



CIRCUIT ORPHANS' COURT FOR _____, MARYLAND

City/County

Located at _____ Telephone _____

Court Address

Case No. _____

In the Matter of

Name of minor or alleged disabled person

Docket reference

**PRE-HEARING STATEMENT (GUARDIANSHIP)
(Md. Rule 10-106.1)**

NOTE: Use this form if the court ordered you to file a pre-hearing statement in a guardianship case. Complete only the sections listed in the court order.

Your information

Full name: _____

Address: _____

Telephone: _____

E-mail (if any): _____

I am (*select one*):

- the petitioner.
- the attorney for the petitioner, _____ .
Name of petitioner
- the attorney for the minor or alleged disabled person.
- an interested person.
- the attorney for an interested person, _____ .
Name of interested person

Minor or Alleged Disabled Person's Attendance at the Hearing

Select all that apply:

- the minor or alleged disabled person will attend the hearing in person.
- the minor or alleged disabled person needs the following special accommodations to attend or participate in the hearing:

- remote electronic participation.
- for the hearing to be held at _____, a place to which the minor or alleged disabled person has reasonable access.

other: _____

the alleged disabled person will not be present at the hearing because*: _____

*Attorneys: See Md. Rule 10-106.1(b)(2)

I do not have the information needed to complete this section.

Jury Trial

Only complete this section if you are an attorney representing an alleged disabled person on a petition seeking guardianship of the person.

The alleged disabled person (*select one*):

- requests a jury trial.
- waives the right to a jury trial.

Stipulations and/or Limitation of Issues

List any issues (facts, evidence, etc.) you and all other parties agree about (stipulations) or issues that you and all other parties agree need to be resolved by the court (limitations). Attach additional sheets if needed.

A. Stipulations

B. Limitation of Issues

Position of Minor or Alleged Disabled Person

Only complete this section if you are an attorney representing the minor or alleged disabled person.

Has your client stated or expressed a position that you are permitted to share with the court regarding:

A. The need for guardianship? Yes No

If yes, what is your client's position?

B. The availability of any less restrictive alternative to guardianship? Yes No

If yes, what is your client's position?

C. Limitations of the powers of the guardian of the person (if appointed)? Yes No

If yes, what is your client's position?

D. The appropriateness of the person proposed to be guardian of the person? Yes No

If yes, what is your client's position?

E. Limitations of the powers of the guardian of the property (if appointed)? Yes No

If yes, what is your client's position?

F. The appropriateness of the person proposed to be guardian of the property? Yes No

If yes, what is your client's position?

Position of Petitioner or Interested Person

Only complete this section if you are the petitioner, an interested person, or an attorney representing the petitioner or an interested person.

State your/your client’s position regarding:

A. The need for guardianship.

Do you/Does your client believe the minor or alleged disabled person needs a guardian of the person? Yes No Not applicable

Do you/Does your client believe the minor or alleged disabled person needs a guardian of the property? Yes No Not applicable

B. The availability of any less restrictive alternative to guardianship.

Do you/Does your client believe that there are any available less restrictive alternatives to guardianship? Yes No

If yes, explain:

C. Guardianship of the person (if applicable).

What, if any, limits do you/does your client believe the court should place on the powers of the proposed guardian of the person (if appointed):

Do you/does your client have an objection to the proposed guardian of the person? Yes No
If yes, explain:

D. Guardianship of the property (if applicable).

What, if any, limits do you/does your client believe the court should place on the powers of the proposed guardian of the property (if appointed):

Do you/does your client have an objection to the proposed guardian of the property?
 Yes No If yes, explain:

Interested Persons

Are there interested persons not previously identified in a pleading or paper filed in this case?

Yes No

If yes, list their names, relationship to the minor or alleged disabled person, and, if known, state whether they have been served case paperwork (attach additional sheets if needed):

<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>	<u>E-mail Address (if known)</u>	<u>Relationship to Minor or Alleged Disabled person</u>
-------------	----------------	-------------------------	----------------------------------	---

Served? Yes No Unknown

Served? Yes No Unknown

Served? Yes No Unknown

Do you/does your client have an objection to the designation of any of these individuals as interested persons? (If the individual is not designated as an interested person, then they will NOT be allowed to participate as a party in the case.) Yes No

If yes, explain:

Property

If guardianship of the property is sought, is there any property the minor or alleged disabled person owns or has any interest in, including an absolute interest, joint interest, or an interest less than absolute (trust, life estate, etc.) that has not been identified in a pleading or paper filed in this case? Yes No

If yes, describe (attach additional sheets if needed):

<u>Property</u>	<u>Location</u>	<u>Value</u>	<u>Trustee, Custodian, Agent, etc.</u>

Expert Testimony

Will you present any expert witnesses? Yes No

If yes, list the full name of each expert witness (attach additional sheets if needed):

Other Issues

See court order.

Scheduling Concerns

Are there any special scheduling issues the court should know about (e.g., preservation of property, safety concerns, need for early hearing, etc.)?

Note: This section does not apply to requests for expedited hearings in connection with medical treatment filed with a petition for guardianship of the person of an alleged disabled person (Md. Rule 10-201(f)).

Yes No

If yes, explain:

Estate Planning and Other Documents

Are there any documents such as powers of attorney, advance health care directives, or similar documents related to the minor or alleged disabled person not identified in the court file? Yes No

If yes, list:

Mediation

Do you believe that mediation would be helpful in this case? Yes No

If yes, explain what issue(s) should be addressed in mediation (e.g., who should be guardian, powers of the guardian, etc.):

Appointment of an Independent Investigator

Do you believe the court should appoint an independent investigator to investigate a specific issue or issues and submit written findings to the court? Yes No

If yes, explain the issue(s) (e.g., whether there is a need for guardianship, the suitability of a proposed guardian, or limitation on the powers of a guardian, etc.)?

_____ Date

_____ Signature of Plaintiff/Attorney

_____ Attorney Number

_____ Telephone Number

_____ Printed Name

_____ Fax

_____ Street Address

_____ E-mail

_____ City, State, Zip