

## 220<sup>th</sup> Report Rules Order Erratum

**ADD** the following amendment to Title 10, Appendix (Maryland Guidelines for Attorneys Representing Minors and Alleged Disabled Persons in Guardianship Proceedings) as an attachment to the Rules Order:

MARYLAND RULES OF PROCEDURE

TITLE 10 – GUARDIANS AND OTHER FIDUCIARIES

APPENDIX

AMEND the following Appendix by replacing gendered pronouns with non-gender specific language in section 1.1 (b), as follows:

APPENDIX. MARYLAND GUIDELINES FOR ATTORNEYS REPRESENTING  
MINORS AND ALLEGED DISABLED PERSONS IN GUARDIANSHIP  
PROCEEDINGS

**DEFINITIONS; INTRODUCTION AND SCOPE**

In these guidelines, the word “minor” means the minor who is the subject of a guardianship proceeding, and the word “attorney” means the attorney representing the minor or alleged disabled person in a guardianship proceeding.

These Guidelines are intended to promote good practice and consistency in the appointment and performance of attorneys representing minors and alleged disabled persons in guardianship proceedings in orphans' and circuit courts. However, the failure to follow a Guideline does not itself give rise to a cause of action against an attorney, nor does it create any presumption that a legal duty has been breached. These Guidelines apply to guardianship of the person and property cases where the court may be called upon to decide whether a minor or alleged disabled person needs a guardian and whether a proposed guardian is appropriate. Nothing contained in these Guidelines is intended to alter the duty an attorney owes to a client pursuant to the Maryland Attorneys' Rules of Professional Conduct.

**1.1. RESPONSIBILITIES**

It is the responsibility of attorneys representing minors and alleged disabled persons in guardianship proceedings to protect the due process rights of their clients. This role is distinct from the role of an investigator appointed under Rule 10-106.2.

As clients in guardianship proceedings may have diminished capacity due to minority, mental impairment, or some other reason, the attorney should be mindful of the obligation, as far as reasonably possible, to maintain a normal client-attorney relationship as prescribed by the Maryland Attorneys' Rules of Professional Conduct. The attorney's role is to advocate for the client's position even if that position conflicts with the attorney's judgment as to what the best interest of the client, except where the attorney reasonably believes that a client with diminished capacity is at risk of substantial physical, financial, or other harm. In that instance, Rule 19-301.14 permits the attorney to take reasonably necessary protective action.

In guardianship proceedings, it is the role of the attorney to:

- (a) explain the proceedings to the client;
- (b) advise the client of ~~his or her~~ the client's rights;

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