



Department of
Human Resources

311 West Saratoga Street, Baltimore, MD 21201

**Report of the Workgroup on
Hospitalized Adult Disabled Persons –
Appointment of
Temporary Limited Guardian**

Prepared for:

Chairmen of the
Senate Budget and Taxation Committee
and House Appropriations Committee

As required by:

2011 Joint Chairmen's Report, page 90

Martin O'Malley
Governor

Anthony Brown
Lt. Governor

Theodore Dallas
Secretary

November 30, 2011

The Honorable Edward J. Kasemeyer
Chairman, Senate Budget and Taxation Committee
Miller Senate Office Building, 3 West Wing
Annapolis MD 21401-1991

The Honorable Norman H. Conway
Chairman, House Appropriations Committee
House Office Building, Room 121
Annapolis, 21401-1991

Dear Senator Kasemeyer and Delegate Conway:

The Joint Chairmen's Report – Operating Budget, April 2011, pages 89-90, requires that the Department of Human Resources convene a workgroup to develop a uniform statewide policy relating to the appointment of temporary limited guardians for hospitalized adult disabled persons and to make recommendations for improving the guardianship process generally with the report detailing the recommendations of the workgroup by October 1, 2011.

An interim report and request for an extension to November 30, 2011 was submitted on October 1, 2011.

We respectfully submit this report. If you have any questions or need additional information, please contact me at 410-767-7109.

Sincerely,



Theodore Dallas
Secretary

Enclosure

cc: Kelley Ray
April Seitz

Introduction

The recommendations of the workgroup that was formed to fulfill the directive of the 2011 Joint Chairmen's Report as it relates to hospitalized disabled adults are presented in the following report. After many meetings and intense discussions, the workgroup members concluded that implementing a "temporary limited" guardianship policy throughout the state would not be the best solution to address the needs of this population. The workgroup is proposing that "less restrictive alternatives" are a more efficient approach to facilitating moving an adult disabled person to a least restrictive and appropriate setting in an expedited time frame. This report provides information of the process undertaken by the workgroup, policy recommendations, ways to implement the policy, and the fiscal impact to the state.

2011 Joint Chairmen's Report

The 2011 Joint Chairmen's Report (JCR), pages 89-90, states:

The committees request that the Department of Human Resources (DHR) convene a workgroup to develop a uniform statewide policy relating to the appointment of temporary limited guardians for hospitalized adult disabled persons and to make recommendations for improving the guardianship process generally. Membership should, at a minimum, include representatives from the following agencies and organizations:

- *DHR (including local Social Service Departments' Guardianship Programs);*
- *Department of Aging;*
- *Area Agencies on Aging;*
- *Administrative Office of the Courts;*
- *Department of Health and Mental Hygiene;*
- *Hospitals;*
- *Nursing home industry;*
- *Office of the Attorney General;*
- *Court appointed attorneys in guardianship cases; and*
- *Citizens from guardianship review boards.*

DHR should submit a report detailing the recommendations of the workgroup by October 1, 2011. The report should include the recommended uniform statewide policy relating to the appointment of temporary limited guardians for hospitalized adult disabled persons and any other recommendations of the workgroup relating to the guardianship process. The recommendations should be accompanied by cost estimates for each recommendation and detail any statutory changes needed to implement the recommendations.

Due to the depth of the work to be completed by the workgroup, an extension was requested until November 30, 2011.

Background

During the 2011 Legislative Session, Senator James Robey introduced SB726, Hospitalized Adult Disabled Persons – Appointment of Temporary Limited Guardian, which did not pass. As a result of this bill, the JCR directed DHR to form this workgroup.

Currently, the process for appointing a “guardian of person”¹ in the state can take between seven and 180 days depending on the jurisdiction. This applies to all guardianship cases, not just cases related to persons being discharged from a hospital. Thus, guardianship cases might include a person living in another healthcare setting, such as a nursing facility or assisted living, or someone who could be known through a report to Adult Protective Services. Baltimore City, Montgomery County, and Prince George’s County have expedited processes in the courts that allow them to schedule a guardianship hearing, typically, within seven days. This expedited process evolved over time through the cooperative efforts of the circuit court in that jurisdiction and the attorneys in guardianship cases. However, in other jurisdictions, it can take up to 180 days for a guardianship case to be resolved and on average, it takes 45 days.² These delays were the impetus behind SB726.

These lengthy time frames can be harmful to hospital patients who meet the following criteria:

1. they are medically ready for discharge;
2. they are determined by a physician to be incapable of making their own decisions;
3. a surrogate decision maker is not available; and
4. they would be better served in a less restrictive setting, such as a rehabilitation, nursing, assisted living facility, and at times, in their own home.

Currently, discharge of an adult disabled person requires that absent a surrogate decision maker, a guardian of the person must be appointed to facilitate discharge. Hospitals generally initiate the guardianship petition, during which time patients remain in the hospital until the guardianship process concludes, at which time a guardian is appointed for them. This delay is a direct result of the extensive time required for the case to proceed through the courts. Patient treatment is thereby suspended unnecessarily resulting in, for example, delays in obtaining rehabilitation services, in acclimating to residency in placement other than home, unnecessary exposure to infectious agents in the acute hospital, and possible other adverse consequences that the state should try to alleviate.

¹ Rule 10-201 of Maryland Code

² Data collected by the Courts Research Group after surveying all 24 district courts in the state. See Attachment E-1 for the entire results of the survey.

In addition, the appointment of a guardian does not guarantee that there will be an appropriate placement for the patient or funds available to pay for it. Therefore, guardianship is not always an effective route to safe and timely hospital discharge.

Process

The original workgroup included 24 members. It grew to 29 when those interested in the topic asked to join. The group was facilitated by Dr. Kelley Macmillan from the University of Maryland School of Social Work and staffed by Kelley Ray of DHR. Tammy Bresnahan of DHR coordinated the formation of the workgroup. The workgroup met as a whole on May 10, June 21, and July 25, 2011. Smaller groups met to gather specific information and data, which they in turn presented to the entire group. These “research” groups met a minimum of three times each, either in person or by phone. On October 26, 2011, representatives from each small group met to finalize the contents of this report with additional input from workgroup members via email. Attachment A includes the names of all workgroup members. All members participated in some fashion (meetings, emails, phone calls). During the past six months, the groups convened 15 meetings and/or conference calls.

The smaller research groups allowed for more interaction and productive discussions. These groups focused on the circuit courts, the Departments of Social Services (DSS) and the Area Agencies on Aging (AAA), best practices, and hospitals and nursing facilities to identify: 1) timelines and barriers within the court system; 2) data on current guardianship cases; 3) best practices across the country; and 4) process, number of cases, and financial impact of guardianship cases on hospitals and nursing facilities.

For the purpose of this report, all data collected from DSS and AAA include adult populations with some form of disability but the origin of their placement prior to coming into the state system could not be determined. For instance, some of the cases are a result of an Adult Protective Services referral or report where the person was living in their home. Others may have become wards of public guardians under DSS or AAA from a nursing facility. Therefore, the data provided reflect the entire DSS and AAA public guardianship caseload without differentiating those who were originally in a hospital setting.

The presentations of each group are attached to this report. As previously stated, the data provided reflect all adult public guardianship cases in the state, not just those of adult disabled persons discharged from a hospital.

There was discussion as to the terminology used to identify the target population. The disabilities community educated the group that the proper reference is “adults with disabilities” and not “disabled person.” Acknowledging that this as the most appropriate and acceptable way to identify this group of individuals, for the purpose of this report and for consistency with the JCR,

we will use the terminology “adult disabled person” and follow the definition set forth in the Estates and Trusts Article of the Maryland Code³ of “disabled person.”

Uniform Statewide Policy

After thorough research and much discussion, the members of the workgroup concluded that implementing a “temporary limited” guardianship policy throughout the state would not be the best solution to address the needs of this population at this time. The current process of establishing guardianship, which relies on the courts to hear guardianship cases, substantially and often times permanently restricts the rights of individuals, and requires costly and lengthy processes when essentially what is needed is “consent for placement” in the least restrictive setting (also referred to as “appropriate setting”) upon discharge from a hospital.

The workgroup proposes “less restrictive alternatives” to guardianship for those adults unable to consent to being moved from the hospital to a least restrictive setting in an expedited timeframe:

RECOMMENDED POLICY

Maryland should establish a short-term surrogate decision-making mechanisms specifically for disabled adults in hospitals who are unable to make discharge and placement decisions. This policy should be implemented as a “less restrictive alternative” to the guardianship process. Any cases not meeting requisite criteria, or having a conflict or objection, would lead to a petition for guardianship with full safeguards. These less restrictive alternatives would:

- 1. Accelerate the discharge to appropriate settings of adult disabled persons who no longer require treatment in a hospital setting;*
- 2. Provide the least restrictive setting that is in the best interest of the patient;*
- 3. Include a thorough search for a willing surrogate decision maker under Health-General §5-605 (surrogate decision making statute); and*
- 4. Provide legal counsel to patients while minimizing the role of the courts.*

Less restrictive alternatives to guardianship could reduce the number of of long-term public guardianships the state (DSS and AAA) would need to acquire. In most cases, once a person becomes a ward of the state through either agency, they stay a ward indefinitely. The recommended alternatives would be temporary and would be limited to discharge and placement decision for adult disabled persons in a hospital setting.

³ §13-705 Appointment of guardian of disabled person (b) Grounds. -- A guardian of the person shall be appointed if the court determines from clear and convincing evidence that a person lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person, including provisions for health care, food, clothing, or shelter, because of any mental disability, disease, habitual drunkenness, or addiction to drugs, and that no less restrictive form of intervention is available which is consistent with the person's welfare and safety.

Implementation Recommendations

Several potential methods of implementing a less restrictive alternative to guardianship were discussed by the entire group. Based on the group's research, two approaches⁴ presented themselves as possible means to achieve a less restrictive alternative. Legislation resulting from this report will require changes to current statutes. In the State of Maryland, two statutes exist that are analogous to the two concepts reviewed by the workgroup. One is the Patient Care Advisory Committees, Health-General §19-370, which establishes a hospital-based committee to offer advice in cases involving individuals with life-threatening conditions. The other is the Clinical Review Panel, Health-General § 10-708, which establishes a panel to determine whether to approve administering psychiatric medication for the treatment of a mental disorder to an individual. These statutes were discussed only as examples of similar structures currently used in the state.

Each new concept presents its own challenges, most specifically, how to protect the safety and well-being of the patient. The workgroup defined several fundamental components necessary to implement any such policy. They are as follows:

1. An explicit definition of a “discharge plan” is provided.
2. A thorough clinical assessment of a patient's ability to make discharge/placement decision is conducted.
3. There is an extensive and thorough search for a family member or other surrogate.
4. Individuals making the decision must have direct contact with the patient.
5. Patient is provided representation by an attorney.
6. Process is expedited and must adhere to certain timelines.
7. Patient can refuse participation in the process.
8. The least restrictive appropriate setting, which could be the patient's or other's home, is identified and that a provider, setting, agency, or program has agreed to provide services and/or funding to the patient.
9. Any decision panel excludes anyone directly involved in the patient's care.
10. There is an end date to any authority of the decision-maker(s).
11. Provisions for financial decision-making related to the transition are established.
12. The proposed legislation includes a provision to pilot the new law and evaluate it annually.

⁴ The workgroup reviewed the Transitional Authorization Panel proposed in New York that creates an internal review panel at the hospital with specific authorities and the Temporary Health Care Placement Decision Maker for an Adult Act in Georgia that establishes an order of priority for those person who may make the decision to transfer, admit or discharge for such adults and a procedure for obtaining authorization from the court in the absence of someone to consent.

Many aspects of these 12 fundamental concepts were discussed, including where to pilot the program, the parameters to the “end date of authority,” how to provide legal representation, and what is considered a thorough clinical assessment. The workgroup decided that these specifics would be discussed and vetted during the drafting of the legislation after this report is issued. For the purpose of this report, the workgroup members agreed that there is a need for an expedited process that is less restrictive than guardianship while providing protections to the patient.

Barriers identified during the workgroup’s research process that could impede an accelerated discharge are the lack of appropriate placements, resources, and funding. For example, there are times when a person is ready for discharge yet there is no appropriate setting, services, providers, or funding available. It is important to note that neither appointment of a public guardian, nor appointment of any other surrogate decision maker, confers eligibility of the patient for any special placements, resources or funds to effectuate placement upon discharge from the hospital. These individuals would have to wait until an appropriate placement, necessary services, or funding can be identified before their discharge could be expedited through this process.

Fiscal Impact

The decision by the workgroup to move from a temporary guardianship approach to a less restrictive alternative should not increase costs to the state. The expectation is that the proposed changes to Maryland law will not increase DSS’s or AAA’s caseloads. Indeed, the changes should result in fewer cases where the state or local government is appointed the guardian than would be the case without the changes, which would likely reduce costs associated with establishing guardianship. However, overall caseloads are expected to increase because of ongoing demographic changes in the state’s population. This trend will occur regardless of whether or not the recommended alternatives are implemented.

If the recommendations of the workgroup are implemented through legislation, DHR would prepare an annual report to the Legislature on the pilot. The time for staff to prepare the report should be minimal if the legislation requires participating hospitals to supply specific data and would not require additional appropriations.

ATTACHMENTS

- A Workgroup Members
- B Workgroup Meeting Notes
- C Report of the Best Practices Research Group
- D1 DSS/AAA Presentation
- D2 DSS/AAA Barriers
- D2 Maryland Public Guardianship Process
- E1 Circuit Courts Survey Results
- E2 Circuit Courts Flow Chart
- F Maryland Hospitals Survey Results
- G Maryland Nursing Homes Survey Results

Adult Guardianship Workgroup Members

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Kelley Ray, *Deputy Director*
Department of Human Resources
Office of Government, Corporate and
Community Affairs

ATTACHMENT B

Adult Guardianship Workgroup Notes 5.10.11 Meeting

Discharge	Procedural	Family	Client	Misc.
<ul style="list-style-type: none"> • Family changes their mind once discharge petition is filed • 40-60 year olds are hard to place • Not enough places for discharged patients to go (funding, locations) • Public guardians would still not have funding or place • What is the scope of the problem? • We want appropriate discharge 	<ul style="list-style-type: none"> • Need guardian with authority to complete applications • Takes too long • Time frame for placement at the State • Who signs papers? • What does DSS do once limited guardian is assigned • Where does the problem(s) exist <ul style="list-style-type: none"> ○ Courts ○ Department ○ Counties? • Delay – before it gets to the judge <ul style="list-style-type: none"> ○ Court process • What is the scope of the problem? • How to make decision on appropriate placement • Will bring more people into the system • Fiscal impact with an increase in referrals 	<ul style="list-style-type: none"> • Family changes their mind once discharge petition is filed • What is the scope of the problem? • Finding family members – hospitals, NHs • Use family/guardian mediation 	<ul style="list-style-type: none"> • How does this affect the person (client) to be placed • Client need – is it discharge? 	<ul style="list-style-type: none"> • What is the scope of the problem? • Temp Guardianship – same as property • Look at data from around the State • Where specifically do we have problems (jurisdiction, needs, age) • Home-community based care (funds) • Define stakeholders • Limited DSS resources • Temporary vs. Permanent • Baltimore City, Montgomery County, PG County – Best Practices • Cost tied to MA while hospitalized,? = savings if discharged sooner – all payer system • Is speeding it up what we want • Look at Georgia

Adult Guardianship Workgroup Notes 6.21.11 Meeting

The charge of this Workgroup is to “. . .**develop a uniform statewide policy relating to the appointment of temporary limited guardianship for hospitalized adult disabled person and to make recommendations for improving the guardianship process generally.**”

The various research groups presented their findings at this meeting held at the offices of the Health Facilities Association of Maryland.

Best Practices (refer to notes provided)

Erica Wood presented the work of the Best Practices research group. This group looked at what other states are doing to address this same issue. The report of the group with more details is attached to these notes.

Georgia has a statute to identify the appropriate “health care placement” decision maker starting first with a family member, then any interested party. Georgia also has a temporary medical consent guardian statute so that any health care facility or interested person can initiate proceedings for appointment of a temporary medical consent guardian.

Other states with statutes for temporary medical guardianship include Rhode Island, New Jersey, Indiana, North Carolina, and the District of Columbia has one specific to persons with developmental disabilities.

The pending legislation in New York creates a transition authorization panel to make decisions for hospitalized patients who are medically ready to transition to post-acute care.

Courts

The Courts group presented 20 questions to the counties and Baltimore City for a response (provided). As of this meeting all but seven responded. A matrix was presented to the group.

The Administrative Office of the Courts mandates that the cases start within a certain time period.

The problem: How do hearings get scheduled? There is no legal or policy guidance on this – statute is needed.

For the most part, clerks follow the AOC mandate; it’s the judges who need a mandate.

Guardian of last resort = state/local departments

Chapter 13

13-707 – for person, hierarchal

13-200 – for property, not hierarchal; no provision for temporary guardianship

Chapter 14 – APS – offers temporary guardianship

Some counties consider temporary guardianship as an expedited process, others process it as any other guardianship case.

Possible solution : case time standards

DSS/Aging (refer to PP for charts and graphs)

This group reviewed 200 cases = a 16% sample

10 cases each from large jurisdictions and 5 each from the smaller counties; included sampling from FY09, FY10, and up to the 3rd quarter of FY11. Some had to go back as far as early 2000 to find a case.

Statewide age for guardianship: Aging -= 65; APS = any age, rarely over 65 unless person is already in their system in which most are already in group homes and stay in a group home setting, for the most part, after hospital release.

Gender: Younger people = equally male and female; older ages = most women

Placement relates to diagnosis and not age. Nursing homes are admitted a younger population. The most problematic is the placement of young adults.

Pre-assessment by APS/AAA: some done before petition; most after petition; some don't do any assessment until after they get the order that they are the appointed guardian

Some locals mentioned that they get temporary emergency orders and only a few mentioned having an expedited process.

A matrix of anecdotal barriers and problems was provided based on the case sampling.

The charge of this Workgroup is to “. . .develop a uniform statewide policy relating to the appointment of temporary limited guardianship for hospitalized adult disabled persons and to make recommendations for improving the guardianship process generally.”

PRESENTATIONS

Hospital Research (Vanessa and Martha)

- 47 acute care hospitals in Maryland; 25 responded representing 12 state jurisdictions
- In FY10, 148 patients needed guardianship; 129 for the first 3 quarters of FY11
- On average it takes 45 days to complete a guardianship proceeding with the shortest time in Baltimore City @ 7 days and the longest in Anne Arundel Co. @ 180 days.
- Cost to hospitals waiting for guardianship ranges from \$500 to \$3,333 per day; one respondent says it costs their system around \$1M a year.
- Conclusion – the numbers of persons needing guardianship are dropping and there is a significant gap between state jurisdictions as to how long it takes to process a guardianship case
- See handout for more details

Nursing Home Research (Zach)

- 21 facilities responded representing 11 state jurisdictions
- In FY10, there were 27 guardianship cases; 28 for the first 3 quarters of FY11
- On average it takes 4 months to complete a guardianship case. The shortest time periods are Baltimore City in 30 days and Prince George’s Co. at 45 days. The maximum time is 6 months as reported by 4 jurisdictions.
- See handout for more details

QUESTION: Why can’t the guardianship obtained by the hospital transfer to the nursing home?

Current temporary limited guardianship – medical – if a person needs a medical procedure, a guardian is appointed, the procedure takes place, then the guardianship is revoked.

QUESTION: Why not the same for this idea on limited temporary guardianship?

Barriers (Terry)

Top barriers to guardianship

1. Family (unknown or unwilling)
2. Lack of funding
3. Poor communication
4. Others:
 1. Not enough attorneys
 2. Lack of appropriate placement
5. See handout for more details

QUESTION: Is this a supply issue or policy issue? Some feel it is a supply issue.

**Report of Best Practices Research Group --
Guardianship Task Force on Consent for Hospital Discharge
June 21, 2011**

On May 20, the Guardianship Task Force Best Practice Research Group posted the following query concerning consent for hospital discharge on the Elderbar listserv, Elderabuse listserv, and the listserves of the National Guardianship Association and the National Association of State Directors of Developmental Disabilities Services:

“The Maryland legislative 2011 Joint Chairman's Report created a stakeholders group to examine the problem of individuals unable to give consent for hospital discharge and who have no relatives or advance directives providing for such consent.

Adults who are 'discharge ready' (i.e., they are medically ready and an appropriate placement has been located) sometimes wait weeks or months for the appointment of a guardian instead of transferring in a timely way to a rehab or less restrictive setting, as Maryland has no provision for temporary non-emergency guardianship.

A proposal under consideration is a temporary guardianship for the purpose of providing timely and appropriate consent for the discharge. Does such a problem exist in your jurisdiction? What mechanisms are in place in your jurisdiction to secure timely and appropriate discharge? Mechanisms might include statutes, regulations, judicial policies, court clerk procedures, hospital practices, or other means.”

The committee received a total of 28 responses from 19 states (although some were merely comments and not examples of legal or regulatory mechanisms). Highlights are summarized below.

On June 2, the committee had a phone conference with two attorneys from the Georgia Division on Aging. Discussion focused on the use of the 1999 Georgia Health Care Placement Decision-Maker Act. The minutes of the call are attached.

Statutory Mechanisms

Responses in six states identified procedures for court orders or temporary guardianship provisions that could be used for discharge and placement.

- Georgia Temporary Health Care Placement Decision Maker for an Adult Act, Georgia Code 31-36A-1 through 31-36A-7. A physician must certify that an adult is unable to consent to discharge, and that it is in person's best interest to be discharged and transferred to an alternative facility or placement. Placement can include but is not limited to nursing facilities, personal care homes, rehabilitation facilities, and home and community based programs. The law provides a list of relatives who are authorized to consent, and who may petition for a court order. If

there is no person authorized to consent, any interested person may petition the court for a health care placement transfer, admission or discharge order. Placement must be “most appropriate facility or placement available that provides the least restrictive and most appropriate level of care.” The petition must be accompanied by an affidavit that no authorized person has been located, that the placement is the most appropriate and least restrictive available, and that alternative facilities or placements including home and community based placements were considered. There is no hearing. The court will review the petition and enter an order.

[Inquiries to probate judges and the long-term care ombudsman in Georgia indicated that cases rarely come to court under this Act. See attached email from Judge Self.]

- Georgia Temporary Medical Consent Guardian, *Georgia Code* 29-4-18. Hospital or health care facility or any interested person may initiate proceedings for appointment of temporary medical consent guardian. Unclear whether this could include discharge and placement.
- Rhode Island Temporary Guardianship for Admission to Nursing Facility, *Rhode Island* 33-15-8.1. Court may appoint temporary limited guardian for specific purpose of authorizing, directing, or ratifying any transaction necessary for admission to a nursing facility. [does not address any less restrictive settings]
- New Jersey Pendente Lite Temporary Guardian, *New Jersey Statutes* 3B:12-24.1(c). Petitioner may request appointment of temporary pendent elite guardian for 45 day, who may address critical needs of person or property.
- Indiana Court-Appointed Health Care Representative, *Indiana Code* 16-36-1-8. Anyone interested may petition probate court to appoint a representative to make a health care decision. Statute does not set out timeframes.
- District of Columbia Health Care Decisions for Persons with Developmental Disabilities Amendments Act, DC Law 17-249, expands options for temporary guardianship – including a 90-day health care guardian, request to be heard within seven days of filing of petition.
- North Carolina “interim guardianship” that could be used for discharge – but must show imminent risk of harm and need for immediate intervention; so probably difficult to use for placement.
- New York has a pending legislative proposal to create a “transition authorization panel demonstration project.” It is for hospital patients who are medically ready to transition to a different level of care, such as nursing home care, home care or assisted living, but lack capacity to authorize transition and lack person who can authorize. Such patients “can be subject to inordinate delays in accomplishing a needed transition.” A three person panel to authorize transition would include a

designee from hospital, local social services commissioner and state office of long-term care ombudsman. Panel will review request for transition, deliberate and make determination.

Committee's List of Statutory Elements

The Best Practices Research Group compiled a preliminary list of elements that might be important in a statutory scheme, including:

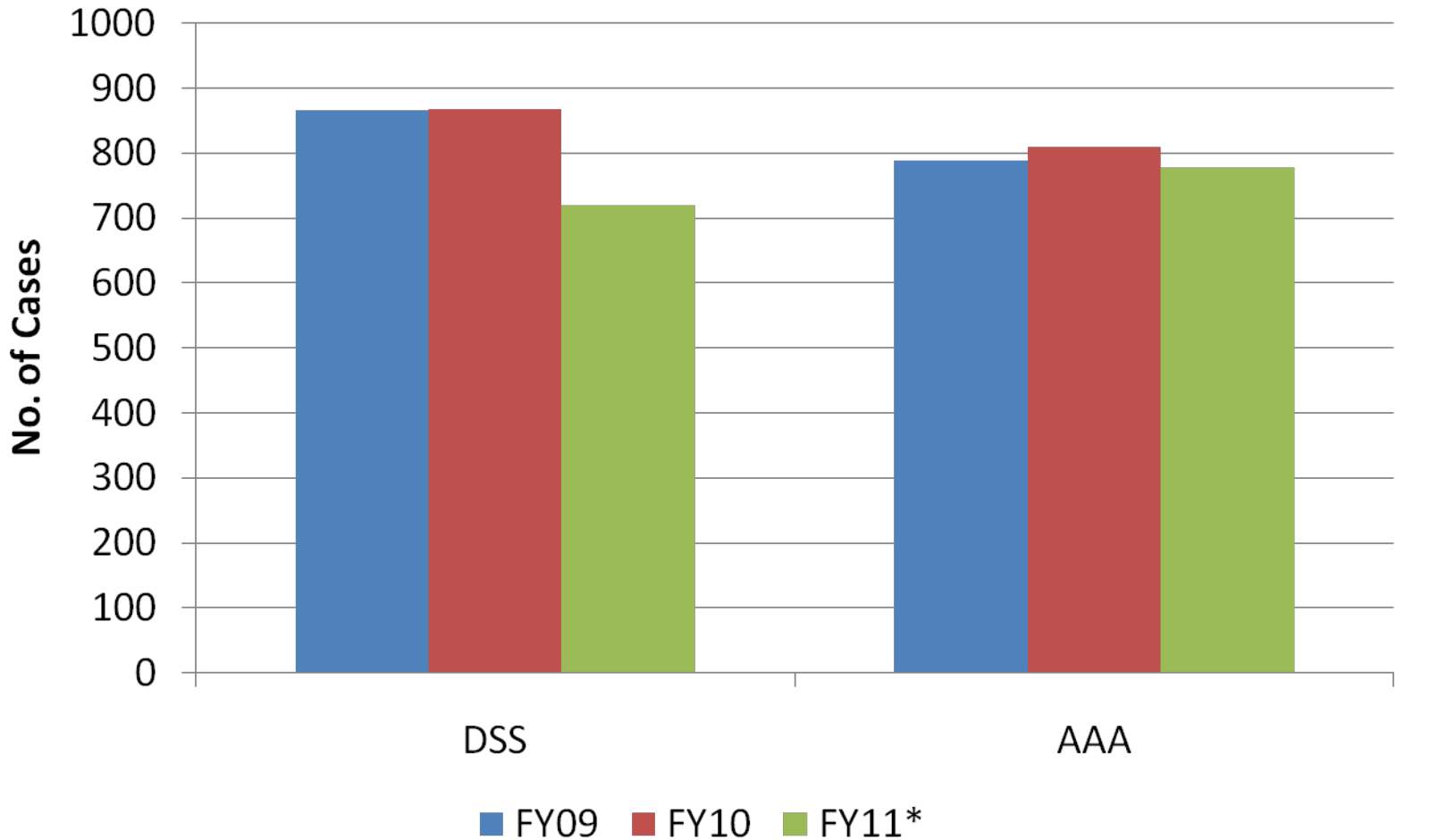
- Appropriateness of discharge
- Legal representation for patient
- Placement in least restrictive setting
- Attention to patient's residential preferences
- Sufficiency of capacity assessment
- Attention to what happens after temporary guardianship is terminated
- Involvement of long-term care ombudsman program
- Multidisciplinary perspective
- Evaluation or collection of data about implementation
- Court oversight of any temporary and/or permanent guardian.

**Presentation to the
Adult Guardianship Workgroup**

**Public Guardianship
DSS/AAA Research Group**

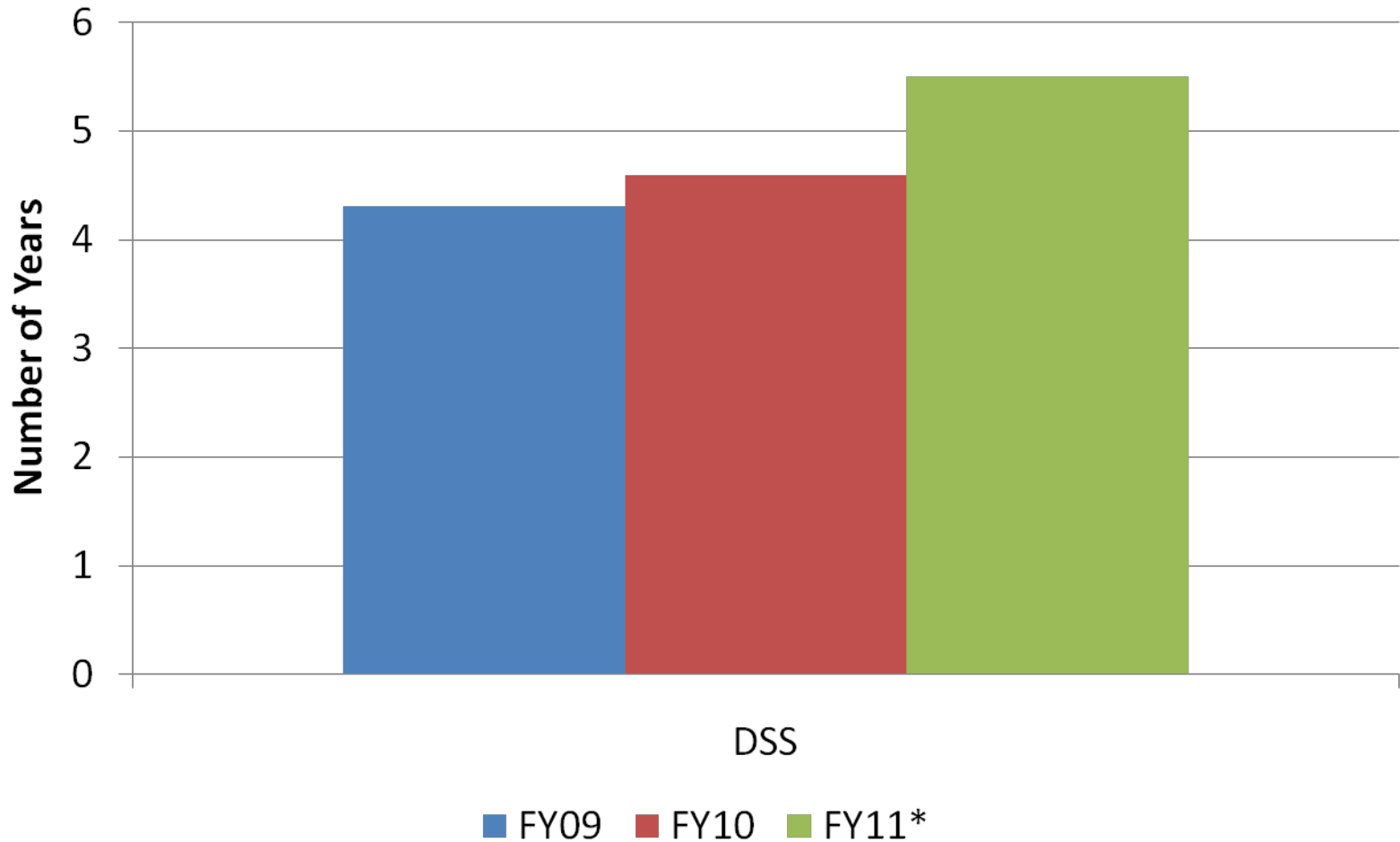
June 21, 2011

Public Guardianship Statewide Caseload



* includes cases through 3rd Quarter

Average Time Cases are Under DSS Guardianship

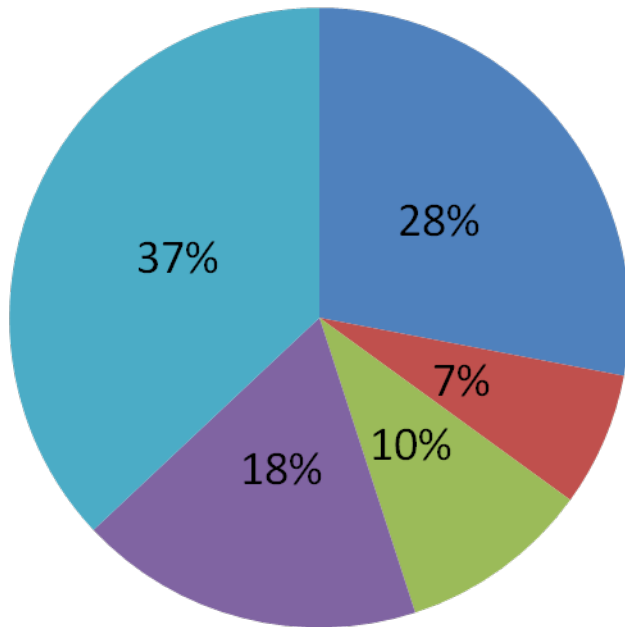


* includes cases through 3rd Quarter

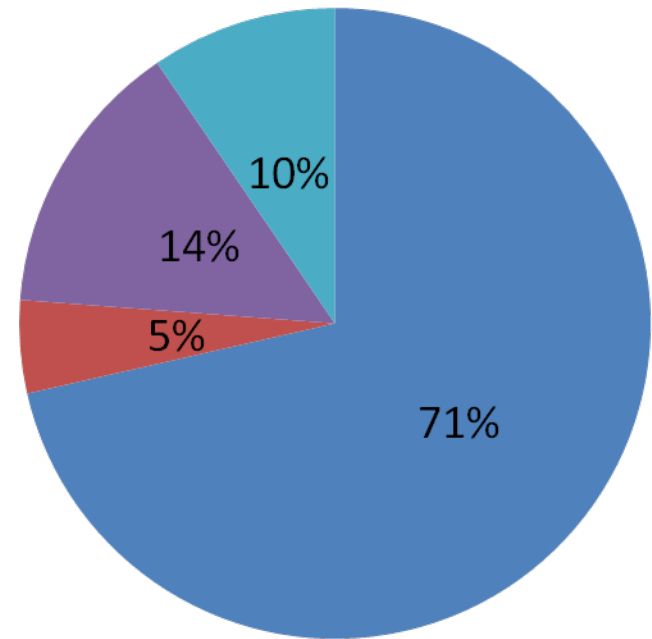
Adult Public Guardianship by Diagnosis

FY11 YTD (7/1/2010 – 5/31/2011)

DSS
(297)



AAA
(21)



Dementia

TBI

HIV

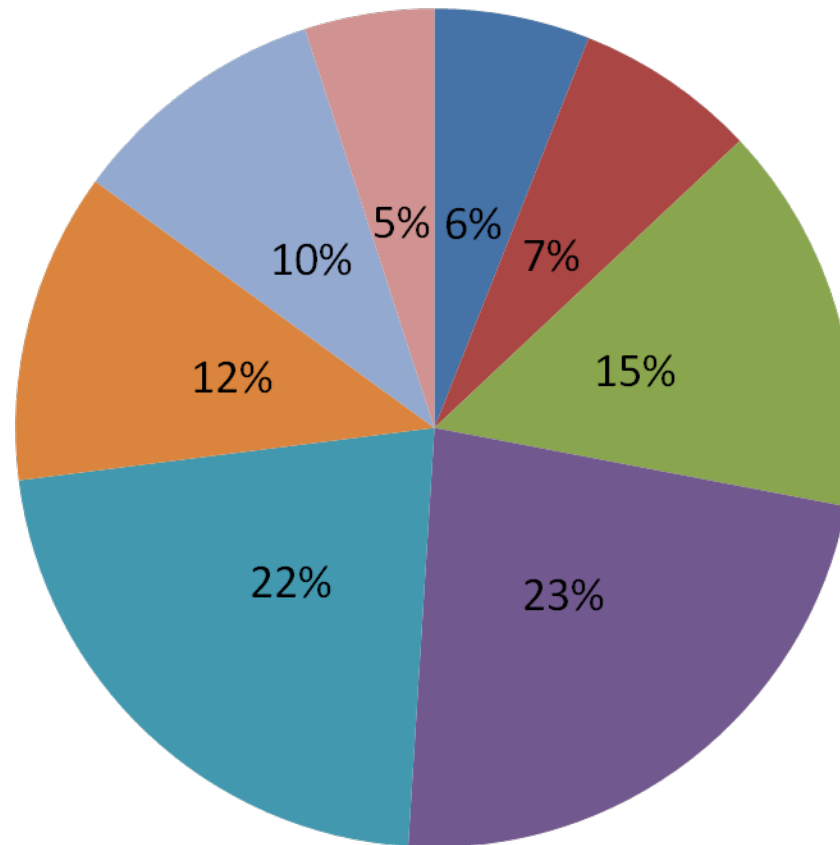
MD - S

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Adult Public Guardianship Statewide by Age

FY11 YTD (7/1/2010 – 5/31/2011)

(218 adults reported)

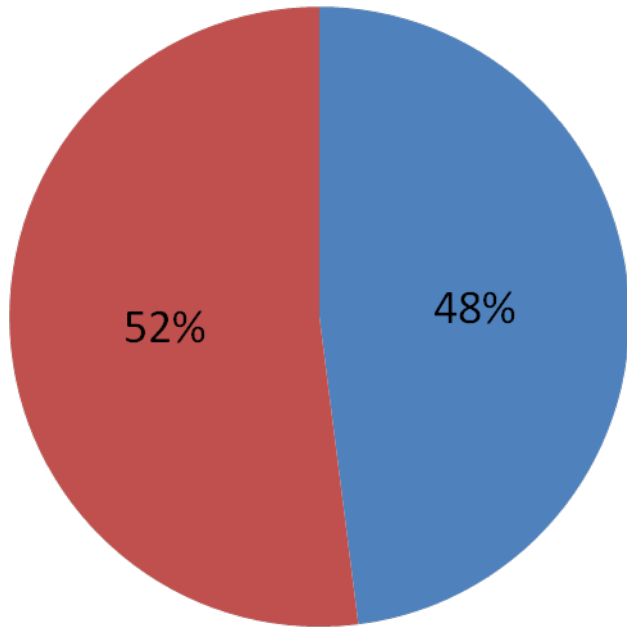


■ 20-29 ■ 30-39 ■ 40-49 ■ 50-59 ■ 60-69 ■ 70-79 ■ 80-89 ■ 90-99

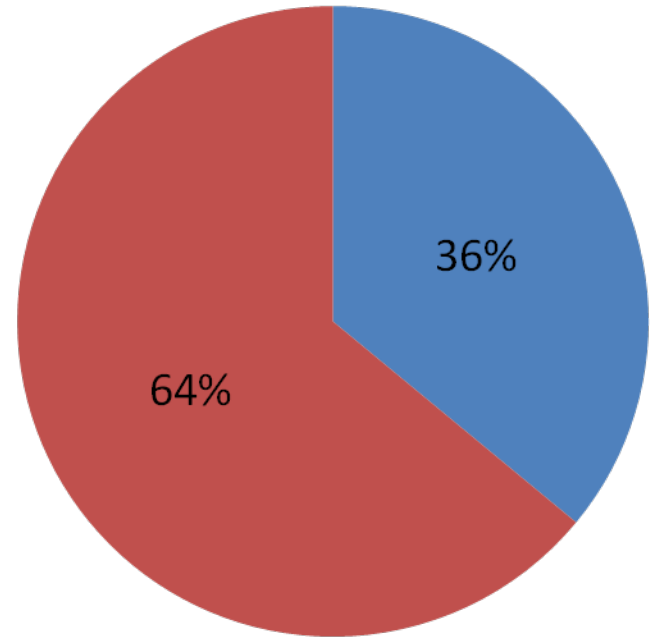
Adult Public Guardianship by Gender

FY11 YTD (7/1/2010 – 5/31/2011)

DSS
(111)



AAA
(59)



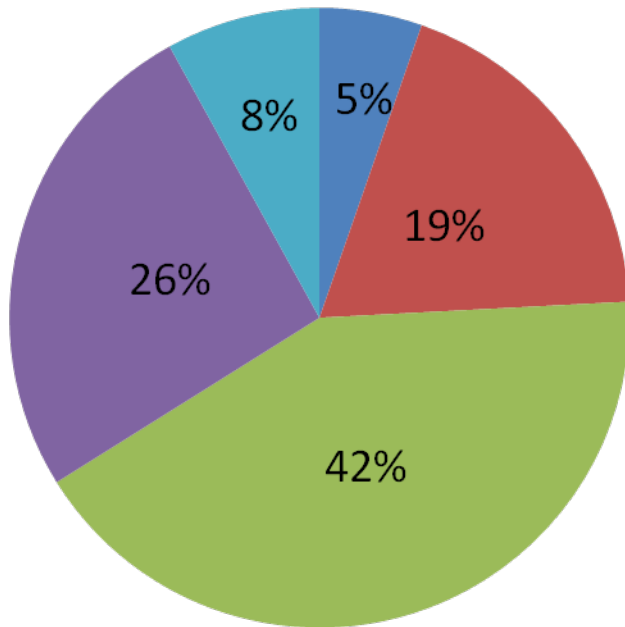
Male

Female

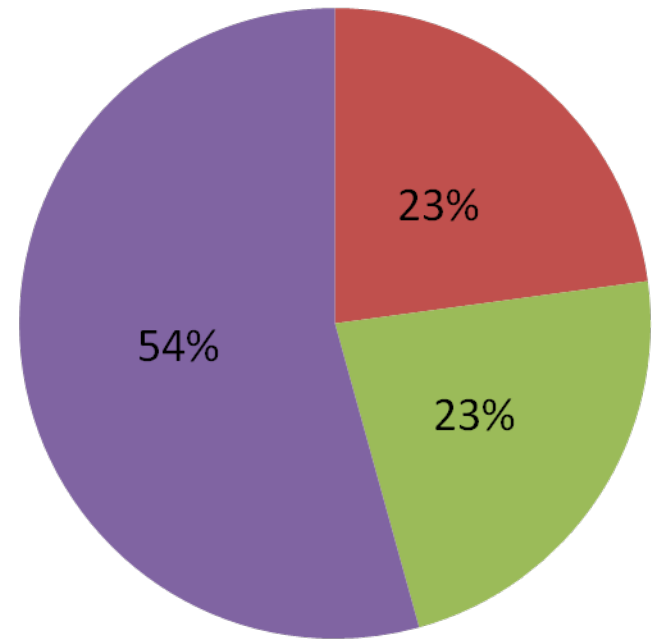
Adult Public Guardianship by Placement

FY11 YTD (7/1/2010 – 5/31/2011)

DSS
(111)



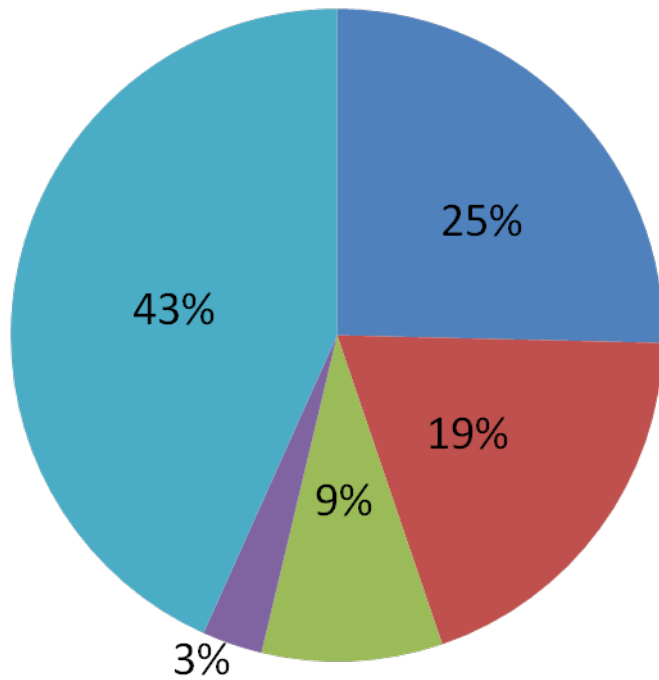
AAA
(66)



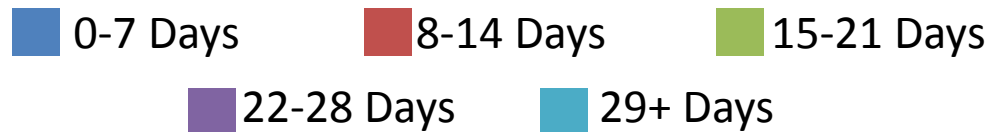
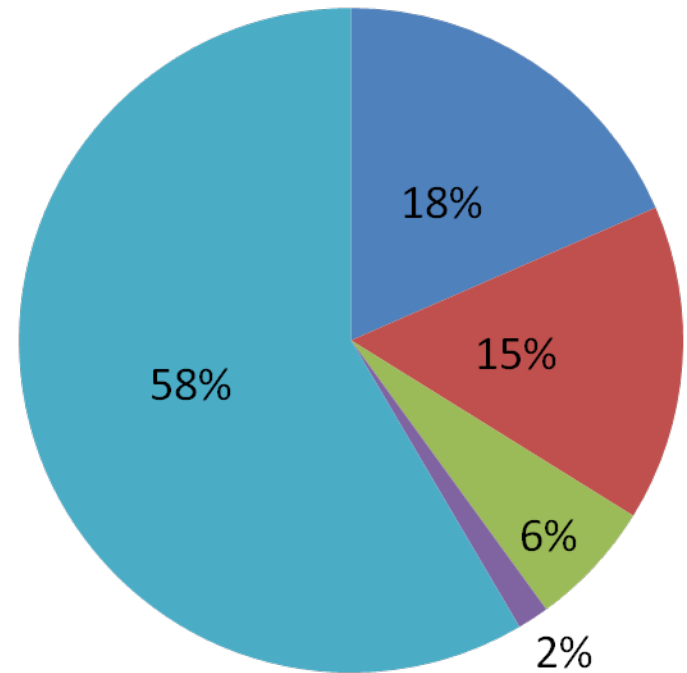
Elapsed Time

Petition Notification to Guardianship Hearing

DSS
(67)

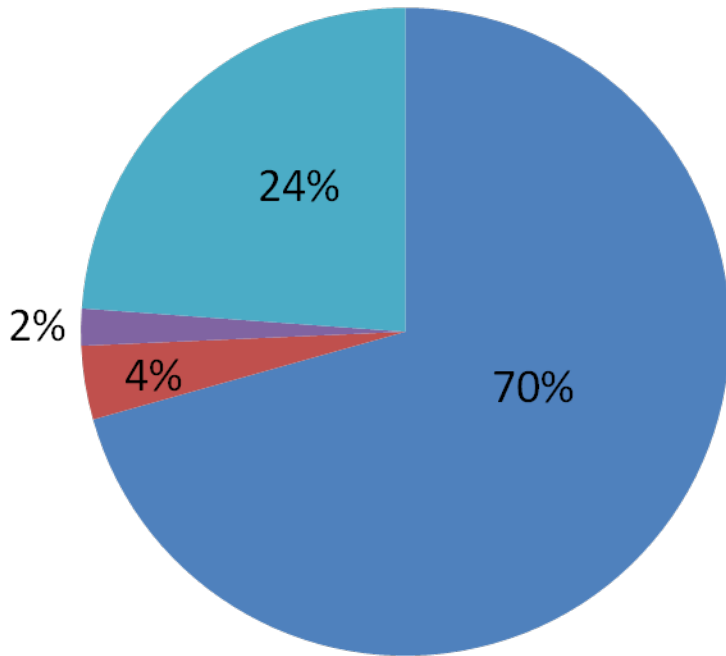


AAA
(65)

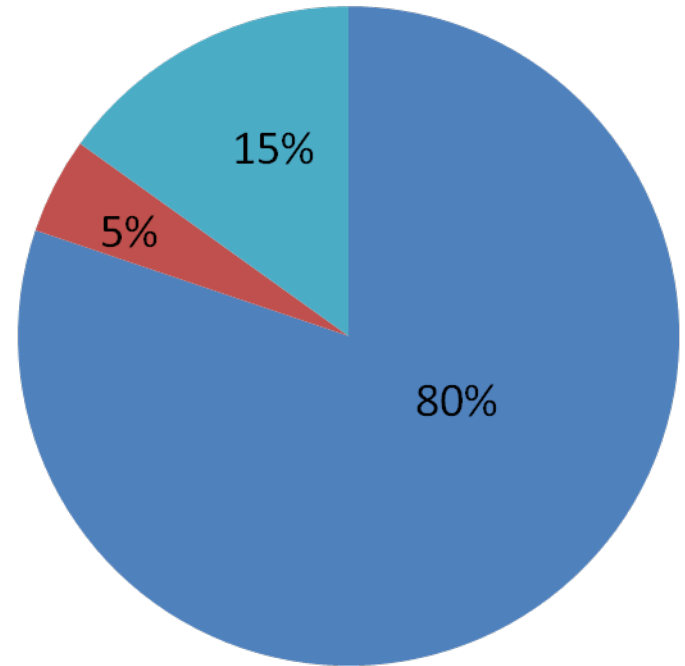


Elapsed Time Guardianship Hearing to Discharge from Hospital or Nursing Home

**DSS
(55)**



**AAA
(64)**



0-7 Days

8-14 Days

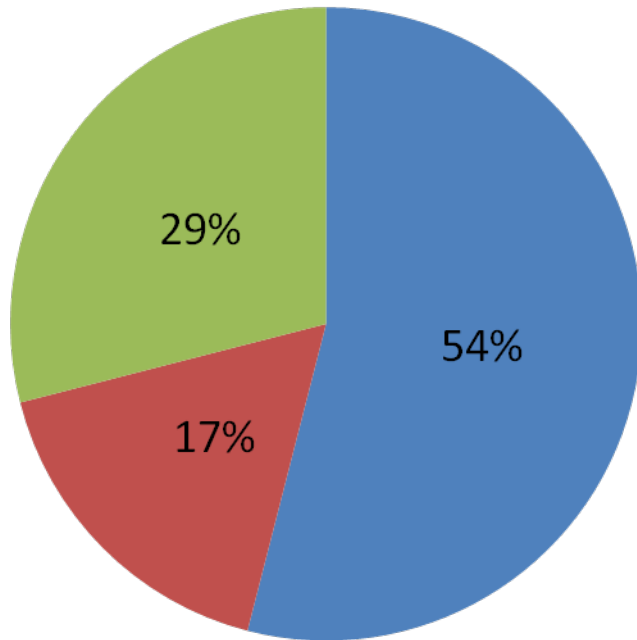
15-21 Days

22-28 Days

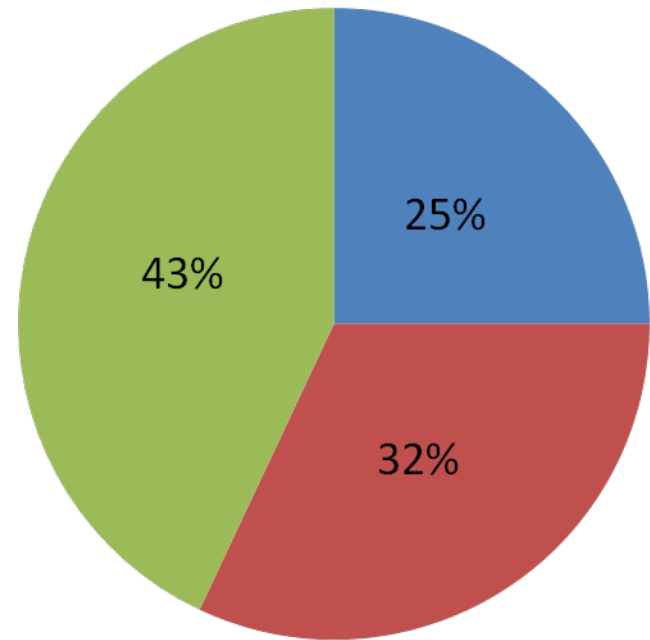
29+ Days

Adult Public Guardianship by Referral FY09

DSS
(259)



AAA
(510)



Hospitals

Nursing Homes

Other Sources

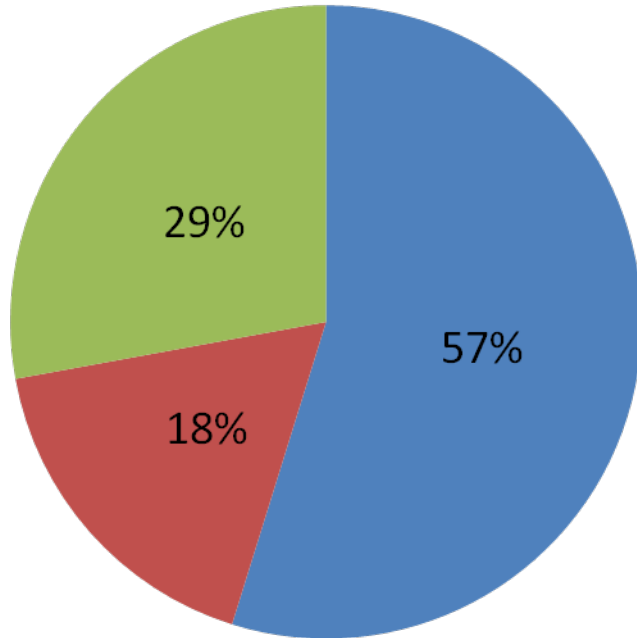
No DSS data received from Garrett, Harford, Howard, Somerset

No AAA data received from Carroll

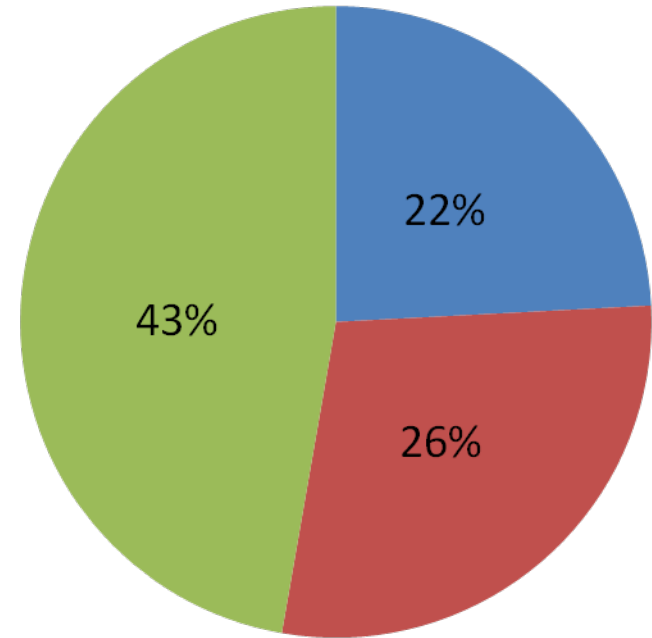
Montgomery combines LDSS and AAA numbers together and reflected in the LDSS numbers

Adult Public Guardianship by Referral FY10

DSS
(214)



AAA
(442)



Hospitals

Nursing Homes

Other Sources

No DSS data received from Garrett, Harford, Howard, Somerset

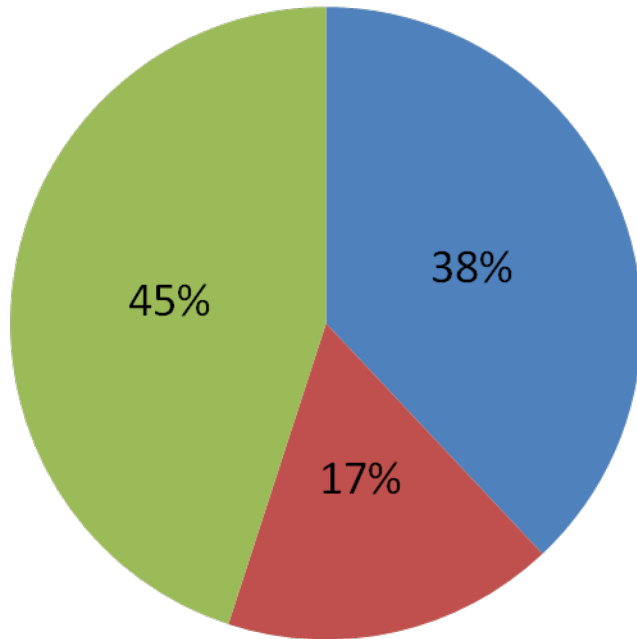
No AAA data received from Carroll

Montgomery combines LDSS and AAA numbers together and reflected in the LDSS numbers

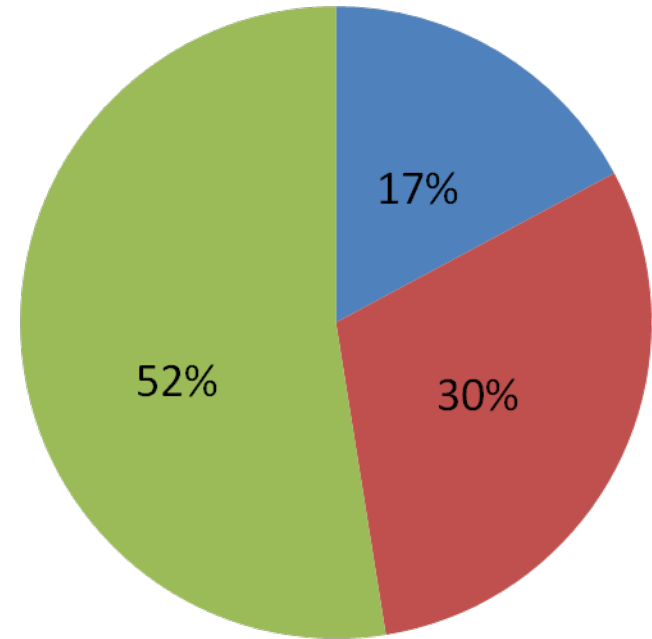
Adult Public Guardianship by Referral

FY11*

DSS
(211)



AAA
(454)



Hospitals

Nursing Homes

Other Sources

No DSS data received from Garrett, Harford, Howard, Somerset

No AAA data received from Carroll

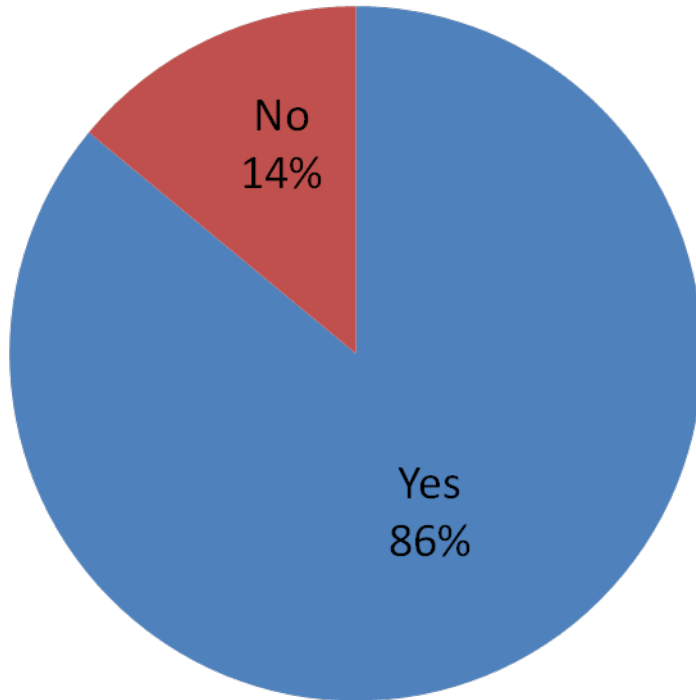
Montgomery combines LDSS and AAA numbers together and reflected in the LDSS numbers

* includes cases through 3rd Quarter

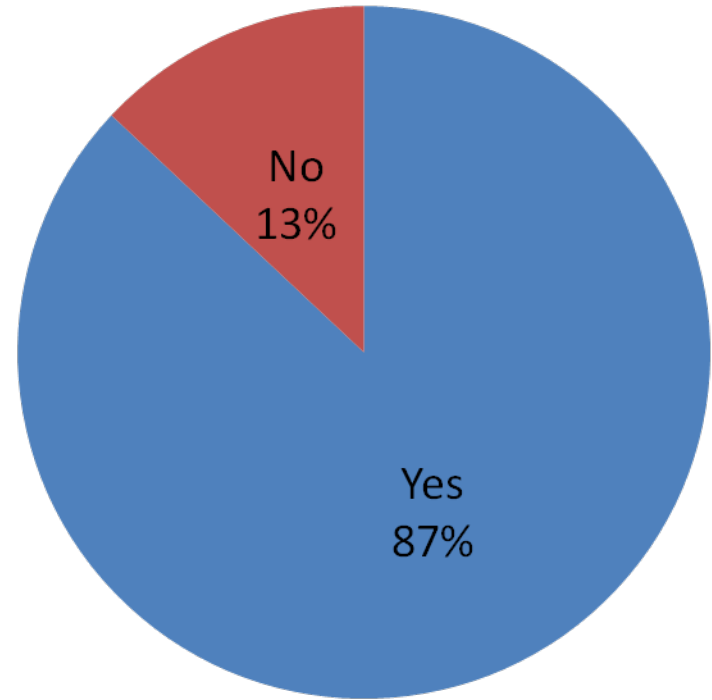
Adult Public Guardianship by Appropriate Placement

FY11*

DSS
(131)



AAA
(102)



No DSS data received from Garrett, Harford, Howard, Somerset

No AAA data received from Carroll

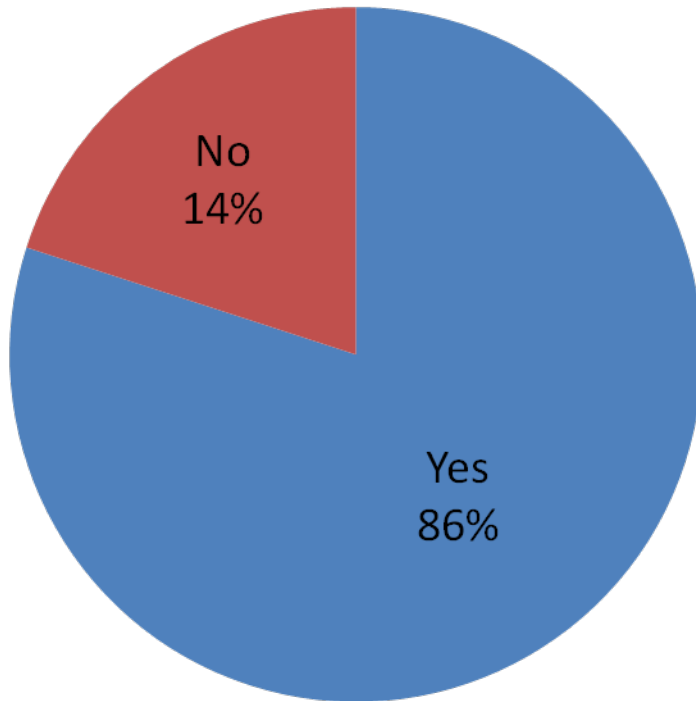
Montgomery combines LDSS and AAA numbers together and reflected in the LDSS numbers

* includes cases through 3rd Quarter

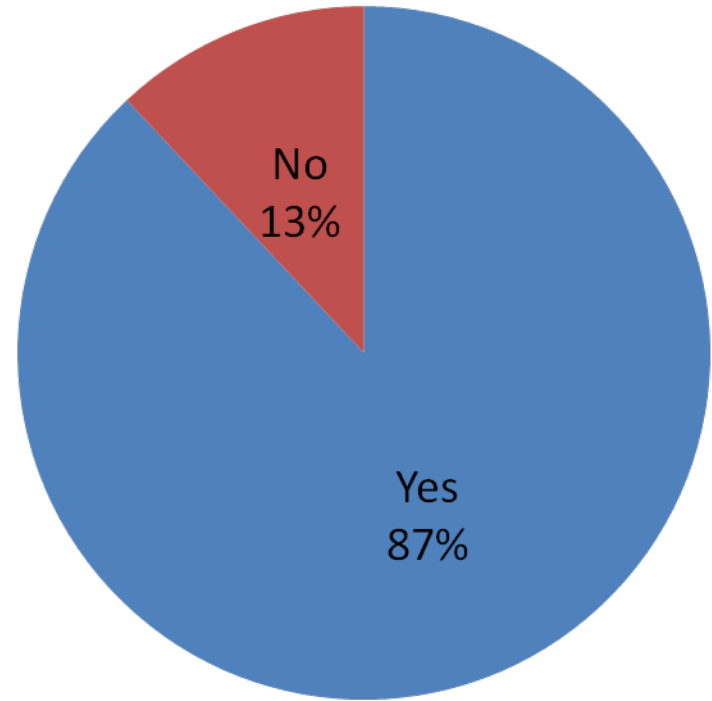
Adult Public Guardianship by Available Funding

FY11*

DSS
(131)



AAA
(102)



No DSS data received from Garrett, Harford, Howard, Somerset

No AAA data received from Carroll

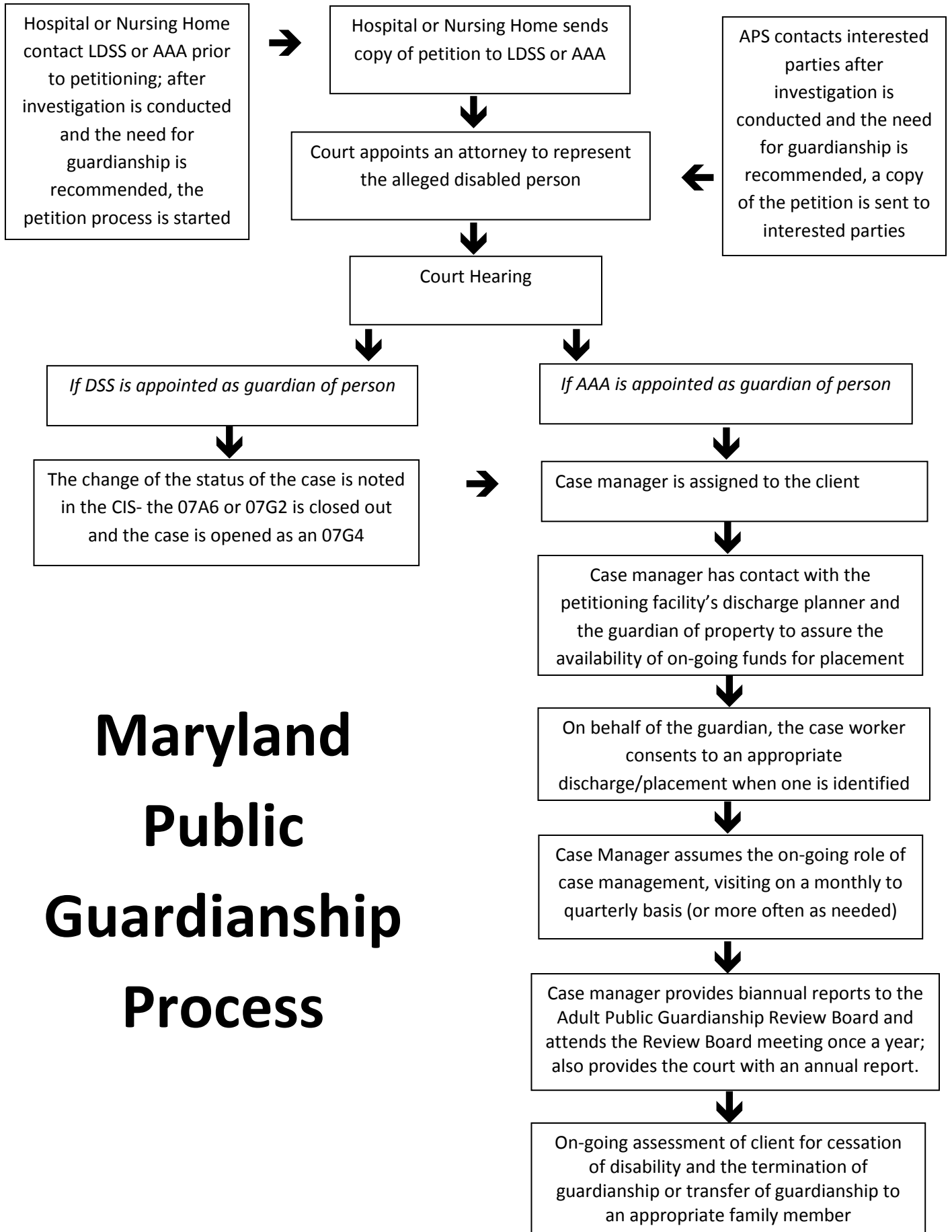
Montgomery combines LDSS and AAA numbers together and reflected in the LDSS numbers

* includes cases through 3rd Quarter

BARRIERS/PROBLEMS -Most Prevalent to Least	Specific LDSS's Reporting-	#LDSS's
<i>No family or others available, identified or <u>willing</u></i>	Carroll, Caroline, Dorchester, Howard, Kent, Montgomery, Queen Anne's, Somerset, St. Mary's, Talbot, Washington, Worcester	12
<i>No funding for placements (includes no medical insurance)</i>	Anne Arundel, Baltimore Co, Cecil, Charles, Dorchester, Frederick, Howard, Prince Georges, Queen Anne's, Washington	10
<i>Complex medical, mental, behavioral problems create placement problems</i>	Anne Arundel, Baltimore City, Baltimore Co, Dorchester, Caroline, Carroll, Prince Georges, Talbot, Washington	9
<i>Poor communication by involved professionals (includes notifications not timely)</i>	Baltimore Co, Cecil , Frederick, Harford, Kent, Prince Georges, Queen Anne's, Wicomico	8
<i>Family maltreating, exploiting, resisting appropriate care plan * (includes causing delays in guardianship and/or treatment)</i>	Anne Arundel, Baltimore City, Carroll, Mont. Prince Georges, St. Mary's, Washington	7
<i>Mental or medical non-compliance by disabled adult</i>	Baltimore Co, Montgomery, Prince George's St. Mary's	4
<i>Family available as surrogate decision makers, can't handle application processes, live out of area, are frail elderly</i>	Anne Arundel, Charles, Washington	3
<i>Lack of complex community resources to prevent placement</i>	Caroline, Cecil, Charles	3
<i>Lack of openings in those placements</i>	Caroline, Charles, Frederick	3
<i>Lack of due diligence by hospital/nursing home</i>	Charles, Dorchester, Queen Anne's	3
<i>Illegal aliens, not citizens, no eligibility * (includes provider)</i>	Anne Arundel, Baltimore City and Co.	3
<i>Language, other communication barriers</i>	Baltimore County and City	2
<i>Lack of GOP, attorneys limited (time and knowledge)</i>	Cecil, Worcester	2
<i>Incorrect use of petition (emer vs exp)& temp is not temporary</i>	Carroll, Charles	2

BARRIERS/PROBLEMS -Most Prevalent to Least	Specific AAA's Reporting *	#AAA's
<i>Family maltreating, exploiting, resisting appropriate care plan (includes causing delays in guardianship and/or treatment)</i>	Baltimore Co, Dorchester, Howard, Prince George's, Montgomery, Queen Anne's, St. Mary's Somerset, Washington, Wicomico, Worcester	11
No family or other's available, identified or <u>willing</u> (surrogate medical decision-makers are identified -but don't want guardianship or become incapacitated)	<i>Allegany, Baltimore Co, Caroline, Dorchester, Kent, Montgomery, Prince George's, Somerset, Talbot, Wicomico, Worcester</i>	11
Lack of GOP, attorney's limited (time and knowledge) (also includes GOP unable to access resources)	<i>Baltimore City, Caroline, Cecil, Dorchester, Garrett, Kent, Somerset, Talbot, Washington, Wicomico, Worcester</i>	11
No funding for placements (includes problems with transferring pension plans, qualifying for LTC-MA because of property issues)	<i>Anne Arundel, Caroline, Dorchester, Kent, Somerset, Talbot, Washington, Wicomico, Worcester</i>	9
Poor communication by involved professionals (includes HIPPA issues, notifications not timely)	<i>Baltimore County, Dorchester, Garrett, Somerset, St. Mary's, Wicomico, Worcester</i>	7
<i>Family available as surrogate decision-makers, but can't handle application processes, live out of area or are frail elderly</i>	Anne Arundel, Baltimore City, Garrett	3
Mental or Medical non-compliance by disabled adult	Baltimore Co, Montgomery	2
<i>Premature hospital discharge (serial hospitalizations)</i>	Baltimore Co, Cecil	2
<i>Unable to obtain 2 Physician Certs in timely manner</i>	Baltimore City, Washington	2
<i>Emergency vs expedited petitions (too long for medical)</i>	Charles County, Prince George's	2
<i>Lack of sufficient staff/funding for increasing volume</i>	Baltimore City, St. Mary's	2
<i>Complex medical problems lead to lack of placement</i>	Garrett, Prince George's	2
<i>Lack of due diligence by hospital</i>	Harford	1
Asking for Guardian of Person because asking for GOP	Anne Arundel	1

* Note: Combined data from MAC and USA may have inflated #'s



Maryland Public Guardianship Process

**MARYLAND COURTS/GUARDIANSHIP
SURVEY RESULTS**

ATTACHMENT E1

Jurisdiction	1. When a guardianship case is submitted for filing, where does the petition go?	2. What does the person have to do to enter the petition as a filed case?	3. How long does it take a clerk to perform these functions?	4. What's the process for getting the Show Cause Order and Order Appointing Counsel prepared?	5. Once prepared, how are the SCO and OAC submitted to the Judge for signatures? Are they submitted at the same time?
Allegany	Trust clerk or civil clerk to be input into the computer.	Assign a case number and enter the information and pleadings into the computer.	15 to 20 minutes depending on what pleadings are submitted and how many parties there are.	The attorney filing the case submits the Show Cause Order and Order Appointing Counsel. All Orders are prepared and submitted by the Attorney.	The Orders are usually submitted with the original pleadings. As soon as the case is submitted and entered, the file is placed on the mailbox for the Judge, and his secretary picks up the files usually 3 times a day if not more.
Anne Arundel	The trust clerk receives it and puts it in the computer and assigns a case number. It then comes to Christina Acerman, the adoption and guardianship case manager. In general, she handles guardianships before they are granted and the trust clerk handles them after a guardian is appointed.	The trust clerk receives it and puts it into the computer and assigns a case number. It then comes to Christina Acerman, the adoption and guardianship case manager.	Christina gets the case within 1-2 days after the trust clerk receives it.	First Christina uses a checklist to make sure the petition is in order and then if it is, she prepares a joint Show Cause and Appointment of Attorney Order, using a word template on the computer	Christina walks the order to the chambers of the Fiduciary Judge. It is submitted to one Judge unless he is unavailable and then to a back-up Judge. There is also one other Judge as a back-up.
Baltimore City	Family and Trust Department	File it and pay filing fee.	Not sure	File sent to Master's office, then they review it and issue Show Cause Order and Order Appointing Counsel.	It is hand-delivered.
Baltimore	The petition goes to the trust clerk.	File is assigned a docket case number, entered on computer system, then trust clerk prepares Show Cause Order and Order Appointing Counsel.	Usually 1-2 days	Show Cause is auto-generated; Order Appointing CAC is a fill-in-the-blank that is generated from a Word template.	Orders are hand-carried to Judge's chambers for signatures, both at the same time.

Jurisdiction	1. When a guardianship case is submitted for filing, where does the petition go?	2. What does the person have to do to enter the petition as a filed case?	3. How long does it take a clerk to perform these functions?	4. What's the process for getting the Show Cause Order and Order Appointing Counsel prepared?	5. Once prepared, how are the SCO and OAC submitted to the Judge for signatures? Are they submitted at the same time?
Calvert	Submitted to the Clerk's Office (Civil Clerk).	Clerk enters information into UCS computer system, assigns case number and docketed petition and any related documents.	Approximately 5 minutes	Both Orders are usually prepared by the attorney who filed the petition. If party filing petition is pro se, a law clerk will prepare the Order(s).	The case file is placed in the Chambers Judge's in-box; if both Orders are submitted, yes, they both go up to Chambers Judge simultaneously.
Caroline	The documents are filed with the Civil Clerk in the Clerk's office.	All of the above, other than prepare Show Cause Order, that is generally attached to the Petition.	Approximately 30 minutes	It is generally attached to the Petition by the Petitioner and then completed by hand in the Judge's Office for dates/names, etc.	Both documents are sent to the Judge at the same time with the file by the Clerk's Office. Files are submitted to the Judge manually.
Carroll	Civil Clerk	1. Ring in any fees, 2. input into computer, 3. set up paper file, 4. have file double checked for accuracy, 5. send to Judge-hand-carried as all files are.	As long as pleadings are correct, within 48 hours. If an emergency, then with chambers Judge within an hour.	Use proposed order usually, sometimes Judge will amend. Local counsel knows to try to have Orders look like the same Orders online.	File, with both Orders and Petition, hand-carried to Judge.
Cecil	Civil Clerk, comes to civil clerk's office to Civil Division	Pay the filing fee, then it will be time stamped and it will get dispersed in normal course of business.	About a day to get on the desk, depending on how back logged that person is. About 1-3 days before it's processed in the computer system.	Usually Show Cause Order are prepared by the filing party (whatever method they use). We will after we prepare the file, case number and docket entries we send the case file to the Judge's law clerk for review if all the necessary pleadings required have been filed the law clerk will then present it to the Judge for the signature.	We have a transfer case folder electronically scanned to law clerk, but they physically come down and pick up the folder. The petitions are not scanned at this time.
Charles	NO RESPONSE				

Jurisdiction	1. When a guardianship case is submitted for filing, where does the petition go?	2. What does the person have to do to enter the petition as a filed case?	3. How long does it take a clerk to perform these functions?	4. What's the process for getting the Show Cause Order and Order Appointing Counsel prepared?	5. Once prepared, how are the SCO and OAC submitted to the Judge for signatures? Are they submitted at the same time?
Dorchester	Civil Clerk.	Open file, index names, and enter information in the computer system.	20-30 minutes.	Proposed Orders are prepared by counsel.	Case file is scanned to Judge's Chambers and placed in Judge's box in Clerk's office. Judge's Administrative Assistant collects files daily.
Frederick	NO RESPONSE				
Garrett	Trust clerk	Open the file, enter information on computer, forward to Judge's office for Show Cause Order and Attorney Appointed to be signed.	15-20 minutes.	Both orders are provided by the attorney filing the Petition	Case is forwarded to the Judge's office (hand delivered in our Court). If both orders are submitted by the attorney, they re then submitted to our Judge at the same time.
Harford	NO RESPONSE				
Howard	Civil Clerk	Enter the info into the computer system, including all the involved parties. The petition is docketed and all Petitioners, Respondents, and interested persons are entered into the system.	Depending upon the number, 5-10 minutes. There could be a delay depending on how many cases are in front of it. On average maybe 2 days. Unless is says emergency then it would be done right away.	We rely on what you file except for the SCO. The file goes right up to Judge McCrone. They'll use the Order for the AOC that is submitted, but Judge McCrone has his own SCO.	Paper file is taken up, it is carried up to the judge. The whole file is submitted to the Judge at once
Kent	NO RESPONSE				
Montgomery	Goes to the family clerk on the first floor. With a check for \$135 either case, check or money order.	The clerk enters all the information in and then it is put on the shelf to come up to my office for review.	Ranges from 1-3 days, maybe five. It depends on weekends, end of the day, etc. **It can take 1-2 hours to key in the information.	It is prepared by hand by our office for both Orders. The computer does not automatically generate. We don't always use our own Show Cause Order. If it doesn't comply with the rules then I'll use my own.	They are submitted at the same time and generally you have to hand carry them to the Judge's chambers.

Jurisdiction	1. When a guardianship case is submitted for filing, where does the petition go?	2. What does the person have to do to enter the petition as a filed case?	3. How long does it take a clerk to perform these functions?	4. What's the process for getting the Show Cause Order and Order Appointing Counsel prepared?	5. Once prepared, how are the SCO and OAC submitted to the Judge for signatures? Are they submitted at the same time?
Prince George's	Court Clerk	All information is entered into the data base, cause number is assigned, file is scanned, radio chip for electronic tracking purposes is inserted.	Same day received for most part but could be up to one week.	It is generally attached to the Petition by the Petitioner and then completed by hand in the Judge's Office for dates/names, etc.	File is hand carried and both are submitted at the same time.
Queen Anne's	The Civil Office receives the case for processing.	The Clerk initiates the case, enters all the parties and/or attorneys, enters all pleadings, rings any payments, has the case verified and sent to Judge with blank Orders.	Within 48 hours of filing unless it is an emergency.	If case is filed by attorney, they prepare the Order(s), if by pro-se, my office sends up blank Show Cause Order.	We will sign the file out to the Judge, place it in the specified Judge's mail bin which is taken to the chambers by a bailiff.
Somerset	Civil Clerk	Assign a case number, enter information in computer and submit to Judge for checklist and signature on Show Cause if needed.	Depends on the filings and number of parties involved. Shouldn't take more than 15 minutes to initiate the case. Will take longer when it is returned from Judge with Show Cause.	Attorney or individual filing provides a blank Show Cause and Order Appointing Counsel. If not, the Judge will assign his Law Clerk or Clerk to prepare one. It is not computer generated.	Someone has to hand deliver to the Judge's Chambers. The entire file is submitted for his consideration.
St. Mary's	Filed with the clerk's office and usually submitted to the Show Cause Order and sent to the court to review the petition and the Show Cause Order.	Bring their petition for guardianship, and supporting documents to the rules, and a check for the filing fee, or a request to waive the filing fee.	The petition goes up right away. Depends on how many interested parties are in there, but no longer than 15 minutes.	Usually the motion to appoint an attorney is submitted with the Petition for guardianship and they are dealt with together. Pro se, submits a blank order for the court to sign, attorney prepares the Show Cause Order to sign.	Paper file is presented and put in a tray for various chambers, law clerks or secretaries check trays 1-2 times a day. All put in at once. Judge gets all files together.
Talbot	Civil General Clerk.	Opens the file, enter information into computer system, and prepare Show Cause.	An hour or so depending on number of parties, number of interruptions, etc.	Usually counsel has the forms prepared for the court. If not, there is a Show Cause form in the case management system. Orders are prepared by counsel or Chambers.	File is scanned to Chambers with a note on it why it is going there. Someone from Chambers or the bailiffs pick up the tub of files periodically throughout the day.

Jurisdiction	1. When a guardianship case is submitted for filing, where does the petition go?	2. What does the person have to do to enter the petition as a filed case?	3. How long does it take a clerk to perform these functions?	4. What's the process for getting the Show Cause Order and Order Appointing Counsel prepared?	5. Once prepared, how are the SCO and OAC submitted to the Judge for signatures? Are they submitted at the same time?
Washington	Civil Clerk	Open a new case file. Enter the names and addresses of the Petitioner(s), Respondent, Interested Parties and Counsel into the computer. Counsel or Pro Se Litigant filing Guardianship case prepares the Show Cause Orders.	Approximately 5 minutes	Show Cause Orders and Orders Appointing Counsel are prepared by Counsel or Pro Se Litigant filing Guardianship Case.	The file along with both Orders are sent to the Motions' Judge for that given day.
Wicomico	NO RESPONSE				
Worcester	NO RESPONSE				

Jurisdiction	6. To what judge are the Orders submitted?	7. Is there a back-up system if the judge will not be able to get the order for 24? 48? 72 hours?	8. How long does it usually take to get a Judge's signature on the SCO and OAC?	9. How is the clerk's office informed the Orders have been signed?	10. Are the Orders signed by the Judge at the same time or separate times? If separate, do you know why?
Allegany	The computer assigns a Judge. We have two Judges.	If it is an emergency and the assigned Judge is not available, the attorney has the option of taking the file to the Judge that is available.	Depends on the Judge's schedule. Usually signed within a day.	The secretary for the Judge brings the files down to our department once they are signed. Usually 3 times a day.	Signed at the same time if they are both submitted by the Attorney at the same time.
Anne Arundel	The Fiduciary Judge is Judge Harris and the back-up is Judge Silkworth. There is only one other Judge who might also serve as back-up.	The Fiduciary Judge is Judge Harris and the back-up is Judge Silkworth. There is only one other Judge who might also serve as back-up.	Within 3 days	Someone who does rounds in the courthouse brings the signed order to her or if it is urgent she could get a call	There is only one combined order
Baltimore City	Chambers Judge	Substitute Chambers Judge	Less than a day	Send file down and tell them to docket the Order	Same Time
Baltimore	Orders are submitted to one of the 4 trust Judges. They do not rotate this duty; Orders are submitted to whichever Judges are present on a given day (for multiple cases, they are divided up between the available Judges for the day).	No back-up system. Typical turn-around is same or next day.	Usually 1-2 days (but the reality is that some Judges are more diligent than others on that time frame).	File is hand-carried back to the trust clerk's office.	Orders are signed at the same time.

Jurisdiction	6. To what judge are the Orders submitted?	7. Is there a back-up system if the judge will not be able to get the order for 24? 48? 72 hours?	8. How long does it usually take to get a Judge's signature on the SCO and OAC?	9. How is the clerk's office informed the Orders have been signed?	10. Are the Orders signed by the Judge at the same time or separate times? If separate, do you know why?
Calvert	Chambers Judge	No	Usually a couple of days	The signed Order is hand-carried, along with the case file, back down to the Clerk's Office (Civil Dept.) for processing.	Same time, if applicable.
Caroline	Caroline County is a one Judge County and therefore the Administrative Judge.	This is generally not a problem, if the Judge is not available, there is a retired Judge in the area that will come in to sign files, if called. Or if the Administrative Judge is on vacation, generally a retired Judge is scheduled to sit and hear the docket during the vacation.	Usually within 24-48 hours.	The file is transferred back to the office manually.	Same time.
Carroll	Computer system does auto rotation of the 3 Judges for all matters. Petition just goes to the next Judge in rotation.	Judge's staff finds another Judge.	While they tell people to make general inquiries that it could take 1-3 weeks. It hardly ever is more than 3 or 4 days, unless papers are not prepared properly.	Signed Orders and file hand-carried back to Clerk's office by internal courier.	Typically signed at same time, unless something is wrong with the pleadings.
Cecil Charles	Send them to law clerks who are on a rotated basis. Schedule is separate from us. 4 law clerks for review, each law clerk has their own Judge. All Judges sit the bench.	It goes upstairs; I am not sure what happens after it goes to the law clerk. It goes to the Circuit Court.	That's a variable, depends on the law clerk and Judge. I'm not comfortable giving a time frame on a Judge.	They will transfer the folder back down to us after it's reviewed and signed to be processed.	Same time.

Jurisdiction	6. To what judge are the Orders submitted?	7. Is there a back-up system if the judge will not be able to get the order for 24? 48? 72 hours?	8. How long does it usually take to get a Judge's signature on the SCO and OAC?	9. How is the clerk's office informed the Orders have been signed?	10. Are the Orders signed by the Judge at the same time or separate times? If separate, do you know why?
Dorchester Frederick	Judge's Chambers.	We are a one Judge County; when our Judge is away or unavailable, Chambers and Court is covered by a visiting or retired Judge.	Usually within 24-48 hours.	Case files are returned to the Clerk's office and placed in Clerk's office incoming box.	Same time.
Garrett	Garrett County has one Associate Judge. Everything goes to him.	No	Varies depending on the court docket for that particular day. No longer than one to two days.	Case folders are returned to the appropriate clerk by the Judge's office upon signature of Judge.	Same
Harford					
Howard Kent	Assigned Guardianship Judge McCrone	Yes. If it's not an emergency, there is no back-up system. It will sit in the chambers until he gets to it. If it is an emergency, Judge McCrone's secretary will take it to the Duty Judge or whatever Judge is available.	If the Judge is here it will take one day.	The secretary or law clerk will just bring down stacks of files from the judge. It depends on the time of day, but it will get back down to the clerk's office within 24 hours	Yes, I'm assuming they sign everything at once.
Montgomery	The Administrative Judge, generally. Usually Judge Debilius.	Yes, I use a stamp.	Same day as the day Lili gets it from the clerk's office. I don't like to keep files in my office.	Once it leaves our office and there is a Show Cause Order issued, it goes to the assignment office for posting. The assignment office then sends it back to the family clerk where it was originally filed for docketing for copies to be sent out.	They are signed at the same time.

Jurisdiction	6. To what judge are the Orders submitted?	7. Is there a back-up system if the judge will not be able to get the order for 24? 48? 72 hours?	8. How long does it usually take to get a Judge's signature on the SCO and OAC?	9. How is the clerk's office informed the Orders have been signed?	10. Are the Orders signed by the Judge at the same time or separate times? If separate, do you know why?
Prince George's	Assigned Guardianship Judge	There is always a back-up Judge available.	Same day as he/she gets it.	A courier picks it up and brings it back to the Trust Office.	Same time.
Queen Anne's	The Judges are randomly assigned. we are a one Judge County so	The file is sent to the assigned Judge. If not available, their staff will forward it to another Judge, if necessary.	Usually within a few days of being sent to the Judge.	Files are sent to the Civil department and the Order is clocked in.	They are signed at the same time.
Somerset	everything goes to that Judge unless we have a visiting Judge or he has recused himself from the case. In that case, it will be given to the Court administrator to take to another County Judge.	If another Judge is here, it is given to them. Usually when the Judge isn't available for a period of time, a retired Judge or visiting Judge will come to our Court and do Chamber's work.	Usually a day or two depending on the Court schedule, sometimes it is done the same day.	Sometimes the Judge's Law Clerk, Secretary, or Judge himself returns the file to the Clerk's office.	They are usually signed at the same time unless the Judge's Law Clerk needs to contact an Attorney to be appointed in case of a conflict.
St. Mary's	2 Judges, generally goes to Administrative Judge but we try to divide it up so no one gets bogged down.	Law clerk can review order and can walk it over to the other chamber and get other Judge to sign off on it.	depends. Do not have a Chambers Judge. Administrative Judge 3 business days. Other Judge 2 weeks.	Once the orders are signed and dates are filled in they come back into the tray in the clerk's office and all orders are dispersed 2-3 times a day. You get it back on your desk the same day it is file stamped.	Judge has to sign order first before Show Cause Order and Order Appointing Attorney. Sent over to assignment and then goes to clerk. Then it is ready for processing. This is the most efficient way to do so.
Talbot	Chambers Judge	No.	Anywhere from 1-2 days to a week or so depending on the workload.	The file is scanned back to the clerk's office and brought to the clerk's office by someone from Chambers.	Varies, no, do not know why.

Jurisdiction	6. To what judge are the Orders submitted?	7. Is there a back-up system if the judge will not be able to get the order for 24? 48? 72 hours?	8. How long does it usually take to get a Judge's signature on the SCO and OAC?	9. How is the clerk's office informed the Orders have been signed?	10. Are the Orders signed by the Judge at the same time or separate times? If separate, do you know why?
Washington	The Motions' Judge.	If the Motions' Judge has a full Court Schedule and a large volume of motions for a given day, he will have his secretary forward those files to the Judge that is designated for motions the next day.	Files sent up one day are returned by the next business day.	The Judge's secretary brings the file to the Clerk's office.	Orders are signed at the same time.
Wicomico					
Worcester					

Jurisdiction	11. What happens after the Judge signs the Orders? Where do they go in the clerk's office?	12. Who mails out the SCO?	13. To whom is the SCO mailed?	14. What, if anything, is mailed with the SCO? If so, what is in the packet?	15. What is the process of putting the packet together to be mailed out? How long does it take?
Allegany	The Orders come back to the Trust Clerk. They are input into the computer system and copies are made.	Copies are given to the attorney who is responsible for serving the parties with the pleadings and Orders.	Show Cause is returned to the Attorney.	The Clerk does not mail the packets. The attorney attaches a copy of everything file with the Clerk's office and serves the parties.	The attorney is responsible for this (putting the packet together and mailing it out).
Anne Arundel	They come back to Christina	Christina	She mails it to the attorney for the Petitioner or to the individual Petitioner if someone is proceeding pro se.	Nothing, just the order.	1-2 days
Baltimore City	Chambers calls Master's office and clerk picks them up.	Master's and Trust Clerks.	The Petitioner or Petitioning Attorney.	Nothing.	As soon as the file gets back, usually it is faxed.
Baltimore	Orders are returned to the trust clerk's office; trust clerk sends the order appointing counsel to CAC with a note for CAC to call Petitioner to agree on hearing date and call trust clerk to schedule. Nothing is done electronically; all by snail-mail.	Trust clerk mails out Show Cause Order (to Petitioner and CAC only). Other copies of Show Cause Order mailed to interested parties by the Petitioner.	Petitioner and CAC.	Trust clerk mails packet to petitioner of hearing notice, Show Cause Order, writ of summons, and Order Appointing CAC. CAC gets mailed hearing notice and order appointing CAC. NB: Petitioner mails out packet to interested parties that contains Petition, advice of rights, notice in interested parties, Show Cause Order, Order Appointing Counsel, and sometimes writ of summons and/or notice of hearing date.	Trust clerk assembles packet (for Petitioner and CAC only) at same time hearing date is selected and entered on computer system. Assembling packet takes about 10 minutes.

Jurisdiction	11. What happens after the Judge signs the Orders? Where do they go in the clerk's office?	12. Who mails out the SCO?	13. To whom is the SCO mailed?	14. What, if anything, is mailed with the SCO? If so, what is in the packet?	15. What is the process of putting the packet together to be mailed out? How long does it take?
Calvert	The signed Order is hand-carried, along with the case file, back down to the Clerk's Office (Civil Dept.) for processing.	Clerk's Office personnel	Mailed to the party or attorney who filed the petition	Just the Show Cause Order is mailed out	No packet put together. After Show Cause Order is docketed, same is mailed out to appropriate party. Takes approximately 5 minutes.
Caroline	The file is returned to the Civil Clerk for processing.	The Show Cause Orders are mailed by the Petitioner, or counsel for the Petitioner.	All interested persons	The Petition, along with Show Cause Orders are returned to Petitioner or counsel for Petitioner for mailing. Nothing further from the Court is included. I cannot say what, if anything, the Petitioner may include.	See above. I would say no more than 30 minutes.
Carroll	Will pass through assignment to have Show Cause hearing date set and then to Clerk's office which mails out package to Petitioner.	Clerk's office	Petitioner or Petitioner's counsel.	Summons, Show Cause Order, Order Appointing Counsel, and petition, and local Carroll County form instructing Petitioner to refer rule 10-203(b)(2) or 10-302(b)(2) are their obligation to make serve on interested parties.	Usually within the same day after receiving from assignment, always within 48 hours.
Cecil Charles	The law clerk will transfer them back to us, to the civil department. We time stamp them, disperse them to the clerk who scanned it out for review and then we process it within 1-3 days.	The clerk's office will mail the Show Cause Order and the summons to the attorney who filed the case or the filing party.	Attorney or filing party	Summons, if they provide us with the petition we sent the whole packet. If they have no provided it, then we send the summons and they need to attach the needed instruments.	1-3 days. Once we get the orders down we typically send it out 1-3 days. We have a pretty good turnover.

Jurisdiction	11. What happens after the Judge signs the Orders? Where do they go in the clerk's office?	12. Who mails out the SCO?	13. To whom is the SCO mailed?	14. What, if anything, is mailed with the SCO? If so, what is in the packet?	15. What is the process of putting the packet together to be mailed out? How long does it take?
Dorchester Frederick	Orders are clocked in (date/time) and returned to the Civil Clerk.	Civil Clerk.	Attorney of record.	Copy Petition, certificates of physicians, notice to parties, Advice of Rights to Respondent, Show Cause Order, if applicable, Order Appointing Counsel for Respondent.	Petition and Orders are copied. If necessary, summons is prepared for parties requiring service or mailing. 30-45 minutes.
Garrett	Judge's office delivers case folder to Trust clerk for summons to be issued.	Trust Clerk	Attorney filing the Petition. That attorney serves all interested parties with a summons, copies of orders, and a copy of the petition.	Summons, copies of orders, and copy of the petition	To issue a summons for each interested person and attach it to the copies of orders and copies of the Petition provided by the attorney takes about 10 minutes depending the number of summonses to be issued.
Harford					
Howard Kent	They are put on the order cart and then they are processed by the civil clerk. It takes on average one to two days.	The civil clerk	To the Petitioner's counsel or the Petitioner	We print out a summons for each interested persons listen in the case. Order appointing counsel is mailed out as well to the Petitioner and the court appointed counsel. They are all mailed out to the Petitioner's counsel or the Petitioner.	A clerk puts it together, and it takes about ten minutes on average.
Montgomery	It goes to assignment then clerk's office.	Clerk's office	The Petitioning attorney or the Petitioner to serve it.	Order Appointing Counsel and Show Cause Order. **We don't do summons. If there is a temp guardian of property order it is mailed with it.	Clerk's office. **It could take a 45 minutes to an hour. It all depends on how many orders/copies have to be made.

Jurisdiction	11. What happens after the Judge signs the Orders? Where do they go in the clerk's office?	12. Who mails out the SCO?	13. To whom is the SCO mailed?	14. What, if anything, is mailed with the SCO? If so, what is in the packet?	15. What is the process of putting the packet together to be mailed out? How long does it take?
Prince George's	They go to the Deputy Clerk of the Court assigned to the Trust Office who sends a letter to the appointed attorney.	Main clerk in the Trust Office	Main office clerk mails it to the Petitioner or the Petitioning attorney. The attorney serves it to all interested parties.	Only if it is pro se. Then a packet of information on how to serve is included.	Packets are prepared and ready to go.
Queen Anne's	File is sent to the Civil department and Order is clocked in and placed in a receiving bin to be processed. The Assignment office will get the file first if a hearing date is on the Show Cause Order.	The Civil Department mails out to Petitioner or the Attorney.	The Petitioner or the Attorney.	The Order(s), Notices to Interested Parties, and Summons.	<u>Petition, Order, Summons, and Notice to Interested Parties.</u>
Somerset	They go to one of the Civil Clerks to process the case.	One of the Civil Clerks	Either to a Sheriff for Service if requested or to the Attorney or party filing the case.	Usually copies of the papers originally filed and a summons.	It depends on how many interested parties are involved. If not many, many 1/2 hour at the most.
St. Mary's	Sign Show Cause Order then file goes to assignment office to put dates and times to respond by and the date the hearing will be held. It is shipped back to the clerk's office. Copy Orders of Petition and returned to attorney and interested persons.	We return the orders to the attorney of records. Attorney of Records are responsible of effecting service of Show Cause Orders.	It is mailed to attorney of records. We have a mail box for local attorneys. They can come in, Show Cause Order can be picked up from office by county attorneys directly.	They get the Show Cause Order, the Petition for appointment of guardianship, advice of rights, and notice to interested persons.	It's just a matter of photocopying if they provide us copies. 15 minutes. Otherwise we have to prepare those ourselves. No more than 30 minutes.
Talbot	Civil General Clerk enters into case management system. Clerk compiles with Order. Prepares paperwork for service, calls counsel to pick up for service.	Filing counsel. If pro se, the filing party.	All interested parties.	Copy of Petition, notice to interested parties.	Make copies of papers to be mailed, create cover sheets from the system. Depending on the number of parties, it could take 15 minutes to 45 minutes.

Jurisdiction	11. What happens after the Judge signs the Orders? Where do they go in the clerk's office?	12. Who mails out the SCO?	13. To whom is the SCO mailed?	14. What, if anything, is mailed with the SCO? If so, what is in the packet?	15. What is the process of putting the packet together to be mailed out? How long does it take?
Washington	All Orders are marked as received as soon as they are brought to the Clerk's Office. It is our practice that all Orders are processed by the next business day.	A writ of Summons Show Cause is served by either the Sheriff or by Private Process if requested by Counsel.	Petitioner(s) or Counsel for Petitioner(s). Writ of Summons Show Cause is served on Respondent or Court Appointed Counsel and all Interested Parties.	Petition for Guardianship and all supporting documents and all Orders signed by a Judge.	Petitioner(s) or Counsel for Petitioner(s) are to supply the Court with copies for all parties to be served. The Court makes copies of all Court Orders. It takes about 5-10 minutes to put the packets together depending on how many parties are to be served.
Wicomico					
Worcester					

Jurisdiction	16. Is there a hearing notice mailed out to the interested persons in the case, separate from the SCO?	17. Are there any written policies or procedures that document the guardianship filing process? If so, are there any time standards?	18. If a guardianship case is filed with a Motion for an expedited hearing or with a motion for temporary relief, how do the processes described above differ? Are there any special steps or extra steps for expedited cases?
Allegany	Yes. After proof of all parties being served and affidavits of service being submitted, the file is sent to the Assignment Clerk for a date to be set.	No.	The only difference is that when the Judge receives the file he either rules on the Motion or sets a hearing.
Anne Arundel	The hearing notice is not mailed out at that time. The Show Cause Order does not set the case in for a hearing. Rather Christina waits until she receives proof of service from the Petitioner's attorney before a hearing notice is sent.	There is a flow sheet. Her supervisor Jason Caton has it but she couldn't access it on the computer. She doesn't believe it has time standards.	She takes it to the Fiduciary Judge immediately and asks the Judge how he wants to handle it. He decides whether to grant the Motion for expedited hearing.
Baltimore City	The clerks do that, but I am not sure.	No.	The case goes through the same process, but it is set for a hearing within 7 days.
Baltimore	Hearing notices to interested persons are not mailed out by the trust clerk, but by the Petitioner. Sometimes these are done with the Show Cause Order, sometimes separately, and in some cases, the Show Cause Order alone is mailed out (it contains the hearing date).	No written policies or procedures to trust clerk's knowledge.	If the case is filed with a motion to shorten time or to expedite, or with a motion for temporary relief, these are forwarded to the Judge with the Show Cause Order and the Order to appoint counsel. There are no special or extra steps for "expedited" cases. The only differences in process are the time lines-a hearing must be scheduled no less than 31 days from callback date unless motion to shorten time is granted-in that case, hearing can be scheduled 14 days from callback date. Sometimes attorneys filing a motion to shorten time or for an "expedited" case wish to hand-carry the options/order to the Judge to plead their case in person for shortened process; this requires an appointment with the Judge. NB: Baltimore County generally does emergency temporary guardianships only in situations where there is a life or death issue.

Jurisdiction	16. Is there a hearing notice mailed out to the interested persons in the case, separate from the SCO?	17. Are there any written policies or procedures that document the guardianship filing process? If so, are there any time standards?	18. If a guardianship case is filed with a Motion for an expedited hearing or with a motion for temporary relief, how do the processes described above differ? Are there any special steps or extra steps for expedited cases?
Calvert	No. Usually the Interested Persons are listed in the Show Cause Order.	The Clerk's Office has a manual wherein the requirements, procedures, and processes regarding guardianship cases are written.	Cases including motions for expedited hearings are sent up to Chambers Judge immediately upon docketing.
Caroline	No.	No written policies, but there are time standards of 1 1/2 years, however, generally the hearing and appointment is done within four months.	Rarely has an expedited hearing been requested or granted, however, a request for temporary guardian has been requested and a hearing is set within 2-4 weeks. Generally, the process is the same, however, a notice is mailed out for the hearing on appointment of a temporary guardian.
Carroll	No.	Yes, Christa had created a local clerk's manual for guardianship cases. Time standards are the same as for all civil cases-48 hours.	Any case calling for immediate action is "pink-slipped_" and goes to the front of the line and goes to Chambers Judge.
Cecil Charles	Hearing notices are issued by the assignment office.	Not that I'm aware of. No written manual. We have instructions prepared by JIS. Guardianship files are part of a case flow.	If anything is expedited it goes to law clerks that are assigned and folder duty. Flagged out from regular folders.

Jurisdiction	16. Is there a hearing notice mailed out to the interested persons in the case, separate from the SCO?	17. Are there any written policies or procedures that document the guardianship filing process? If so, are there any time standards?	18. If a guardianship case is filed with a Motion for an expedited hearing or with a motion for temporary relief, how do the processes described above differ? Are there any special steps or extra steps for expedited cases?
Dorchester Frederick	Show Cause Order normally has line for hearing date. If hearing is scheduled at a later time, after service/answering time elapses, writing Notice of Assignment is mailed to attorney(s) of record and all parties.	Maryland Rules of Procedure, Title 10.	Case is processed immediately and sent to Judge for review.
Garrett	Yes	Our office follows court procedure detailed by the Annotated Code. We follow time standards provided by the State.	The case is still sent to the Judge's office upon receipt, so what he does with those types of Motions from that point on is up to him.
Harford			
Howard Kent	No	No	For expedited requests or emergency hearings, the case is taken out of turn. It is pulled by the clerk's office. It gets put to the top. It is taken directly to the judge. If there are 10 cases filed, it goes to the top of the pile. It gets up to the judge on average in an hour. Everything else happens faster too. Everyone moves it faster.
Montgomery	Yes, the assignment office sends out a separate hearing notice of all hearing dates.	**Yes, there is a guardianship packet that is one month old and State-wide.	With the temporary we will send a memo down to the assignment office to set the matter in that there is a temporary meeting within two weeks.

Jurisdiction	16. Is there a hearing notice mailed out to the interested persons in the case, separate from the SCO?	17. Are there any written policies or procedures that document the guardianship filing process? If so, are there any time standards?	18. If a guardianship case is filed with a Motion for an expedited hearing or with a motion for temporary relief, how do the processes described above differ? Are there any special steps or extra steps for expedited cases?
Prince George's	No	Yes, but not with time standards.	Attorney filing gives a heads up to the agency (Aging or DSS). Cathy receives the files and sends a copy of the order to the Attorney for the Disabled who goes to see the individual. This is usually done the same day or evening. If the Attorney for the Disabled agrees, the process can be walked through in a day (there is no hearing). If the Attorney for the Disabled disagrees it goes on the docket for a full hearing. However, it doesn't wait the "normal" time but occurs in 1-2 weeks.
Queen Anne's	No, the Notice packet is provided.	We have an internal policy manual.	Case file is given a "time sensitive" tag and immediately to the Judge after initial processing.
Somerset	Yes	Other than the Maryland Rules, I don't believe so.	No, it still goes to the Judge after processing and he decides whether it gets set for an expedited hearing.
St. Mary's	No	Maryland Rules, Maryland Judicial Website. No extra written manual because it would be considered legal advice.	The attorney and Petitioner will come with their case and they'll have an emergency hearing, we contact the assignment office to find out who is available, then that judge will send their law clerk down to review it and have a meeting and decide to have an emergency temporary while Show Cause is going through the normal channels.
Talbot	Not usually.	We follow the Maryland Rules/Annotated Code.	Chambers is notified of the situation and is made aware that the file is in process, being transferred to chambers, etc.

Jurisdiction	16. Is there a hearing notice mailed out to the interested persons in the case, separate from the SCO?	17. Are there any written policies or procedures that document the guardianship filing process? If so, are there any time standards?	18. If a guardianship case is filed with a Motion for an expedited hearing or with a motion for temporary relief, how do the processes described above differ? Are there any special steps or extra steps for expedited cases?
Washington	Yes (Hearings are only scheduled when an objection is filed).	Yes. Yes.	A petition for Emergency Protective Services with supporting documentation is immediately taken to the Motions' Judge and an Order Appointing a Temporary Guardian is signed immediately.
Wicomico			
Worcester			

Jurisdiction	19. If it's expedited, how fast can the hearing be set in?	20. If there is a motion for a temporary guardianship, what happens?	21. Types of Sample Orders
Allegany	That depends on the Judge's schedule and these cases are set by the Assignment Clerk.	When the Judge receives the file he makes a ruling on the motion.	1. Order Appointing Attorney 2. Emergency Order to Show Cause 3. Order Appointing Temporary Guardian
Anne Arundel	It depends on what is being requested. Sometimes within 1 week and sometimes it takes 1 month. Sometimes there will not be a hearing and the Judge will rule in chambers. It will also depend on the assignment office and how available a Judge is. One of the 2 Judges would hear it (Harris, Silkworth or other back-up).	Generally the Judge rules in chambers unless he has a question.	1. Show Cause Order
Baltimore City	Within 7 days.	Set within 7 days, all other processes are the same.	1. Order Appointing Attorney 2. Show Cause Order
Baltimore	For "expedited," i.e. shortened time, hearings, it can be set in 14 days from callback date (when Petitioner/CAC call back trust clerk to arrange date)-7 days for notice + 7 days answer time. An unexpedited hearing takes place no less than 31 days from callback date-15 days for notice + 15 days answer time.	For "expedited," i.e. shortened time, hearings, it can be set in 14 days from callback date (when Petitioner/CAC call back trust clerk to arrange date)-7 days for notice + 7 days answer time. An unexpedited hearing takes place no less than 31 days from callback date-15 days for notice + 15 days answer time. Baltimore County does very few time-limited guardianships.	1. Show Cause Order

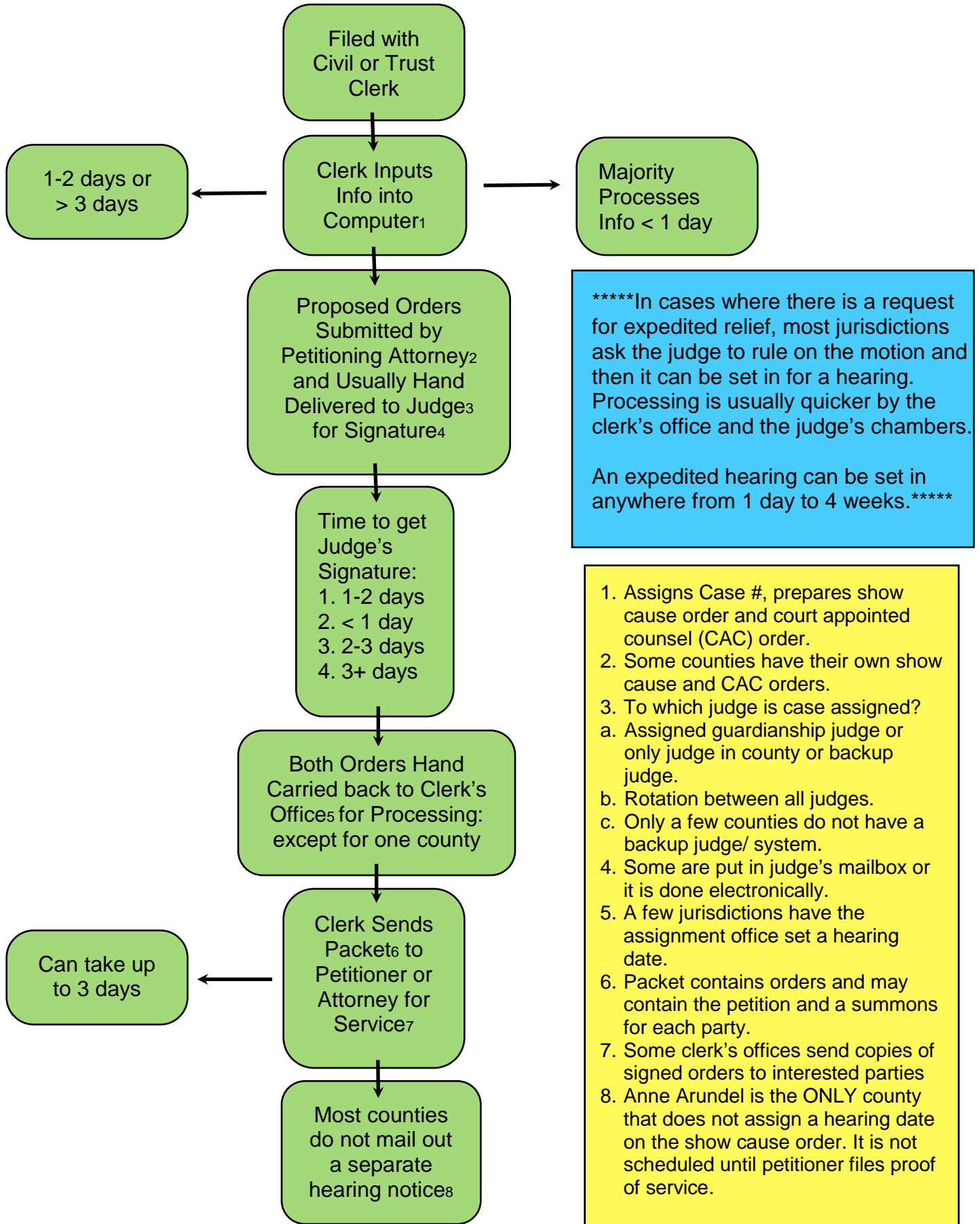
Jurisdiction	19. If it's expedited, how fast can the hearing be set in?	20. If there is a motion for a temporary guardianship, what happens?	21. Types of Sample Orders
Calvert	All hearings, expedited or otherwise, are set in by the Civil Assignment Office.	Motion is sent up to Chambers Judge immediately upon docketing.	
Caroline	Generally 3-4 weeks, max.	A request for temporary guardian has been requested and a hearing is set within 2-4 weeks. Generally the process is the same, however, a notice is mailed out for the hearing on appointment of a temporary guardian.	
Carroll	Assignment handles this and Christa is not sure how fast it could be.	Motions get held for 18 days to see if a response has been filed. She has never seen a petition for a temporary guardianship.	1. Show Cause Order 2. Order Appointing Attorney
Cecil Charles	Depends on the Judge.	It depends on the Judge, what he orders for the case to flow. It could be based on services of the other parties.	1. Order Appointing Counsel 2. Show Cause Order 3. Order Appointing Temporary Guardian

Jurisdiction	19. If it's expedited, how fast can the hearing be set in?	20. If there is a motion for a temporary guardianship, what happens?	21. Types of Sample Orders
Dorchester Frederick	Rule 10-22, if Court deems necessary, hearing will be scheduled immediately within 10-15 days. If immediate hearing, will notify party by telephone and schedule within days pursuant to Judge's instructions.	Rule 10-213, Court reviews file. If Motion is granted, Court appoints Temporary Guardian and signs Order. Temporary Guardian Order is for 144 hours unless extended by Court.	
Garrett	That is determined by the Judge and Scheduling Clerk, not the Clerk's office.	It would be treated like any other motion filed in a case. Submitted to the Judge for Consideration.	
Harford			1. Order Appointing Counsel 2. Show Cause Order 3. Order Appointing Temporary Guardian
Howard Kent	As quickly as everyone (counsel) can come to court, but anywhere from a day and beyond.	Nothing is different. It is not treated like an expedited case unless it's captioned that way.	1. Show Cause Order 2. Order Appointing Counsel
Montgomery	Two weeks.	It is set up within two weeks. All parties are notified including the Respondent.	1. Show Cause Order 2. Order Appointing Counsel 3. Order for Temporary Guardian

Jurisdiction	19. If it's expedited, how fast can the hearing be set in?	20. If there is a motion for a temporary guardianship, what happens?	21. Types of Sample Orders
Prince George's	As above there is no hearing. The Court requires the person be seen by the Attorney for the Disabled. If he/she agrees, the Order is signed.	It's treated as an expedited.	1. Show Cause Order 2. Order Appointing Temporary Guardian
Queen Anne's	The Assignment Office makes that call, not the Clerk's Office.	Case is sent to Judge right away.	
Somerset	Depending on the case it could be set the next day or within 30 days as the court schedule allows.	Again, it is case sensitive, could be set for a hearing right away or could be held for a response from the other parties.	
St. Mary's	The same day unless we have a judicial conference or if everyone's in trail but generally they are seen the same day.	The attorney and Petitioner will come with their case and they'll have an emergency hearing, we contact the assignment office to find out who is available, then that Judge will send their law clerk down to review it and have a meeting and decide to have an emergency temporary while Show Cause is going through the normal channels.	
Talbot	Depending on the Judge's Order, it could be the same day.	Process same. We follow the Order(s) directives.	

Jurisdiction	19. If it's expedited, how fast can the hearing be set in?	20. If there is a motion for a temporary guardianship, what happens?	21. Types of Sample Orders
Washington	If an objection is filed, a hearing can be set in within a week.	If a Temporary Guardian is appointed, Petitioner(s) or Counsel for Petitioner(s) have 30 days to file a Petition for Guardianship. If a Petition is not filed, the Temporary Order expires also.	1. Show Cause Order 2. Emergency Protective Services Order 3. Order Appointing Emergency Counsel
Wicomico			
Worcester			

Court Flow Chart



Adult Guardianship Workgroup

Results of Survey of Maryland
Hospitals

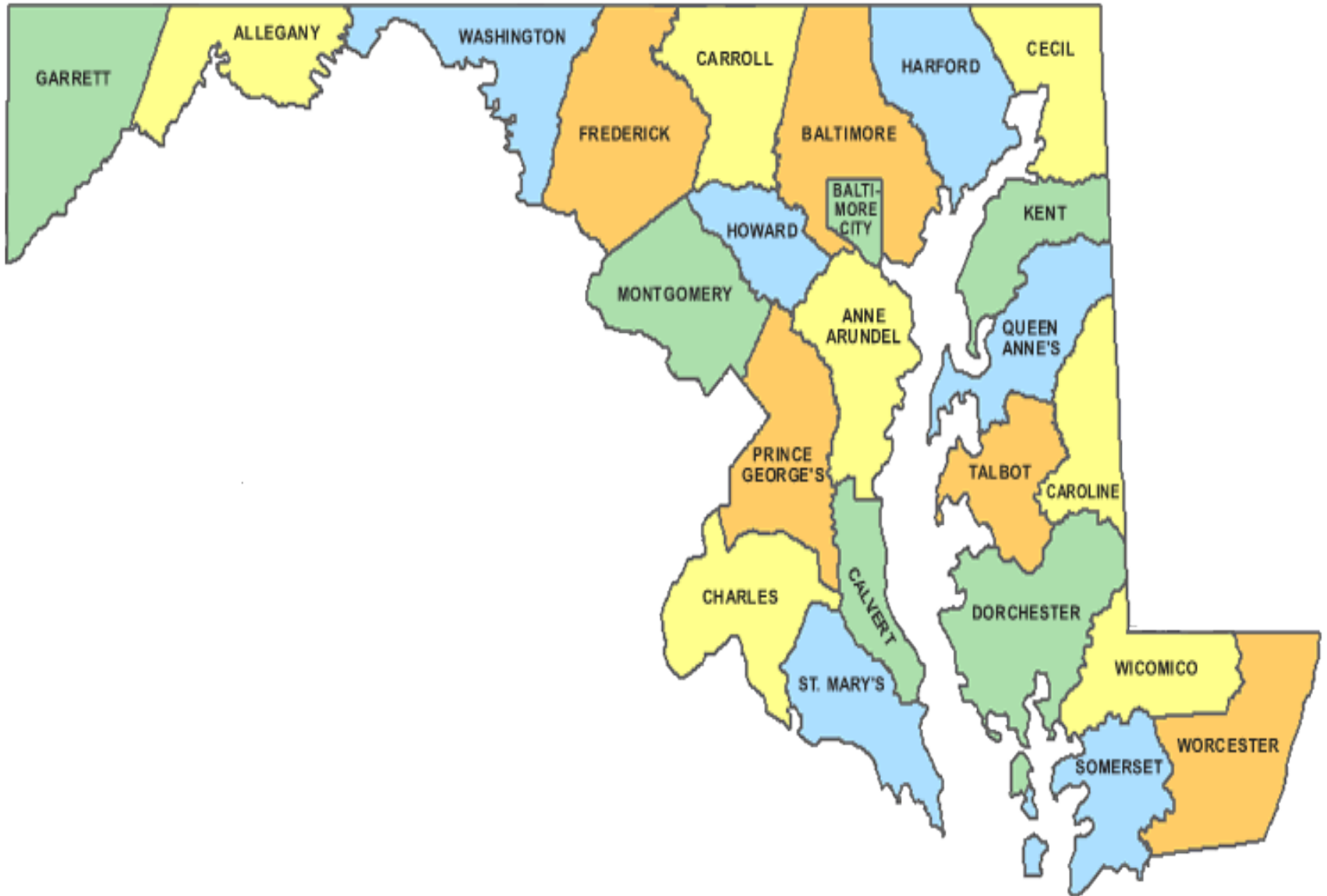
July 25, 2011

Background Information

- 47 acute care hospitals in Maryland
- 20 localities

Alleghany
Anne Arundel
Baltimore City
Baltimore
Calvert
Cecil
Charles
Dorchester
Frederick
Garrett

Harford
Howard
Montgomery
Prince George's
Washington
Wicomico
Worcester
Somerset
St Mary's
Talbot



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Survey Questions

1. Is your facility experiencing problems with the appointment of temporary, limited guardians for disabled adults who are hospitalized? If your answer is yes, please answer all following survey questions.

- Yes
- No

Survey Questions

2. If yes, in what county is your facility located?

3. How many patients in your facility required guardianship during:

- FY 2010
- FY 2011

Survey Questions

4. What is the most common reason for seeking guardianship?

5. How long does it typically take for the legal guardianship proceedings to be completed?

Survey Questions

6. On average, what are the costs to your facility associated with any delay in discharge from the hospital? Please be specific – number of additional acute care days, etc.

Example: \$_____, which includes...

7. Please give us your contact information.

- Name:
- Company:
- Email Address:
- Phone Number:

Survey Results

- 50% response rate
- 25 responses
- 12 Counties

Anne Arundel

Baltimore

Baltimore City

Carroll

Cecil

Charles

Dorchester

Kent

Montgomery

Prince George's

Talbot

Washington

Survey Results

Number of Cases Statewide

- FY 10 148 patients needed guardianship
- FY 11 120 patients needed guardianship
- Trending downward

Survey Results - Reasons

- Common reasons for seeking guardianship
 - Medical decision making
 - Patient not competent
 - Underlying medical condition
 - Altered mental status
 - No family member or surrogate
 - No available placement
 - Medicaid eligibility
 - Sub-acute care
 - Incubation
 - ventilator

Survey Results-Days

- The range of time it takes to effectuate a transfer pursuant to a guardianship ranges from 7 days to 180 days
 - Baltimore City - 7 days
 - Anne Arundel - 180 days
 - The average is - 45 days
- It is estimated that 804 days are lost each year due to guardianship cases

Survey Results-Costs

- Costs associated with guardianship cases range from \$600 per day to \$3, 333 per day
 - 804 days X \$600 = \$482, 400 per year
 - 804 days X \$3, 333 = \$2,679,732
- One respondent estimated a million dollars just for their system

Nursing Home Survey Results

ATTACHMENT G

Bed Size	County	How Many cases in 2011?	How many cases in 2010?	How Long did those cases take?	Current Residents with guardians	How Many incompetent residents in facility?	Typical reason for delay in process	Who is Guardian
128	Anne Arundel	2	2	way too long. often 6 months	2	2	no reason usually given	An Attorney
151	Baltimore City	0	0	Unsure	2	Unsure	n/a	Both
91	Baltimore City	2	1	30 days	14	5	we have not experienced a delay	Department of Aging and Adult Protective Services
29	Baltimore City	0	0	N/A	0	0	N/A	N/A
37	Baltimore	0	0	n/a	0	0	0	0
167	Baltimore	4	14	6-8 weeks	60	5	Obtain a hearing date	Guardian of person- local socail worker from Department of Aging Guardian of Property- private attorney
160	Baltimore	1 (requested by family, not facility)	0	3/4months	3	0	Obtaining a hearing date	Assigned a family member
170	Baltimore	6	0	2-3 months	13	0	awaiting completion of incompetency certs by physicians	an attorney for guardian of property; family or dept of aging for guardian of person
157	Baltimore	0	0	unknown	0	0	N/A	neither
149	Calvert	0	0	unknown	3	0	N/A	N/A
79	Carroll	0	0	n/a	0	0	0	0
109	Carroll	1	1	6 months	4	0	paper work, financial strains	Family Attorney and Department of Aging
120	Frederick	0	0	6 months	2	0	No "typical reason" known	Department of Aging
160	Harford	0	1	4 months	3	2	legal process/scheduling	attorney
60	Montgomery	1	0	6 months	3	3	Money- county does not assist. NH spent 8K to obtain guardian for a resident	Private Attorney
172	Montgomery	3	2	5 months	14	0	family or resident contesting guardinship	Department of Aging, Attorney or family member

Bed Size	County	How Many cases in 2011?	How many cases in 2010?	How Long did those cases take?	Current Residents with guardians	How Many incompetent residents in facility?	Typical reason for delay in process	Who is Guardian
102	Montgomery	1	0	3-6 months	1	>5	court dtae, 2 physician certs, process takes time	Attorney- Private
160	Prince George's	4	2	2 months	6	0	no delay	both, some are financial only and some are financial and for health care
155	Prince George's	3	4	45 days	5	2	varies	Dept of Aging
80	Washington	0	0	n/a	0	0	0	0
73	Worcester	0	0	don't know. never gone through the process	1	0	don'tknow	Don't know

NOTE: 21 facilities responded representing 11 of the state's 24 jurisdictions