files/court-forms/ccgn028.pdf>
- Petition for Termination of Guardianship of the Property (CC-GN-029):
<https://www.courts.state.md.us/sites/default/files/court-forms/ccgn029.pdf>

RESIGNATION

No longer able to serve?

Petition for Resignation of Guardian

- May request: Substituted or Successor Guardian (replacement)
- Include a final Fiduciary's Account

Show cause order

Resignation not automatic

- Court order accepting your resignation
- Continue responsibilities as guardian

The court understands that circumstances change and you may no longer be able to serve as guardian. If you are no longer able to fulfill your responsibilities you can resign as guardian. To resign, you must file a petition to resign with the court in the court that appointed you as guardian that includes your reasons for resigning. In your petition, you may request the appointment of a substituted or successor guardian.

Include a final Fiduciary's Account covering the period not reported in the last account filed, or, if none, from the date you were appointed as guardian of the property.

After the court receives your petition, it will issue a **show cause order**. You must mail a copy of the petition and the show cause order to all interested persons as the court directs.

Your request for resignation is not automatic. The court may hold a hearing. Your appointment as guardian does not end until the court enters an order accepting your resignation. Until then, you must continue to fulfill your responsibilities as guardian.

Which form?

- Petition for Resignation of Guardian of the Person and Appointment of Substituted or Successor Guardian (CC-GN-026):
<https://www.courts.state.md.us/sites/default/files/court-forms/ccgn026.pdf>
- Petition for Resignation of Guardian of the Property and Appointment of Substituted or Successor Guardian (CC-GN-027):
<https://www.courts.state.md.us/sites/default/files/court-forms/ccgn027.pdf>
- Consent of Substituted or Successor Guardian (CC-GN-030)
<https://www.courts.state.md.us/sites/default/files/import/family/forms/ccgn030.pdf>

REMOVAL

Removal as guardian

- Court – Show cause
- Petition from Interested person – Petition for Removal of Guardian

Hearing

- Removal
- Perform neglected duties
- Other sanctions

Removal not automatic

- Court order removing you as guardian
- Continue responsibilities
- File a final Fiduciary's Account

If the court is not satisfied with your performance as guardian, it can order you to show cause why you should not be removed or subject to sanctions. If an interested person is dissatisfied with your performance as guardian, he or she can also file a petition for removal of guardian. The interested person must show cause as to why the court should appoint a substituted or successor guardian.

The court will hold a hearing to determine whether you should be removed as guardian, required to perform your neglected duties, or subjected to other sanctions.

If you are removed guardian, you must file a final Fiduciary's Account covering the period not reported in the last account filed, or, if none, from the date you were appointed as guardian of the property.

Your appointment as guardian does not end until the court enters an order to remove you as guardian. Until then, you must continue to fulfill your responsibilities as guardian.

Which form?

- Fiduciary's Account (CC-GN-012):
<https://www.courts.state.md.us/sites/default/files/import/family/forms/ccgn012.pdf>

END OF APPOINTMENT

Rights and responsibilities end upon termination

Does not discharge you from liability for wrongful acts

Once your appointment as guardian ends, you no longer have the rights or powers of a guardian. The end of your appointment does not discharge you from liability for any wrongful acts during the appointment.

QUESTIONS?

Visit: www.mdcourts.gov/guardianship

- Forms
- Videos
- Resources



GUARDIANS OF THE PERSON & PROPERTY TRAINING

Disabled Persons

Which form?

- Certificate of Completion - Guardian Orientation and Training (CC-GN-031):
<https://www.courts.state.md.us/sites/default/files/import/family/forms/ccgn031.pdf>