

**CITY OF BALTIMORE
COUNCIL BILL 10-0189R
(Resolution)**

Introduced by: Councilmembers Welch, Henry, D’Adamo, Middleton, Young, Clarke, Reisinger,
Spector, Conaway, Holton, Branch
Introduced and adopted: February 1, 2010

A COUNCIL RESOLUTION CONCERNING

**In Support of State Legislation – Senate Bill 231- Maryland Uniform Adult Guardianship
and Protective Proceedings Jurisdiction Act**

FOR the purpose of expressing support for Senate Bill 231, urging the Honorable Chair and
Members of the Senate Judicial Proceedings Committee to give the legislation a favorable
report, and requesting the Honorable Chair and Members of the Baltimore City Senate
Delegation to the 2010 Session of the Maryland General Assemble to secure passage of
Senate Bill 231.

Recitals

Senate Bill 231, the Maryland Uniform Adult Guardianship and Protective Proceedings
Jurisdiction Act (the Act), addresses the issue of jurisdiction over adult guardianships,
conservatorships, and other protective proceedings. The Act seeks to clarify jurisdiction and to
provide a process for addressing dilemmas where more than one state is involved.

The ULC Quarterly Report, a March 2008 publication of the Uniform Law Commission,
reported in response to the fact that there are more than 50 guardianship systems in the United
States that the Act provides an effective mechanism for resolving multi-state jurisdictional
disputes by providing specific guidelines to specify which court has jurisdiction to appoint a
guardian or conservator for an incapacitated adult. The objective is that only 1 state will have
jurisdiction at any one time.

Because it is jurisdictional in nature, the Act cannot work as intended unless all states adopt
it. The Commission on Law and Aging of the American Bar Association reports that in 2009, at
least 20 states passed a total of 36 adult guardianship bills – as compared with 15 states and 18
bills passed in 2008. In Maryland, the Senate Bill was passed by the Senate but was not
approved by the House Judiciary Committee.

Maryland Department of Aging statistics show that the number of older Americans is
increasing. Of the 5.3 million people in Maryland in 2000, 15% were over the age of 60. The
percentage is expected to increase to 25% of Maryland’s projected population of 6.7 million by
the year 2030. The number of individuals over the age of 85 also continues to grow rapidly.
This number is expected to increase statewide, from 66,902 in 2000 to 164,695 by the year 2030.
In the 2000 Census, 67.4% of those over the age of 60 resided in Anne Arundel, Baltimore,
Montgomery and Prince Georges Counties and Baltimore City.

The Maryland Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act
should be adopted to save court resources by clarifying complex jurisdictional issues, which will

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

Council Bill 10-0189R

1 reduce litigation expenses for families with multi-state issues, and must be adopted to preserve
2 the estates of incapacitated individuals and to reduce the potential abuse and exploitation of
3 incapacitated adults.

4 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That this
5 Body supports passage of Senate Bill 231, urges the Honorable Chair and Members of the Senate
6 Judicial Proceedings Committee to give the legislation a favorable report, and requests the
7 Honorable Chair and Members of the Baltimore City Senate Delegation to the 2010 Session of
8 the Maryland General Assemble to secure passage of the Maryland Uniform Adult Guardianship
9 and Protective Proceedings Jurisdiction Act.

10 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Governor, the
11 Mayor, the Honorable Chair and Members of the Senate Judicial Proceedings Committee, the
12 Honorable Chair and Members of the Baltimore City Senate Delegation to the 2010 Session of
13 the Maryland General Assembly, the Executive Director of the Commission on Aging, and the
14 Mayor's Legislative Liaison to the City Council.