

## Training Programs for Court-Appointed Attorneys in Guardianship Proceedings

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**Effective January 1, 2018**, attorneys appointed to serve as counsel for minors or alleged disabled persons in guardianship proceedings under Md. Code, Estates and Trusts Article, Title 13 must meet the following requirements:

### **Md. Rule 10-106(b) Eligibility for Appointment**

- (1) To be eligible for appointment, an attorney shall:
  - (A) be a member in good standing of the Maryland Bar;
  - (B) provide evidence satisfactory to the court of financial responsibility; and
  - (C) unless waived by the court for good cause, have been trained in the aspects of guardianship law and practice in conformance with the *Maryland Guidelines for Court-Appointed Attorneys in Guardianship Proceedings*.

See: [Rules Order filed 10-10-17](#).

As guardianship imposes significant limits on an individual's ability to make decisions about his or her personal life or property, it is imperative for subjects of guardianship proceedings to have zealous representation. These requirements were established to protect the interests and rights of this vulnerable population.

### Host a Training

The Guardianship/Vulnerable Adults Workgroup of the Maryland Judiciary's Domestic Law Committee is committed to working with external justice partners to organize trainings that meet the requirements of the *Maryland Guidelines for Court-Appointed Attorneys in Guardianship Proceedings (Maryland Guidelines)*. If you wish to host a conforming training, please send the following information to [guardianship@mdcourts.gov](mailto:guardianship@mdcourts.gov):

**Date(s) of Training**

**Location**

**Host(s)**

**Point of Contact (Name, Organization, phone number, and e-mail address)**

**Syllabus/Agenda**

**Presenter Names and Biographies**

The Workgroup will review this information and contact you.

## Training Outline

The following outline is a guide for those interested in hosting a training that meets the *Maryland Guidelines* requirements.

<b>TRAINING COMPONENTS</b>	
<b>(a)</b>	<b>Overview of Guardianship</b> <ul style="list-style-type: none"><li>• Types of guardianship (guardianship of the person, guardianship of the property, public guardianship, temporary guardianship, and emergency guardianship)</li><li>• Parties to a guardianship (role of interested persons)</li><li>• Guardianship law and process (from appointment to termination)</li><li>• The general role, responsibilities, limitations, and basic competencies of guardians</li><li>• Alternatives to guardianship</li></ul>
<b>(b)</b>	<b>Understanding disabilities and diminished capacity</b> <ul style="list-style-type: none"><li>• Manifestation of mental disease and disability in adults (conditions that affect capacity and competency)</li><li>• Interacting with people with disabilities or diminished capacity</li><li>• Signs and risk factors of abuse, neglect, and financial exploitation</li></ul>
<b>(c)</b>	<b>Role of court-appointed counsel</b> <ul style="list-style-type: none"><li>• Role of Counsel</li><li>• Court processes and considerations (reviewing Md. Rule 10-202 certificates and other records, due process considerations, identifying assets, identifying less restrictive alternatives, assessing the appropriateness of a proposed guardian, answers, consents, waivers, conflicts, etc.)</li><li>• Interactions with the client and interested persons and potential challenges</li><li>• Post-appointment issues (termination of representation, challenges to the appointment of a guardian, Adult Public Guardianship Review Boards, etc.)</li></ul>
<b>(d)</b>	<b>Ethics</b> <ul style="list-style-type: none"><li>• Applicable Maryland Attorneys' Rules of Professional Conduct regarding competence, scope of representation and allocation of authority between client and attorney, and diligence</li><li>• Areas of tension (clients with diminished capacity, communication, conflicts of interest, and safekeeping property)</li></ul>
<b>(e)</b>	<b>Fees</b> <ul style="list-style-type: none"><li>• Billing practices</li><li>• Working with state agencies</li><li>• Applying for compensation</li></ul>