

Chapter 666

(House Bill 81)

AN ACT concerning

Estates and Trusts – Conditions of Disability and Incapacity – Confinement

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

BY repealing and reenacting, without amendments,

Article – Estates and Trusts

Section 13–201(a) and 14.5–103(a)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 13–201(c) and 14.5–103(l)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

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

Article – Estates and Trusts

13–201.

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

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

(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.

(1) “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.

Approved by the Governor, May 25, 2017.