

Social Services Administration
Adult Public Guardianship



Adult Public Guardianship is a legal procedure in which the court determines if a person's ability to make health and safety decisions for themselves is significantly impaired. If so, the court will then appoint a guardian to act as a substitute decision-maker.

Who needs a guardian?

A person who is mentally incapable of making decisions regarding their safety and well-being because of disease, accident, or disability.

Why would someone need a public guardian?

The court may decide to appoint an Adult Public Guardian if there are no family members to help.

Types of Guardianships

There are two types of adult public guardianships. The Guardian of the Person makes decisions about health care, shelter, and other daily needs. This responsibility may be granted to an individual or an agency. The Guardian of the Property manages assets and finances. A public agency may not become a guardian of the property.

Steps for implementing guardianship

Hospital agencies, long-term care facilities, Adult Protective Services (APS) programs, Social Services agencies, and other public or private agencies petition a court to have guardianship established on a person's behalf.

What oversight is available?

Each local jurisdiction has a Adult Public Guardianship Review Board - that acts as a consultant to the guardian. Every six months the board reviews cases and makes recommendation to the court to continue, modify, or terminate guardianship.

The Board consists of a representative from the local department of social services, one physician, one psychiatrist, a representative from the aging agency, a representative from a non-profit social services agency, an attorney, two citizen representatives, a public health nurse and a professional in the field of disability. The board does not have oversight of private guardianship cases.

For additional information, contact your local department of social service at 1-800-332-6347 or visit our website at <http://www.dhr.state.md.us/oas/programs.php>.



MARYLAND DEPARTMENT OF HUMAN RESOURCES

Martin O'Malley, Governor / Anthony G. Brown, Lt. Governor / Theodore Dallas, Secretary