

# GUARDIANSHIP IN MARYLAND

Learn how guardianship serves to protect vulnerable individuals who are unable to make decisions for themselves and your role as a guardian.



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# UNDERSTANDING Guardianship in Maryland

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Navigating the complex world of guardianship in Maryland can be a daunting task. Whether you are seeking to become a guardian for a loved one or are concerned about your own future, understanding the legal intricacies and requirements is essential. This guide will help you delve into the significance of guardianship in Maryland and explore the reasons why having an attorney by your side throughout this process is crucial.



Guardianship is a legal proceeding where the court appoints an individual to make medical and financial decisions on behalf of an individual without capacity to do so themselves. The need for guardianship arises in various situations:

- **Minors:** When parents are unable to care for their children due to reasons such as illness, incarceration, or substance abuse, a guardian may be appointed to provide for the child's physical and emotional well-being.
- **Adults with Disabilities:** For adults with cognitive disabilities, mental illnesses, or other disorders who cannot make decisions about their finances, healthcare, or personal affairs, guardianship may be necessary to ensure their needs are met.
- **Elderly Individuals:** In cases where elderly individuals become incapacitated due to conditions like dementia, a guardian may be appointed to manage their affairs and ensure their safety and care.



# WHAT Guardianship Can Do

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Guardianship in Maryland serves several critical purposes to ensure that the alleged disabled person's best interests are upheld and that you fulfill your duties as a guardian responsibly.:

## **Protecting Vulnerable Individuals**

Guardianship provides a safety net for individuals who cannot make decisions for themselves and places the responsibility for care and decision making in the care of a trusted fiduciary.

## **Asset Management**

Guardians are responsible for managing the financial affairs of the alleged disabled person, which includes paying bills, managing assets, and making investments.

## **Healthcare Decisions**

Guardians are authorized to make medical decisions on behalf of the alleged disabled person, ensuring they receive appropriate healthcare and treatment.

## **Personal Care & Well-being**

Guardians are entrusted with making decisions related to the alleged disabled person's living arrangements, daily care, and overall well-being.

# HOW An Attorney Can Help

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While it is technically possible to navigate the guardianship process in Maryland without an attorney, it is not advisable since Maryland requires strict compliance with court rules and procedures.



**Complex Legal Procedures:** The guardianship process involves multiple legal steps, including filing petitions, attending hearings, and complying with court orders. Without legal expertise, it's easy to make mistakes that can lead to delays or even the denial of your petition.



**Understanding Legal Standards:** Maryland has specific legal standards for establishing guardianship. An attorney can help you understand these standards and gather the necessary evidence to meet them. Additionally, an attorney can assist with yearly reporting requirements and obtaining court approval for certain acts.



**Opposition from Family Members:** Guardianship decisions can be contentious, especially when multiple family members have different opinions about who should be the guardian. An attorney can help you navigate these conflicts and present a strong case in court.



**Avoiding Liability:** A guardian is a fiduciary and owes certain duties of care to the incompetent person and can be held personally liable for harm, even if accidental.



Attorneys focusing guardianship in Maryland have a deep understanding of the state's laws, regulations, and court procedures. They can guide you through each step of the process and ensure you meet all legal requirements. This specialized legal expertise and guidance is so important!

In addition, an attorney can provide an objective perspective on your case. They can help you assess whether guardianship is the best option or if there are less restrictive measures available, such as power of attorney or healthcare directives, that might better suit your needs.

Guardianship involves a substantial amount of paperwork. It's important that all your documents be organized and filed in a timely manner with the courts. Your guardianship attorney can assist in preparing and filing the necessary pleadings and notices, reducing the likelihood of errors that could lead to delays or rejections.

In cases that are contested by the ADP or family members, an attorney can serve as a mediator and help negotiate agreements that are in the alleged disabled person's best interests. Your attorney will also serve as the voice of reason in matters that are sensitive or emotional.

Your guardianship attorney can represent you in court, presenting a strong case for guardianship and advocating for the alleged disabled person's well-being. They are experienced in handling court hearings and can navigate the legal process effectively.

If you are named as a guardian, you will likely be subject to ongoing court oversight. An attorney can help you understand and comply with the requirements dictated by the court and reduce the risk of legal issues down the road.

Your attorney can also provide guidance on how to fulfill your fiduciary duties as a guardian, minimizing the risk of legal liability.

# NEXT STEPS

Guardianship is a complex legal proceeding in Maryland that serves to protect vulnerable individuals or alleged disabled people who are unable to make decisions for themselves. This process is made much easier with an experienced guardianship attorney by your side.

An attorney specializing in guardianship can provide the legal expertise, guidance, and representation needed to ensure that the alleged disabled person's best interests are upheld and that you fulfill your duties as a guardian responsibly. Don't underestimate the complexity of guardianship in Maryland; instead, rely on our experienced guardianship attorneys to help you navigate this important legal journey with confidence and competence.

The guardianship attorneys at Frame & Frame Attorneys at Law are experienced in these proceedings. Reach out and get the answers you need to proceed.

**Contact us today to schedule a Discovery Call.**



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