

PETITION FOR THE APPOINTMENT OF A GUARDIAN INSTRUCTIONS FOR COMPLETING CCDR 84

If you want the court to appoint a guardian for the person, a guardian for the property, or both, you are asking the court to have someone make decisions for someone who is unable to do so themselves. There are two ways you can have a guardian appointed: (1) obtain the services of an attorney to handle your case; or (2) file the case yourself by using the DOM REL forms.

YOU MAY NEED AN ATTORNEY IF:

- the case is contested and any other interested persons has a lawyer.
- you cannot locate the disabled person or any other interested person to serve them with your papers.
- the disabled person has a house, a pension, or a large amount of property or income.
- you think the court will need information that you cannot get.
- you think that the disabled person and interested person will object to the appointment of guardian.

WHERE TO FILE:

If the disabled person is a resident of the State of Maryland, you can file in the county where the disabled person is living. Do **not** file in the county where you are living unless you are living with the disabled person.

If the disabled person is not a resident of the State of Maryland, you can file in any county that the disabled person is in, or if you are requesting a guardian of the property, you can file in any county where the disabled person has property, such a house.

There are 7 steps you must follow in order to file the case yourself:

> STEP 1 — Completion of Form DOM REL 84.

Page 1: (Caption) Fill in the name of the disabled person or the person that you are asking a guardianship for. Also, fill in **your** address and **your** telephone number.

- **Check the box for the type of guardianship that you are requesting:**
 - Guardianship of the Person: Makes decisions only about the person's medical care, residence, food, clothing, shelter, and other subjects, which affect their person.

- Guardianship of the Property: Makes decisions only about the person's money, income, property of any kind, stocks and bonds, and other financial matters.
- Guardianship of the Person and Property: Makes decisions for disabled person's property and personal care.
- **(1st paragraph)** Fill in your name, address, and zip code. Next, fill in the name of the person who you want to **be** the guardian. If you are requesting that you be appointed as guardian, put your name here. Next, check the correct box and fill in the blank with the name of the disabled person or the person who is in need of the guardianship.

Line 1: In the first blank, put the name of the disabled person and check the box whether they are male or female. In the second blank, put the disabled person's date of birth and then in the third blank, put the disabled person's age. In the last blank, put the address of the disabled person.

Line 2: List the names and addresses of all people that the disabled person is currently living with.

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If the disabled person is living with you, you **must** give a name and address of someone else that is willing to accept service of Petition on behalf of the disabled person.

Line 3: If the disabled person has a lawyer, list the name and address in the blanks provided.

Line 4: In the first blank, put your name and in the second, put your date of birth. Next, supply your age, address and telephone number in the blanks provided. Lastly, state what relationship you have to the disabled person, (for example, wife, brother, friend, etc.)

Line 5: In the first blank, list the name of the disabled person and then list all interested persons make sure to include their address and their relationship to the disabled person.

When you want to file a petition for a guardianship you must let everyone connected with the disabled person know that you are filing. Therefore, you must serve a copy of the petition on all "interested persons."

The law defines an "interested person" as the guardian, the heirs of the minor or disabled person, or any person or agency eligible to service as guardian of the disabled person. If an interested person is also a minor of a disabled person,

interest person also includes a judicially appointed guardian, committee, conservator, or trustee for that person, or if none, the parent or other person having assumed responsibility for him.

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Line 6: In the first blank, put the name of the disabled person and then provide the court with a description of how the disabled person is disabled. Be sure to include a description of how the disability impacts their ability to make decisions.

Line 7: If you are requesting a guardianship for the person, you must check the box, next, state the disability and give the Court a list of reasons why the disabled person needs a guardian. Be sure to include very specific facts showing the court that this person cannot make decisions for themselves.

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If you are requesting a guardianship for the property or both (person and property), check the box. Next list the disabled person's disability and given the court a list of reasons why the disabled person needs a guardian. Be sure to include a very specific facts showing the Court that this person cannot make decisions for themselves.

Line 8: If the disabled person has every sign a piece a paper stating that someone else can make decisions for them, such as a durable power of attorney or stating who they would want as a guardian, include a copy of those papers with your Petition. Check the box that applies.

Line 9: If a guardian has been appointed before, give their name, address, whether the guardianship was for the person, property or both. Also, provide which court the guardianship was filed in and the case number.

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Line 10: List for the Court all the different ways that you have tried to help the disabled person and whether or not those attempts have failed.

Line 11: List the name of the person you want to be guardian or your name if you want to be guardian. Next list all the property that the disabled person owns. Include a description of the property, its location and the value of each item. (For example, a house, vehicles, bank accounts, retirement accounts, pensions, investments)

Line 12: You must include in your Petition two physician's certificates stating an opinion as to the disabled person's condition. In the blank provided, list the conditions found by the doctors.

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Line 13: Check the appropriate box.

Line 14: Check the appropriate box.

Line 15: Check the appropriate box.

Line 16: Check the appropriate box.

In the section that begins “FOR THESE REASONS. . .,” check off everything you want.

Complete the affirmation on the top of Page 7, then date and sign the form.

> STEP 2 — Other Court Documents.

Within sixty (60) days from the date of the appointment of a guardian, the guardian must file with the Court an Initial Inventory (CCDR 91).

> STEP 3 — Filing Fee.

Payment of a filing fee is generally required for filing these papers with the court. See *General Instructions*.

> STEP 4 — Filing Your Forms.

Take the completed documents to the Clerk of the Court or Trust Clerk. Make sure to get the case number and keep a copy for your records.

> STEP 5 — Service.

In addition to the Petition, you will need to serve on the disabled person CCDR 83, **Advice of Rights** and you will need to serve on all of the interested persons CCDR 82 **Notice to Interested Person**. You will need to have the disabled person and all interested persons served with a copy of all the papers you are filing **AND** with a Writ of Summons, which is provided by the Civil Clerk of this Court. See *General Instructions*.

STEP 6 – Appointment of an Attorney

After the Court receives your Petition and service is made on the disabled person and all listed interested persons, the Court will appointment an attorney to represent the disabled person.

> STEP 7 — Hearing.

After the Court has received the Petition and appointed an attorney for the disabled person, the Court will schedule a hearing. It is very important that you attend this hearing and bring with you all papers and witnesses to prove your case. If the disabled person or another interested person is contesting your request for a guardianship, you should contact an attorney prior to the hearing.