

Maryland Judiciary
Orientation Program for Court-Appointed Guardians

Welcome to the Maryland Court's orientation program for guardians.

If the court is considering appointing you as the guardian of a minor or an adult disabled person, this video will help you understand the role and responsibilities of a guardian so you can make an informed decision about whether to accept the court's appointment.

This orientation video will define what a guardian is, discuss their role, explain the two types of guardian, outline the four main things guardians need to understand, and highlight some characteristics and knowledge that may help you succeed.

Let's begin by defining guardianship and the role of a guardian.

Guardianship is a legal proceeding where the court determines that a person is unable to manage his or her personal or financial affairs because of age, disease, or disability. In a guardianship, the court is the ultimate guardian. You are an agent appointed to carry out the court's responsibilities. The court monitors the guardianship by reviewing reports and addressing any problems.

There are two types of guardian. The first is called a guardian of the person: someone who makes non-financial decisions. The second is a guardian of the property: someone who makes financial decisions. You may serve as either a guardian of the person or a guardian of the property, or both. Sometimes, different people may serve as guardians of someone's person and property. In those cases, both guardians need to understand one other's role so that they can work together effectively.

If you are a guardian of the person, the court will issue an order describing your powers, which may include making decisions about the disabled person or minor's personal affairs, such as housing, medical care, clothing, food, education, and everyday needs.

If you are a guardian of the property, also called a fiduciary, the court will also issue an order describing your powers, which may include day-to-day management of the guardianship estate. The estate includes all of the minor or disabled person's income, property, and debts. You can expect to pay bills, collect income, file taxes, and apply for any benefits the person is eligible for. Finally, you will make financial decisions that ensure the guardianship estate can provide for the minor or disabled person's current and future needs.

Here's an example of how guardians can work together. Imagine you are guardian of the person for your parent, and your sibling is guardian of the property. You may need to provide food and clothing or make housing arrangements for your parent. Tell your sibling what is needed and work together to determine what costs are reasonable and necessary. Your sibling will then pay

for those things out of the guardianship estate, and apply for any government programs that may cover those costs.

There are four things you should know about being a guardian of a minor or disabled person.

First, you have responsibilities to the person you care for, as well as to the court. Your responsibilities to the person you care for are to protect and advocate for their care and well-being and put their interests first. Your responsibilities to the court include filing an annual report, seeking the court's permission before performing an act or making a decision that you are not authorized to make, and notifying the court of any significant changes in the situation or the guardianship estate.

Second, your role as a guardian is limited. The court order specifically states what you can and cannot do. There are also limits on how you make decisions. Let's say you're guardian of the person for a disabled person. You should make decisions based on what you know about that person's preferences, values, lifestyle, and beliefs, and on what they would do if they had the ability to decide. If you cannot figure out what their decision would be, or if you are the guardian of the person for a minor, you should decide based on what is in their best interest. Determining their best interest is a two-step process: Weigh the pros and cons of each option, and choose the one that best addresses the person's needs and places the least burden or restrictions on him or her.

As a guardian of the property, the limitations on your decision-making are clearer. Make decisions about the guardianship estate wisely, as if you were protecting your own money. Keep track of property coming in and out of the estate, and maintain it so that it can support the present and future needs of the person you care for.

Guardianships are also time-limited. They should only last as long as the minor or disabled person needs a guardian. For minors without a disability, the guardianship ends when he or she reaches 18, is emancipated, or dies. For disabled persons, the guardianship lasts only as long as the disease or disability or until he or she dies. If one of these events occurs, notify the court and ask to end the guardianship. The court may also decide to end the guardianship at some other time.

Third, your role as guardian is important. The court is appointing you because it has determined that someone you care about is vulnerable and needs a responsible person to ensure their well-being, their safety, and their dignity, and it believes you are the best person for the job.

Fourth, and finally: You are not alone. Remember, the court is the ultimate guardian. It is a source of information, assistance, and support. If you are unsure about what you can or cannot do as a guardian, contact the court. There are also community resources available to help. For more information, visit <http://mdcourts.gov/>.

You do not need special knowledge to be a guardian, but there are some characteristics that successful guardians have in common. One is the ability to keep and organize records. Another is meeting deadlines and researching options. But perhaps the most crucial skill is the ability to set aside your own interests, beliefs, values, and preferences and act only for the person under guardianship, even if it means making choices that you would not make for yourself.

What does it take to be a successful guardian of the person? You should be good at collecting information and finding resources. Try to learn as much as you can about the person under guardianship and their needs, interests, values, and preferences. Use that knowledge when making decisions about his or her personal care. When facing a decision, consider all the alternatives, risks, and benefits associated with each option. Ask questions. Get second opinions if you need them. Seek out information to make an informed decision or advocate for the person you care about.

What does it take to be a successful guardian of the property? You must be good at keeping track of income, paying bills, and filing taxes on time. Maintain good records including receipts, bills of sale, checks, and other financial documents. Keep property in the guardianship estate separate from your own or anyone else's. Keep any eye out for unusual activity with regard to money and property. Finally, make decisions that will preserve the estate to cover the present and future needs of the person you care for.

One final point: It is critical for guardians to know their limits. The court understands that circumstances change. There may come a time when you are temporarily or permanently unable to serve as guardian. If that time comes, contact the court as soon as possible. Remember, the court is the ultimate guardian. You are its partner in protecting a person you care for.

In summary:

Guardianship is a legal procedure that takes place when the court determines that a person is unable to handle his or her own affairs.

There are two types of guardian: of the person and of the property. If you are appointed guardian of the person, you will handle non-financial affairs. If you're guardian of the property, you make financial decisions.

Your role as guardian is an important one, and comes with both responsibilities and limitations. Remember, you are not alone as guardian. You have the court and other resources to help you.

Characteristics that may help you succeed include good record-keeping and meeting deadlines. It's also important to be able to act purely for the benefit of another person and to recognize when you can no longer serve as guardian.

We know this is a lot of information, and we hope that this video has been helpful as you decide whether to accept the court's appointment. People under guardianship are vulnerable. They need a reliable and trustworthy person to be their guardian. Remember, if the court appoints you, it's because you are the best person for that job.

Good luck.