

Maryland Judiciary Production  
My Laws, My Courts, My Maryland  
***The Role of Guardian of the Person***

Welcome to the Maryland Court's video series on Adult Guardianship.

You are watching this video series because you are thinking about becoming a guardian. Or, perhaps, the court has appointed you as a guardian. Either way, it is important for you to understand the duties of guardianship.

This is the second of three videos.

This video, *The Role of Guardian of the Person*, explains your duties once you become a guardian of the person. The third video explains your duties if you are appointed guardian of the property. For an explanation of guardianship, when guardianship is appropriate, and the legal process for becoming a guardian, see the first video, *Introduction to Adult Guardianship*.

I encourage you to watch all three videos. Together, they will help you understand the guardianship process and your potential new role as guardian.

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The Maryland Courts sincerely appreciate your generous commitment to becoming a guardian. As a guardian, you have obligations not only to the ward, but also to the court. The court is the actual legal guardian and you are an agent of the court. You are responsible for carrying out those obligations. Therefore, you must provide periodic status reports to the court. You must also request guidance from the court when making important decisions. This video will help you understand your obligations and how you can best fulfill them.

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Let's begin by talking about managing your case. Once the court issues an order appointing you as guardian, your case will be managed by the Court Clerk or Trust Office.

The Court Clerk or Trust Office accepts all court documents, collects the filing fees, and provides necessary court forms, including annual reports and petitions.

If you have any questions about your case, your first stop should be the Court Clerk or Trust Office.

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As you learned in the first video, *Introduction to Adult Guardianship*, the court order signed by the judge grants you the legal title of guardian. The order will state whether you have been appointed guardian of the person, guardian of the property, or both. Each type of guardianship carries different duties. This video addresses the duties of guardian of the person.

If you are guardian of the person, your primary duty is to protect the rights and best interests of the ward while maintaining the ward's dignity and independence. Remember, the judge appointed you as decision-maker because the judge determined that you are familiar with the ward's personal values and preferences, as well as his or her medical situation.

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Specifically, the guardian is responsible for making sure the ward's day to day needs are met. Those needs include proper clothing, nutrition, hygiene, and exercise.

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You must also make sure that the ward's social, recreational, and friendship requirements are met. If appropriate, you must coordinate training and education for your ward.

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Additionally, you will be responsible for locating services and benefits available to the ward, such as adult day care. You must also understand Medicare and Medicaid. Your local Department of Aging and Disabilities can help. That office can also provide resources for caregivers, such as support groups and respite care.

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As a guardian, you will decide where the ward will live depending on her needs and desires. Housing options may include an assisted living facility, group home, or living with a relative. The court must know where the ward is living at all times. You may need to get court approval before moving your ward from one type of housing to another. Contact the Court Clerk or Trust Office prior to a move to see what the court requires.

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You will also be responsible for coordinating medical care for your ward. This includes making sure that the ward receives routine medical examinations and medications, and sees medical specialists when needed. You will also be the person who consents to medical treatment and surgical decisions that are in the ward's best interests.

There are certain medical decisions that cannot be made without a court order. A judge must approve in advance any decision you make consenting to or refusing any procedure that poses substantial risk to the ward's life. You must always seek the judge's approval before withdrawing life support to end your ward's life. This requirement is often listed in the order appointing you as guardian.

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When taking care of your ward, here are some good guardianship practices relating to health care:

- Develop a care plan.

- Keep a list of medications and dosages.
- Maintain a list of healthcare professionals and contact information, and
- Keep a log of visits to healthcare professionals.

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Now let's turn to the duties **you** owe to the court.

As we discussed earlier, there are certain situations, such as moving your ward, or withholding life sustaining treatments, that require a court order in advance. Contact the Court Clerk or Trust Office that handles your case to determine the procedure for requesting the court's approval.

Also, as guardian of the person, you are required to file an "Annual Report of Guardian of Disabled Person" with the Court Clerk or Trust Office each year within 60 days after the end of the guardianship year. The guardianship year begins on the date of appointment. So, if you were appointed guardian on March 1<sup>st</sup>, 2016, your first report would be due no later than April 30<sup>th</sup>, 2017. If you do not file your report on time, the Court Clerk or Trust Office will schedule a hearing and mail you a "show cause" order with a hearing date. You must appear in court and tell the judge why you have not filed the report.

The Court Clerk or Trust Office will provide you with a form to use in preparing the annual report.

In the annual report, you must provide certain information, including:

- The ward's address and type of living arrangement.
- The ward's physical and mental condition.
- The type of care the ward is receiving, and
- Your opinion about whether the guardianship should continue and why.

The court will review your annual report. If the judge finds that you are meeting all duties of the guardianship, the judge will order that the guardianship continue. This review does not require that the guardian be present in court.

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If the ward dies or has recovered from the disability that caused the need for a guardianship, you must file a petition with the court to terminate the guardianship. If the ward dies, file with the court the ward's death certificate. If you are no longer able to serve, contact the Court Clerk or Trust Office or consult a lawyer about the procedure. The Court understands that circumstances change, and the court wants to be sure the ward's care is not disrupted if a change is necessary.

This concludes our discussion of guardian of the person. By watching this video, you have taken the first step in your new role. If you have also been appointed guardian of the property, please see the video, The Role of Guardian of the Property.

This has been a production of the Family Division Services of the Circuit Court for Montgomery County and the Access to Justice Department of the Administrative Office of the Courts. For more information, see [mdcourts.gov](http://mdcourts.gov).