

HOUSE BILL 81

N2

7lr0334

By: **Delegates Morhaim, Cullison, Miele, and Pena-Melnyk**

Introduced and read first time: January 13, 2017

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Conditions of Disability and Incapacity – Confinement**

3 FOR the purpose of repealing a certain condition of disability for purposes of guardianship
4 proceedings to protect a disabled individual's property; repealing a certain condition
5 of incapacity as defined under the Maryland Trust Act; and generally relating to
6 conditions of disability and incapacity under the estates and trusts law.

7 BY repealing and reenacting, without amendments,
8 Article – Estates and Trusts
9 Section 13–201(a) and 14.5–103(a)
10 Annotated Code of Maryland
11 (2011 Replacement Volume and 2016 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Estates and Trusts
14 Section 13–201(c) and 14.5–103(l)
15 Annotated Code of Maryland
16 (2011 Replacement Volume and 2016 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Estates and Trusts**

20 13–201.

21 (a) Upon petition, and after any notice or hearing prescribed by law or the
22 Maryland Rules, the court may appoint a guardian of the property of a minor or a disabled
23 person.

24 (c) A guardian shall be appointed if the court determines that:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(1) The person is unable to manage his property and affairs effectively because of physical or mental disability, disease, habitual drunkenness, addiction to drugs, imprisonment, compulsory hospitalization, [confinement,] detention by a foreign power, or disappearance; and

(2) The person has or may be entitled to property or benefits which require proper management.

14.5–103.

(a) In this title the following words have the meanings indicated.

(l) “Incapacity” means the inability of an individual to manage the individual’s property or financial affairs effectively due to:

(1) Physical or mental disability;

(2) Disease or illness;

(3) Habitual drunkenness;

(4) Drug addiction;

(5) Imprisonment;

(6) Compulsory hospitalization;

(7) [Confinement;

(8)] Detention by a foreign power; or

[(9)] (8) Disappearance.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.