

MARYLAND RULES OF PROCEDURE
TITLE 10 – GUARDIANS AND OTHER FIDUCIARIES

**APPENDIX: GUIDELINES FOR COURT-APPOINTED GUARDIANS OF THE
PROPERTY**

INTRODUCTION AND SCOPE

These Guidelines are intended to promote good practice and consistency in the appointment and performance of individuals appointed as guardians of the property of minors or disabled persons pursuant to Title 13 of the Maryland Code, Estates and Trusts Article and Title 10 of the Maryland Rules of Procedure. These Guidelines apply to guardianships of the property in both the circuit and Orphans' courts. The failure to follow a Guideline does not itself give rise to a cause of action against a guardian, nor does it create any presumption that a legal duty has been breached. Nothing contained in these Guidelines is intended to alter the obligations a guardian owes to a minor or disabled person pursuant to the Maryland Code or Maryland Rules of Procedure.

1. ORIENTATION PROGRAM AND TRAINING

1.1. ORIENTATION PROGRAM

An orientation program that provides an overview of the role and responsibilities of guardians will be developed and provided by the court. Unless waived by the court, guardians of the property must complete the program and file a certificate of completion with the court before exercising any powers or performing any duties as guardian. Guardians of the property need complete the orientation program only once, but must file a certificate of completion of the requirement in conjunction with any subsequent appointment.

1.2. TRAINING

Training for guardians of the property will be developed and provided by the court. Unless waived by the court, guardians of the property must complete the training as soon as practicable, and in any event before the initial inventory is due pursuant to Rule 10-707, and file a certificate of completion with the court. Guardians of the property need complete the training only once, but must file a certificate of completion requirement in conjunction with any subsequent appointment.

The training should include the following topics:

- (a) an overview of guardianship that includes common guardianship terms, court processes, and the relationships between the guardian and the court, the minor or disabled person, interested persons, and other parties to the guardianship;
- (b) the role, powers, and duties of guardians of the property including fiduciary obligations, decision-making standards, filing and reporting requirements, and eligible commissions and expenses;

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- (c) how to apply for and maintain government benefits on behalf of the minor or disabled person;
- (d) types and signs of abuse (physical, sexual, and emotional), neglect (including self-neglect), and exploitation to which persons under guardianship are susceptible and how to respond to and prevent abuse, neglect, and exploitation; and
- (e) changes to the guardianship, including termination and the resignation or removal of the guardian.

2. ATTORNEYS AS GUARDIAN

The court will develop and provide training on the Maryland Attorneys' Rules of Professional Conduct applicable to attorneys appointed as guardians of the property. Unless waived by the court, active Maryland attorneys with no prior relationship to the minor or disabled person who are appointed as guardians of the property must complete the training in addition to the orientation program and training requirements set forth in Guidelines 1.1 and 1.2.