

**BYLAWS OF THE ADULT PUBLIC GUARDIANSHIP REVIEW BOARD
OF ST. MARY'S COUNTY**

ARTICLE I

Name

The name of this Committee shall be the Adult Public Guardianship Review Board.

ARTICLE II

Purpose

The purpose of this Committee shall be to review and make recommendations to the court regarding the continuation, modification or termination of public guardianship of adults with disabilities.

ARTICLE III

Membership

Section 1

Membership of the Review Board shall be as provided in Section 14-402 of the Family Law Article of the Annotated Code of Maryland.

ARTICLE IV

Confidentiality and Security of Review Board Documents

Section 1

It is essential that all Board members keep information about guardianship clients in the strictest confidence.

Section 2

All materials disseminated to Review Board members for their study prior to and during board hearings should be recovered by the Review Board's secretary upon the completion of the hearing. Each Review Board member may keep a personal file of Review Board business minutes, hearing minutes, correspondence and guardianship reports, but all materials and documents must be returned to the Review Board after termination of his/her appointment. All information in the possession of a Review Board member is to be kept confidential. The copying of all material by Review Board members, sharing information received in their capacity as board members with any person not on the Review Board, with the exception of the adult with disabilities or his/her attorney, and the guardian or his/her designee, should be prohibited (see Family Law Article, Section 14-404(d)). No other person should be allowed access to those files without a Court Order.

ARTICLE V

Meetings: Purpose, Scope and Procedures

Section 1

The regular meetings of the Board shall be held in accordance with the Open Meetings Act. However, when specific guardianship clients are discussed, the meetings will be closed. The Annotated Code of Maryland, Family Law Article, Section 14-404 states that all records reviewed by the Adult Public Guardianship Board are confidential.

Section 2

Adult Public Guardianship Review Boards will act in conformity of Section 14-404.

Section 3

When a file review is conducted, the guardian or the guardian's representative has the right to attend and **is** required to submit a written request. It is not mandatory that adults with disabilities and/or their attorneys attend file reviews.

Section 4

In each Review Board full review meeting, the adult with disabilities shall appear if able, and shall be represented by an attorney of his/her choice. If such choice is not feasible, an attorney shall be appointed by the Court (Family Law Article, Section 14-404). If the adult with disabilities is unable to attend the hearing, the attorney should state that he/she has waived the person's right to be present and specify the reason for the adult with disabilities absence. It is the responsibility of the guardian to arrange transportation and any other necessary arrangements that may be required if the adult with disabilities desires to appear before the Review Board.

Section 5

The Chairperson and Vice Chairperson, Adult Public Guardianship Review Board, shall be selected by Board members. The Chairperson and Vice Chairperson shall serve two year terms and may be re-elected.

Section 6

Review board hearings should be chaired by the Review Board's chairperson or vice-chairperson, or a member designated by the chairperson. A majority of the voting members shall be present in order to conduct official business.

Section 7

A notice of a Review Board meeting shall be sent to the guardian, the adult with disabilities and the attorney for the adult with disabilities at least 45 days prior to the scheduled meeting.

Section 8

Board meetings may be conducted in an informal manner by the Chairperson or his/her designee. The purpose of the Board meeting is stated to the adult with disabilities and/or his/her attorney.

Section 9

The guardian or his/her representative should present a brief oral report concerning the guardianship and his/her recommendation concerning continuance, modification, or termination of the guardianship. The adult with disabilities, if present, and/or his/her attorney, are given the opportunity to question or comment about the guardian, to address the Review Board, or to ask the Review Board or any of its members questions concerning the guardianship and may recommend continuance, modification, or termination of the guardianship.

Section 10

After these presentations, the members of the Review Board may question the guardian, the adult with disabilities or the attorney representing the adult with disabilities. The Review Board's recommendation (to continue, modify, or terminate the guardianship) should be made after all statements and inquiries have been made.

Section 11

Following the hearings, the recording secretary of the Review Board should compose the minutes listing the members present and summarize what was discussed during the meeting to include any administrative discussion at the hearings. The minutes should be reviewed by the chairperson or designated member of the Review Board for approval and copies forwarded to each member. A copy of the Board Minutes pertaining to a particular case should be placed in each adult with disabilities master file.

ARTICLE VI

Report of the Guardian

Section 1

The law requires the guardian's report to the Court to include:

- a. present place of residence;
- b. health status of the ward;
- c. the guardian's service plan;
- d. recommendations to continue, modify, or terminate the guardianship; and
- e. the most recent dates of visits by the guardian or his/her designee

Section 2

In addition, it is also useful for the guardian to provide some or all of the following information, as appropriate:

- a. a background case history of the disabled person (at least initially and as altered);
- b. a copy of the Court order for guardianship (initially and as altered);
- c. any changes in the disabled person's living arrangement, and a description of the current living arrangement;
- d. current evaluation of the disabled person's disability, and an assessment of the disabled person's progress since the appointment of a guardian, or since the last review;
- e. medical information;
- f. financial information;
- g. prognosis for the disabled person; and
- h. the report should be signed by the guardian or the designee assigned to the case of the disabled person.

Section 3

Each member of the Review Board should receive a copy of the guardianship report. In addition, one copy of the report should be distributed to the attorney representing the adult with disabilities. If a specific case is unusually complex, the Chairperson may distribute this report 20 days prior to the scheduled hearing to allow all parties ample time to review the documents. Notice of the hearing will be sent out to all parties 20 days in advance.

ARTICLE VII

The Review Board's Deliberation of the Guardianship

Section 1

Only those persons directly concerned with the guardianship under consideration should be present during the hearing process. However, it is at the discretion of the chairperson of the Review Board to determine whether the guardian, the adult with disabilities, or the attorney should remain to facilitate the Review Board's deliberation.

Section 2

The following items are suggested aspects for discussion in preparation for the Review Board's report to the Court; deliberations need not be limited to these items:

- a. Does the need for guardianship still exist?
- b. Has the disabled person's capacity changed so the guardianship order should be modified to grant the guardian more powers or to remove some of the powers originally granted?
- c. Is the present service plan appropriate for the current needs of the disabled person?
- d. Is the service plan being followed effectively?
- e. Should additional and/or different services be offered?

ARTICLE VIII

Report to the Court

Section 1

After a case is reviewed by the Board, the Board's recommendation shall be typed and forwarded to the Court. Copies of the Review Board's recommendation shall be sent to the guardian, adult with disabilities, his or her attorney, and be placed in each adult with disabilities master file.

Section 2

When a Review Board is uncertain as to what recommendation to make in a specific case, it may recommend continuation of the guardianship and recommend that the Court hold a hearing. However, the Review Board should specify its areas of uncertainty and concern in its Report to the Court.

Section 3

Any member or members of the Review Board may disagree with a majority opinion of the Review Board. A dissenting opinion may be submitted to the Chairperson of the Review Board which must be forwarded to the Court with the majority recommendation. The Review Board's recommendation does not affect, in any way, the right of the adult with disabilities to seek the Court's review of the guardianship. The adult with disabilities may petition the Court for continuation, termination or modification of the guardianship regardless of the Review Board's action.

ARTICLE IX

Rights of the Disabled Person

The adult with disabilities has the following rights:

- a. To be part of the decision making process as far as the person is functionally able to do.
- b. To appear before the Review Board.
- c. To be represented by an attorney.
- d. To request the attendance of interested parties on the adult with disabilities behalf.
- e. To present information on his/her own behalf.
- f. To have the Review Board provide an impartial recommendation.

ARTICLE X

Annual Report

At the end of each calendar year, the Board will submit a statistical report to the Court and the Board of County Commissioners, indicating the number of clients under public guardianship during the year and the characteristics (age and nature of disability) of each client.

ARTICLE XI

Parliamentary Authority

The Rules of Order for St. Mary's County Boards and Commissions shall govern the Committee.

ARTICLE XII

Amendment of Bylaws

These by-laws may be altered, amended, or repealed and new by-laws may be adopted by a vote of a majority of all members of the Board, at any monthly meeting or at any special meeting when the proposed amendment has been sent out in the notice of such meeting.