



**Empowering People to Lead Systemic Change**

The Protection and Advocacy System for the State of Maryland

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DisabilityRightsMD.org

## House Judiciary Committee

### House Bill 1062: Estates and Trusts - Jurisdiction Over Property of Minors or Disabled Persons - Authorized Transactions

March 4, 2026

#### POSITION: SUPPORT

Thank you Madame Chair Bartlett and Committee Members for the opportunity to provide written testimony for House Bill 1062. Disability Rights Maryland (DRM) is the federally designated Protection and Advocacy agency in Maryland, mandated to advance the civil rights of people with disabilities. DRM works to increase opportunities for Marylanders with disabilities to be integrated into their communities, live independently and access high-quality, affordable health care.

Adults with disabilities can be subject to court-ordered guardianship based on the bias that they lack the capacity to make their own decisions as a result of their diagnoses. When placed under guardianship, individuals lose their authority to make many personal decisions; this can include decisions regarding their own healthcare, finances or even their own relationships. Too often, these guardianship orders are overbroad and unnecessary, stripping away an individual's basic rights to direct their own life. Additionally, many of these orders are permanent; once a guardian is appointed, it is often very difficult to terminate or limit the guardianship order.

Alternatives to guardianship such as advance directives or financial power of attorney documents allow for individuals to retain their decision-making authority and avoid guardianship. In recent years, Maryland has continued to expand the use of these alternatives to limit, terminate or avoid guardianship. Notably, in 2022, DRM, along with over 27 partners in the Cross-Disability Supported Decision Making Coalition, advocated for the passage of SB 559, codifying the use of supported decision-making (SDM) as a less restrictive alternative to guardianship<sup>1</sup>. The passage of this bill served as a critical turning point in protecting the decision-making authority of people with disabilities in Maryland.

Most recently, in February 2026, the Supreme Court of Maryland passed Rule 10-304.2, allowing for circuit courts in Maryland to authorize an action or series of actions to “meet a demonstrated need of a minor or disabled person as a less restrictive alternative to guardianship of property.”<sup>2</sup> These actions include granting access to financial or other records related to a minor or disabled person and establishing eligibility for benefits.

House Bill 1062 aligns with the passage of Rule 10-304.2 by amending Section 13-204 to now allow courts to authorize or direct transactions that include granting **access to a minor or**

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<sup>1</sup> Md. Estates and Trusts Article, §13-204

<sup>2</sup> Md. Rule 10-304.2 (2026)

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**disabled person's financial records and establishing eligibility for government assistance programs without appointing a guardian.** HB 1062 therefore expands authorization of limited actions that allow people with disabilities to have their needs met without having other critical rights stripped away through a broad order of guardianship.

The expansion of the alternatives to guardianship ensures that people with disabilities are able to exercise greater self-determination. Studies have shown that greater self-determination leads to better life outcomes, including greater community integration, better money management skills and greater independence in everyday life.<sup>3</sup> HB 1062 creates another mechanism to increase the self-determination of individuals with disabilities, allowing them to lead the lives that they choose.

All individuals deserve the right to make their own decisions. Unfortunately, individuals with disabilities have been in a constant cycle of oppression, inequity and powerlessness that limits that right. HB 1062 would contribute to an end to that cycle, helping to create a future that allows people with disabilities to feel respected and equal in society.

**For these reasons, DRM strongly supports HB 1062 and urges a favorable report.**

Sincerely,

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<sup>3</sup> Peter Blanck & Jonathan Martinis, 'The Right to Make Choices': The National Resource Center for Supported Decision Making, 3 Inclusion 24-33 (2015)