

ADULT PUBLIC GUARDIANSHIP REVIEW BOARD BY-LAWS/FAMILY LAW (1990)

Subtitle 4. Review Board

§14-401. Review Board Established

(a) *In general* - Except as provided in subsection (b) of this section, there shall be at least 1 review board in each county.

(b) *Multicounty boards* - Two or more counties may agree to establish a single multicounty review board.

§14-402. Membership

(a) (1) Each review board consists of 11 members appointed:

- (i) by the county commissioners;
- (ii) in Baltimore City, by the Mayor with the advice and consent of the City Council;
- (iii) in any county that has a county executive, by the county executive with the advice and consent of the county council; or
- (iv) if 2 or more counties have agreed to establish a multicounty review board, jointly by the appropriate officials of the counties served by the board.

(2) Of the 11 members:

- (i) 1 shall be a professional representative of a local department;
- (ii) 2 shall be physicians, including 1 psychiatrist from a local health department that employs psychiatrists;
- (iii) 1 shall be a representative of a local commission on aging;
- (iv) 1 shall be a professional representative of a local nonprofit social service organization;
- (v) 1 shall be a lawyer;
- (vi) 2 shall be lay individuals;
- (vii) 1 shall be a public health nurse;
- (viii) 1 shall be a professional in the field of disabilities; and
- (ix) 1 shall be a person with a physical disability.

(b) (1) Except as provided in paragraph (3) of this subsection, the term of a member is 3 years.

(2) The terms of members are staggered as required by the terms provided for members of the review board on October 1, 1984.

(3) In Charles County, the term of a member is 4 years.

(4) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(5) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

§14-403. Compensation; staff

(a) *Compensation and reimbursement for expenses.* - A member of a review board:

(1) may not receive compensation; but
(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(b) *Staff and office space.* -

(1) The local department shall provide the office space and personnel that the review board needs to perform its duties.

(2) If 2 or more counties have agreed to establish a multicounty review board, the counties shall jointly designate the local department in one of the counties served

by the review board to provide the office space and personnel that the review board needs to perform its duties.

§14-404. Reviews of guardianship

(a) (1) (i) Except as provided in subparagraph (ii) of this paragraph, at least every 6 months the review board shall review each guardianship that a public agency holds.

(ii) At least once a year the review board shall review each guardianship that a public agency has held for more than one year.

(iii) At least every 6 months the review board shall conduct a file review of each guardianship that a public agency has held for more than 1 year based on a written report to the board including the present place of residence and health status of the ward, the guardian's plan for preserving and maintaining the future well-being of the ward, the need for continuation or cessation of the guardianship or for any plans in altering the powers of the guardian, and the most recent dates of visits by the guardian or the guardian's designee.

(2) The review board may review a case more frequently if:

(i) the disabled individual, the disabled individual's guardian, or the disabled individual's attorney files a petition for review; or

(ii) the review board, on its own motion, schedules a review.

(b) (1) Notwithstanding the provisions of § 13-708(b)(7) of the Estates and Trusts Article, each time that the review board reviews a guardianship, the review board shall recommend that the guardianship be:

(i) continued;

(ii) modified; or

(iii) terminated.

(2) Notwithstanding that the review board recommends that a guardianship be continued, the court may order that the guardianship be modified or terminated.

(c) The disabled individual shall:

(1) attend each review board hearing if the disabled individual is able to attend; and

(2) be represented at each review board hearing by:

(i) the lawyer that the disabled individual chooses; or

(ii) a lawyer who is appointed by the court.

(d) Except for purposes of a judicial proceeding under this title, all records of the review board are confidential.