

RULE 10-301. PETITION FOR APPOINTMENT OF A..., MD R GUARD AND...

West's Annotated Code of Maryland
Maryland Rules
Title 10. Guardians and Other Fiduciaries
Chapter 300. Guardian of Property

MD Rules, Rule 10-301

RULE 10-301. PETITION FOR APPOINTMENT OF A GUARDIAN OF PROPERTY

Effective: July 1, 2024

[Currentness](#)

(a) Who May File. Any interested person may file a petition requesting a court to appoint a guardian of the property of a minor or an alleged disabled person.

(b) Form of Petition. The petition for a guardianship of the property of a minor shall be filed in substantially the form set forth in Rule 10-111. The petition for a guardianship of the property of an alleged disabled person shall be filed in substantially the form set forth in Rule 10-112.

(c) Venue.

(1) *Resident.* If the minor or alleged disabled person is a resident of Maryland, the petition shall be filed in the county where the minor or alleged disabled person resides, even if the person is temporarily absent.

(2) *Nonresident.* If the minor or disabled person does not reside in this State, the petition shall be filed in the county in which a petition for guardianship of the person may be filed, or in the county where any part of the property is located. For purposes of determining the situs of property, the situs of tangible personal property is its location; the situs of intangible personal property is the location of the instrument, if any, evidencing a debt, obligation, stock or chose in action, or the residence of the debtor if there is no instrument evidencing a debt, obligation, stock, or chose in action; and the situs of an interest in property held in trust is located where the trustee may be sued.

(d) Required Exhibits. The petitioner shall attach to the petition as exhibits a copy of any instrument nominating a guardian and documentation in full compliance with at least one of the following:

(1) the certificates required by Rule 10-202;

Committee note: Rule 10-202 (a)(2) requires that a certificate of a licensed physician, licensed psychologist, licensed certified social worker-clinical, or nurse practitioner be substantially in the form approved by the State Court Administrator, posted on the Judiciary website, and available in the offices of the clerks of the circuit courts.

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(2) if the alleged disability is due to detention by a foreign power or by imprisonment, affidavits or exhibits documenting (A) where and when the person is detained or imprisoned, (B) the reason the person was detained or imprisoned, (C) the expected duration of the detention or imprisonment, if known and (D) reasons why detention or imprisonment renders the person unable to manage the person's property and affairs effectively;

(3) if the alleged disability is due to disappearance, affidavits or exhibits documenting (A) when the person was first suspected of having disappeared, (B) the nature and extent of any search known to the petitioner to have been made to locate the person, (C) whether there exists any power of attorney signed by the person or effective remedy other than a guardianship, and (D) what, if any, effort was made to determine whether the person is still alive; or

Cross reference: With respect to a person who allegedly has disappeared, see Code, Courts Article, Title 3, Subtitle 1, in particular §§ 3-102, 3-105, and 3-106.

(4) if the petition is for the appointment of a guardian for a minor, all required exhibits listed in the Instructions on the form set forth in Rule 10-111, including, if the minor is a beneficiary of the Department of Veterans Affairs, a certificate of the Secretary of that Department or any authorized representative of the Secretary, in accordance with Code, [Estates and Trusts Article, § 13-802](#).

(e) Designation of a Guardian of the Property by a Minor or Disabled Person. After the 16th birthday of a minor or disabled person, a minor or disabled person may designate a guardian of the property of the minor or disabled person substantially in the following form:

[CAPTION]

DESIGNATION OF A GUARDIAN OF THE PROPERTY

BY A MINOR OR DISABLED PERSON

I, _____, a minor child or disabled person having attained my 16th birthday, declare:

1. I am aware of the Petition of

(Petitioner's name)

to become the guardian of my property.

2. I hereby designate _____ as the guardian of my property.

3. I understand that I have the right to revoke this designation at any time up to the granting of the guardianship.

I solemnly affirm under the penalties of perjury that the contents of this document are true based upon my personal knowledge.

Signature of Minor or
Disabled Person

Date

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Cross reference: See Code, [Estates and Trusts Article, § 13-207](#).

Source: This Rule is derived as follows:

Section (a) is derived from former Rule R71 a.

Section (b) is new.

Section (c) is derived from former Rule R72 a and b.

Section (d) is new.

Section (e) is new.

Credits

[Adopted June 5, 1996, eff. Jan. 1, 1997. Amended eff. Oct. 5, 1999; Nov. 12, 2003, eff. Jan. 1, 2004; Dec. 4, 2007, eff. Jan. 1, 2008; Nov. 21, 2013, eff. Jan. 1, 2014; Sept. 17, 2015, eff. Jan. 1, 2016; Oct. 10, 2017, eff. Jan. 1, 2018; Dec. 4, 2018, eff. Jan. 1, 2019; March 30, 2021, eff. July 1, 2021; March 1, 2024, eff. July 1, 2024.]

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Current with amendments received through May 1, 2024. Some sections may be more current, see credits for details.

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