

**INSTRUCTIONS FOR COMPLETING PETITION FOR GUARDIANSHIP OF THE PERSON AND/OR
PROPERTY OF AN ALLEGED DISABLED PERSON (CC-GN-002)**
宣称残疾人士之当事人和/或财产监护权申请 (CC-GN-002) 填写说明
(Md. Rule 10-112)
(马里兰州规则 10-112)

Before completing the Petition for Guardianship of Alleged Disabled Person (form CC-GN-002), review the General Instructions (form CC-DRIN) in addition to these instructions. These instructions may assist you and are for informational purposes only. They are not intended as legal advice.

填写宣称残疾人士监护权申请(表格 CC-GN-002)之前, 请查阅一般说明(表格 CC-DRIN)及这些说明。这些说明可为您提供协助, 仅用于提供信息之目的。这些说明并非旨在用作法律建议。

WHO SHOULD USE THIS FORM?

谁应该使用此表格?

Use the Petition for Guardianship of Alleged Disabled Person (form CC-GN-002) if you are asking the court to appoint you or someone else as a guardian of the person or property of an alleged disabled person. Use this form if you are not hiring a lawyer to file the case for you. These instructions answer questions including:

如果您要求法院任命您或另一人作为宣称残疾人士的当事人或财产之监护人, 则使用宣称残疾人士监护权申请(表格 CC-GN-002)。如果您没有雇用律师为您提出案件, 则使用此表格。这些说明回答各种问题, 包括:

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NOTE: Guardianship cases can be complicated. You may want to speak with a lawyer.

注: 监护权案件可以非常复杂。您可能希望与律师讨论。

WHAT IS GUARDIANSHIP OF THE PERSON OR PROPERTY OF AN ALLEGED DISABLED PERSON?

宣称残疾人士的当事人或财产监护权是什么?

Guardianship of the person: A court will appoint a guardian of an alleged disabled person if it determines by clear and convincing evidence that a person (the alleged disabled person):

当事人监护权: 如果法院通过明确而有说服力的证据确定当事人(宣称残疾人士)存在下列情况, 则法院将为宣称残疾人士任命监护人:

1. cannot make or communicate responsible decisions about themselves because of mental disability, disease, habitual drunkenness, or addiction to drugs, AND
因为心理障碍、疾病、经常性醉酒或毒瘾而无法为他们自己做出负责的决定或传达为他们自己负责的决定, 以及
2. there is no less restrictive form of intervention available.
无限制性更低的干预方式可用。

If appointed, the guardian of the person will make decisions about that individual's health care, food, clothing, shelter, and other related matters.

如果得到任命, 监护人将做出关于个人医疗、食品、衣物、住所以及其它相关事项的决定。

Guardianship of the property: A court will appoint a guardian of the property if it determines that the alleged disabled person:

财产监护权: 如果法院认为宣称残疾人士存在下列情况, 则将任命财产监护人:

1. is unable to manage their property or affairs because of physical or mental disability, disease, habitual drunkenness, addiction to drugs, imprisonment, compulsory hospitalization, detention by a foreign power, or disappearance, AND
因为生理或心理障碍、疾病、经常性醉酒、毒瘾、入狱、强制住院、外国势力拘留或消失而无法管理他们的财产或事务, 以及
2. has or may be entitled to property or benefits which require proper management.
有权或可能有权持有需要适当管理的财产或福利。

If appointed, the guardian of the property will make decisions about that individual's money, income, stocks and bonds, and other financial matters. The guardian of the property may be required to post a bond.

如果得到任命, 财产监护人将做出关于个人资金、收入、股票债券以及其它财务事项的决定。财产监护人可能需要交纳保证金。

Guardianship of person and property – A person may be appointed as guardian of both person and property of an alleged disabled person.

当事人及其财产监护权 – 某人可被任命为宣称残疾人士的当事人及其财产监护人。

To learn more about adult guardianship, visit

如需了解关于成年人监护权的更多信息, 请访问

mdcourts.gov/video/selfhelp/adult-guardianship-introduction-adult-guardianship.

WHO CAN FILE FOR GUARDIANSHIP?

谁可以提交监护权申请?

Only interested persons can file for guardianship. Interested persons are defined by law. See paragraph 8 of the Petition for Guardianship of Alleged Disabled Person (form CC-GN-002) for a list of interested persons.

仅利害关系人可以提交监护权申请。利害关系人的定义由法律规定。参阅宣称残疾人士监护权申请(表格 CC-GN-002)第 8 段了解利害关系人列表。

If you are not an interested person but are concerned about risks to the personal or financial well-being of the alleged disabled person if a guardian is not appointed, it is recommended that you speak with a lawyer.

如果您不是利害关系人, 但担心在未任命监护人的情况下宣称残疾人士的个人或财务状况会面临很多风险, 建议您与律师讨论。

HOW DO I FILE FOR GUARDIANSHIP OF AN ALLEGED DISABLED PERSON?

我如何提交宣称残疾人士的监护权申请?

If you are filing the guardianship case, you are the Petitioner. Use the **CC-GN forms**. There are five (5) steps:

如果您将提交监护权案件, 您就是申请人。使用 **CC-GN 表格**。共有**五 (5) 个步骤**:

STEP 1. Complete a Petition for Guardianship of Alleged Disabled Person (form CC-GN-002).

第 1 步. 填写宣称残疾人士监护权申请(表格 CC-GN-002)。

CC-GN-002 Form Tips:

CC-GN-002 表格注意事项:

- If you are a **co-petitioner** (another person joining the filing for guardianship of the disabled person), complete and sign a Co-Petitioner Information Sheet (form CC-GN-018).
- 如果您是**共同申请人** (加入提交残疾人士监护权申请的另一人), 请填写并签署共同申请人信息表(表格 CC-GN-018)。

- **Designation of a Guardian of the Property** – The alleged disabled person can designate who they would like the court to appoint as a guardian of the property. Have them complete and sign the Designation of a Guardian of the Property by a Minor or Disabled Person (form CC-GN-009) and file the original with your petition.
- **指定为财产监护人** – 宣称残疾人士可以指定希望法院任命为财产监护人的人。让他们填写并签署未成年人或残疾人指定的财产监护人(表格 CC-GN-009)并将原件与您的申请一起提交。
- **Paragraph 6:** If you are asking the court to appoint another person as guardian of the person or property, ask that person to complete and sign the Prospective Guardian Information Sheet (form CC-GN-023) and file the original with your petition.
- **第 6 段:** 如果您要求法院任命另一人为当事人或财产监护人, 要求该人填写并签署未来监护人信息表(表格 CC-GN-023)并将原件与您的申请一起提交。
- **Paragraph 11(b):** Under Maryland law, (Estates and Trusts Article, § 13-705 (b)), a court will only appoint a guardian of the person if there is no less restrictive form of intervention available that is consistent with the alleged disabled person’s welfare and safety. Less restrictive alternatives to guardianship of the person include family guidance, adult protective services, case management, in-home services, transportation and food assistance, social service programs, alternative housing arrangements (e.g., assisted living programs, adult foster care, etc.), advance health care directives, and supported decision-making. List any alternatives that have been attempted.
- **第 11(b) 段:** 依据马里兰州法律规定(财产与信托条款第 13-705 (b) 款), 法院任命当事人监护人仅因为没有限制较少的干预形式可用是符合宣称残疾人士的福利与安全。当事人监护权的限制较少的替代性方案包括家庭指导、成年人保护服务、案件管理、居家服务、交通和食物援助、社会服务计划、替代性住房安排(例如有协助的居住计划、成年人寄养等等)、高级医疗指示以及得到支持做决定。列出任何曾尝试的替代方案。
- **Paragraph 12(b):** List any less restrictive alternatives to guardianship of the property that have failed. Alternatives include use of a representative payee, power of attorney, banking services, joint ownership of bank accounts, court authorization of specific transactions, and trusts.
- **第 12(b) 段:** 列出曾失败的财产监护权的任何限制较少的替代方案。替代方案包括使用代理收款人、授权委托书、银行服务、银行账户共同所有权、法院批准特定交易以及信托。
- **Required Exhibits:** Gather all required exhibits and provide any additional information on separate sheets (page 6)
- **要求的附件:** 收集所有要求的附件并另外提供任何附加信息 (第 6 页)
 - Health care professionals (licensed physicians, licensed psychologists, licensed certified social workers-clinical (LCSW-C), or nurse practitioners) who examine or evaluate alleged disabled persons must use the following forms:
 - 检查或评估宣称残疾人士的医疗专业人员(持照医生、持照心理学家或持照经认证社工临床人员(LCSW-C), 或执业护士)必须使用下列表格:
 - Physician’s Certificate (form CC-GN-019)
 - 医生证明(表格 CC-GN-019)
 - Psychologist’s Certificate (form CC-GN-020)
 - 心理学家证明(表格 CC-GN-020)
 - Licensed Certified Social Worker-Clinical (LCSW-C) Certificate (form CC-GN-021)
 - 持照经认证社工临床人员 (LCSW-C) 证明(表格 CC-GN-021)
 - Nurse Practitioner’s Certificate (form CC-GN-050) (for petitions filed on or after October 1, 2020 only)
 - 执业护士证明(表格 CC-GN-050) (只适用于 2020 年 10 月 1 日或之后提交的申请)

- One evaluation or examination must have occurred within 21 days before the filing of the petition. Attach the original certificate(s) to the petition.
- 在提交申请前 21 天内必须进行一次评估或检查。在申请中附上证书原件。
 - If you are not able to have the alleged disabled person seen by a health care professional because they live with or are under the control of someone who refuses to allow the examination or evaluation, complete the Petition for Appointment of Health Care Professionals (form CC-GN-033), and attach it to the petition.
 - 如果您不能让宣称残疾人士接受医疗专业人员的看诊, 因为他们与拒绝批准检查或评估的某人一起生活或受该人的控制, 填写医疗专业人员任命申请 (表格 CC-GN- 033), 并将其附在申请中。

STEP 2. File for Guardianship – The completed petition and required exhibits should be filed with the Clerk of the Court in the appropriate court.

第 2 步。监护权申请提交 – 填妥的申请和所需附件应提交至合适法院的法院书记官处。

Where to File for Guardianship – If the alleged disabled person **lives in** Maryland, file in the **circuit court** in the county (or Baltimore City) in which they are living. Do not file in the county (or Baltimore City) where you live unless you live in the same county as the alleged disabled person.

提交监护权申请地点 – 如果宣称残疾人士居住在马里兰州, 在其居住所在县(或巴尔的摩市)的**巡回法院**提交申请文件。除非您与宣称残疾人士在同一个县居住, 否则请勿在您居住的县(或巴尔的摩市)提交申请文件。

If the alleged disabled person **does not** live in Maryland, file in the **circuit court** in any county (or Baltimore City) in which they are physically present.

如果宣称残疾人士不在马里兰州居住, 则在他们实际停留的任何县(或巴尔的摩市) **巡回法院**提交申请文件。

If you are requesting a guardianship of the property, file in any county (or Baltimore City) where the alleged disabled person has property, such as a house or bank account.

如果您申请财产监护权, 则在宣称残疾人士持有财产(例如住房或银行账户)的任何县(或巴尔的摩市)提交申请文件。

The court requires you to pay a filing fee. If you cannot afford the filing fees, ask the court to waive the fees at the beginning of your case by filing a Request for Waiver of Prepaid Costs (form CC-DC-089). See General Instructions (form CC-DRIN) for information on fees and court costs.

法院要求您支付申请费。如果您无法承担申请费, 要求法院在您的案件开始时豁免此类费用, 您须通过提交预付费用豁免申请(表格 CC-DC-089)提出要求。参阅一般说明(表格 CC-DRIN)了解关于费用和法院费用的信息。

The court will assign your petition a **case number**. **Remember your case number. Keep a copy of the petition and all attachments for your records.**

法院将为您的申请分配**案件编号**。**记住您的案件编号。保存申请和所有附件的副本存档。**

The court will issue a **show cause order** that includes:

法院还将发布**陈述理由命令**, 其中包括:

- the date by which service must be completed (STEP 3);
- 送达必须完成的截止日期(第 3 步);
- the date by which the alleged disabled person and interested persons need to respond or “show cause” as to why they think a guardianship is not necessary or why a proposed guardian should not be appointed.
- 宣称残疾人士和利害关系人需要就其认为监护权不必要或建议监护人不应任命之理由做出回复或“陈述理由”的截止日期。

The show cause order may also include the date of the guardianship hearing (STEP 5).
陈述理由命令也可包括监护权听证会的日期(第 5 步)。

If the alleged disabled person does not have an attorney of their own choosing the court will appoint one for them.
如果宣称残疾人士没有自己选择的律师, 法院将为其任命一名律师。

STEP 3. Service of Process – Service of process is the way the court makes sure that all necessary people receive copies of your guardianship petition. Your case cannot move forward until proper service is made.

第 3 步. 传票送达 – 传票送达是法院确保所有必要人员收到您的监护权申请之副本的方式。可靠送达完成前, 您的案件不可前进。

You must serve the alleged disabled person, their attorney, AND all interested persons (see Paragraph 8 of form CC-GN-002 for a list of interested persons). If the alleged disabled person lives with you (the petitioner), service must be made on the alleged disabled person and any additional person named by the court.

您必须将监护权申请副本送达至宣称残疾人士、其律师以及所有利害关系人 (参阅表格 CC-GN-002 第 8 段了解利害关系人列表)。如果宣称残疾人士与您(申请人)一起居住, 则必须将监护权申请副本送达至宣称残疾人士和法院指定的任何其他人。

Each person to be served must receive:

将接受送达服务的各人必须收到:

- 1) A copy of the petition;
申请副本;
- 2) Any papers filed with the court; and
向法院提交的所有文件; 以及
- 3) The **show cause order** issued by the court.
法院发布的**陈述理由命令**。

You must also serve the alleged disabled person with an Advice of Rights. Use form CC-GN-015 if asking for a guardianship of the person and/or form CC-GN-016 if asking for guardianship of the property.

您还必须向宣称残疾人士送达权利说明。如果要求当事人监护权, 使用表格 CC-GN-015, 和/或如果要求财产监护权, 使用表格 CC-GN-016。

You must also serve interested persons with a Notice to Interested Persons. Use form CC-GN-005 if asking for a guardianship of the person and/or form CC-GN-006 if asking for a guardianship of the property.

您还必须向利害关系人送达利害关系人通知。如果要求当事人监护权, 使用表格 CC-GN-005, 和/或如果要求财产监护权, 使用表格 CC-GN-006 表格。

STEP 4. File proof of service with the court – File proof that all necessary people have been properly served with the required papers. If you were unable to contact, locate, or identify any interested person, complete and sign an Affidavit of Attempts to Contact, Locate, and Identify Interested Persons (form CC-GN-010) and file it with the court.

第 4 步. 向法院提交送达证据 – 提交所有必要人员均妥善得到所有必要文件送达的证据。如果您无法联系、找到或识别任何利益关系人, 请填写并签署试图联系、寻找并识别利害关系人之宣誓书(表格 CC-GN-010), 并将其提交至法院。

For information about service, see General Instructions (form CC-DRIN) and the Self-Help Video, “Service of Process” available at: mdcourts.gov/video/selfhelp/serviceofprocess.html.

如需关于送达的信息, 请参阅一般说明(表格 CC-DRIN)和自助视频“传票送达”, 视频获取地址: mdcourts.gov/video/selfhelp/serviceofprocess.html。

STEP 5. Hearing – The court will schedule a hearing after it receives

第 5 步. 听证会 – 法院在收到下列文件后, 将安排听证会

- the petition,
- 申请,
- proof that all required people were properly served, AND
- 所有必要人员得到适当送达服务的证据, 以及
- notice that the alleged disabled person has an attorney.
- 宣称残疾人士有律师的通知。

A hearing helps the court decide if the alleged disabled person needs a guardian and, if so, who should be appointed. It is important that you attend the hearing and bring all papers related to the case. If the alleged disabled person or an interested person contests (challenges) your request for guardianship, contact a lawyer before the hearing.

听证会帮助法院决定宣称残疾人士是否需要监护人, 如果需要, 则决定应任命的对象。您必须参加听证会并携带案件相关的所有文件。如果宣称残疾人士或利害关系人反对(质疑)您的监护权申请, 请在听证会前联系律师。

WHO CAN BE A GUARDIAN?

谁可以成为监护人?

The court may appoint anyone who is qualified and capable of fulfilling the responsibilities of a guardian. Maryland law provides a list of potential guardians in order of preference (Md. Code Ann., Est. & Trusts § 13-707).

法院可任命符合资格而且有能力履行监护人责任的任何人。马里兰州法律按优先顺序提供了可能的监护人列表(马里兰州注释法典, 财产与信托条款第 13-707 款)。

If you have been convicted of certain crimes, you may not be eligible to become a guardian. Unless good cause is shown for the appointment, the court may not appoint someone who has been convicted of any of the following crimes listed under Md. Code Ann., Estates and Trusts, Article § 11-114:

如果您曾被判处犯有某些罪行, 您可能无资格成为监护人。除非任命有正当理由, 否则法院不可任命(注释法典, 财产与信托条款第 11-114 款中所列) 曾被判处犯有下列罪行之人员:

- A felony
- 重罪
- A crime of violence as defined in § 14-101 of the Criminal Law Article, which include:
 - 刑法条款第 14-101 款中定义的暴力犯罪, 其中包括:
 - Abduction;
 - 诱拐;
 - arson in the first degree;
 - 一级放火罪;
 - kidnapping;
 - 绑架;
 - manslaughter, except involuntary manslaughter;
 - 误杀(非自愿误杀除外);
 - mayhem;
 - 重伤罪;
 - maiming, as previously proscribed under former Article 27, §§ 385 and 386 of the Maryland Code;
 - 致残(曾依据《马里兰州法典》原 27 条第 385 和 386 款被禁止);
 - murder;
 - 谋杀;
 - rape;
 - 强奸;

- robbery under § 3-402 of the Criminal Law Article;
- 抢劫(依据刑法条款第 3-402 款);
- carjacking;
- 劫车;
- armed carjacking;
- 武装劫车;
- sexual offense in the first degree;
- 一级性侵;
- sexual offense in the second degree;
- 二级性侵;
- use of a handgun in the commission of a felony or other crime of violence;
- 在重罪或其它暴力犯罪进行过程中使用手枪;
- child abuse in the first degree under § 3-601 of the Criminal Law Article;
- 一级虐童(依据刑法条款第 3-601 款);
- sexual abuse of a minor under § 3-602 of the Criminal Law Article if:
- 对未成年人性虐待(依据刑法条款第 3-602 款), 但须符合下列情况:
 - the victim is under the age of 13 years and the offender is an adult at the time of the offense;
 - 受害人未满 13 岁, 罪犯在进行侵犯时已成年;
 - and
 - 而且
 - the offense involved:
 - 侵犯涉及:
 - vaginal intercourse, as defined in § 3-301 of the Criminal Law Article;
 - 性交(依据刑法条款第 3-301 款定义);
 - a sexual act, as defined in § 3-301 of the Criminal Law Article;
 - 性行为(依据刑法条款第 3-301 款定义);
 - an act in which a part of the offender's body penetrates, however slightly, into the victim's genital opening or anus; or
 - 罪犯的身体部位不管多轻微, 进入受害人的生殖孔或肛门; 或
 - the intentional touching, not through the clothing, of the victim's or the offender's genital, anal, or other intimate area for sexual arousal, gratification, or abuse.
 - 没有隔着衣物有意触碰受害人或罪犯的生殖器、肛门或其它亲密区域以激起性欲、满足或虐待。
- an attempt to commit any of the crimes listed above;
- 尝试进行上述所列任何罪行;
- continuing course of conduct with a child under § 3-315 of the Criminal Law Article;
- 继续与儿童进行依据刑法条款第 3-315 款规定的行为过程;
- assault in the first degree;
- 一级攻击;
- assault with intent to murder;
- 意图谋杀的攻击;
- assault with intent to rape;
- 意图强奸的攻击;

- assault with intent to rob;
- 意图抢劫的攻击;
- assault with intent to commit a sexual offense in the first degree; and
- 意图实施一级性侵的攻击; 以及
- assault with intent to commit a sexual offense in the second degree.
- 意图实施二级性侵的攻击。
- Assault in the second degree; or
- 二级攻击; 或
- A sexual offense in the third or fourth degree or attempted rape or sexual offense in the third or fourth degree.
- 三级或四级性侵或试图实施的三级或四级强奸或性侵。

Other convictions may prevent you from becoming a guardian of the property. Unless good cause is shown for the appointment, the court may not appoint someone as a guardian of the property who has been convicted of a crime that reflects negatively on that person's honesty, trustworthiness, or fitness to perform the guardianship duties. Those crimes include fraud, extortion, embezzlement, forgery, perjury, and theft.

其他定罪可能令您无法成为财产监护人。除非任命表明了正当理由, 否则法院是不会给曾经犯下能够负面反映一个人的诚实, 可信度, 或负面反映执行监护人职责胜任度的人成为财产监护人去执行监护人的职责。这些罪行包括欺诈、勒索钱财、挪用公款、伪造文书、作伪证和盗窃。

If the proposed guardian has been convicted of a disqualifying crime, **there will be an opportunity to explain to the court why there is good cause for the court to still make the appointment.**

如果拟议监护人曾在失去资格的罪行判处有罪, 其将有机会向法院解释为什么法院依然有正当理由进行任命。

WHAT ARE THE GUARDIAN ORIENTATION AND TRAINING REQUIREMENTS?

监护人入门指导和培训的要求是什么?

Before the court appoints you as a guardian of the person or property, you must watch the orientation program for court-appointed guardians available at mdcourts.gov/family/guardianship/guardianorientationprogram. This brief video covers the role, duties, and responsibilities, of a guardian and what to expect if appointed. If you do not have access to a computer or need help watching the program, contact the court.

在法院任命您为当事人或财产监护人之前, 您必须观看法院任命之监护人入门指导计划, 网址是: mdcourts.gov/family/guardianship/guardianorientationprogram。这一简要视频涵盖了监护人的角色、职责和责任, 以及在得到任命后可以预期的状况。如果您没有计算机或在观看计划上需要帮助, 请联系法院。

After watching the video, complete a Certificate of Completion – Guardian Orientation and Training Program (form CC-GN-031) and file it with the court.

观看视频后, 填写完成证明 – 监护人入门指导和培训计划(表格 CC-GN-031)并将其提交至法院。

After the court appoints you as guardian, it will direct you to complete a training program. The program covers your specific responsibilities as guardian in more detail, describes how to make decisions as a guardian, and provides information about community resources available to help you and the person you care for. Guardians of the person must complete the training within 120 days of appointment. Guardians of the property must complete the training within 60 days of appointment. The court may direct you to complete the training at another time.

法院将您任命为监护人后, 其将指导您完成培训计划。计划涵盖了您作为监护人的具体责任的更多详细信息, 说明了作为监护人如何做出决定, 并提供了关于帮助您以及您的照顾对象时可用的社区资源的信息。当事人监护人必须在任命后 120 天内完成培训。财产监护人必须在任命后 60 天内完成培训。法院可能告诉您在另一时间完成培训。

Some courts offer the training program as a class you can attend. Some may allow you to complete the training program online. Ask the court how you can meet the training requirement.

有些法院以课程形式提供培训计划,您可以参加这些课程。有些法院可能允许您在线完成培训计划。询问法院您可以如何达到培训要求。

Visit mdcourts.gov/guardianship for more information about the court-appointed guardian orientation and training programs. This website also has checklists, court forms, and other resources for guardians.

访问 mdcourts.gov/guardianship 了解关于法院任命的监护人入门指导和培训计划的更多信息。此网站也有针对监护人的检查清单、法院表格和其它资源。