

Chapter 538

(House Bill 426)

AN ACT concerning

Petition for Guardianship of the Property of Alleged Disabled Person – Stay of Civil Actions and Proceedings

FOR the purpose of authorizing a party to the guardianship of the property of an alleged disabled person to request a stay of certain civil actions or proceedings on the filing of a petition for guardianship of the property of an alleged disabled person; requiring a certain party to the guardianship of the property of an alleged disabled person to provide certain notice to a court granting a stay and to parties to a civil action or proceeding; establishing that a stay granted by a court may be in effect only for a certain period of time, subject to a certain exception; requiring a court to automatically lift a stay of certain civil actions under certain circumstances; requiring, to effectuate service of process for certain civil actions against an alleged disabled person, the temporary or permanent guardian of the property of the disabled person to be served; and generally relating to petitions for guardianship of the property of an alleged disabled person.

BY adding to

Article – Estates and Trusts
Section 13–223
Annotated Code of Maryland
(2022 Replacement Volume and 2025 Supplement)

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

Article – Estates and Trusts

13–223.

(A) ON THE FILING OF A PETITION FOR GUARDIANSHIP OF THE PROPERTY OF AN ALLEGED DISABLED PERSON, A PARTY TO THE GUARDIANSHIP MAY FILE A REQUEST FOR THE STAY OF ANY OF THE FOLLOWING CIVIL ACTIONS OR PROCEEDINGS AGAINST THE ALLEGED DISABLED PERSON WITH THE COURT PRESIDING OVER THE CIVIL ACTION OR PROCEEDING:

(1) AN ACTION FOR FAILURE TO PAY RENT UNDER § 8–401 OF THE REAL PROPERTY ARTICLE;

(2) A WARRANT OF RESTITUTION UNDER § 8–401 OF THE REAL PROPERTY ARTICLE;

(3) AN ACTION FOR WRONGFUL DETAINER UNDER § 14-132 OF THE REAL PROPERTY ARTICLE;

(4) A FORECLOSURE ACTION UNDER § 7-105.1 OF THE REAL PROPERTY ARTICLE;

(5) A SHERIFF'S SALE UNDER TITLE 11, SUBTITLE 5 OF THE COURTS ARTICLE; AND

(6) AN ACTION AGAINST THE PROPERTY OF THE ALLEGED DISABLED PERSON.

(B) A PARTY TO THE GUARDIANSHIP OF THE PROPERTY OF AN ALLEGED DISABLED PERSON REQUESTING THE STAY OF AN ACTION UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) PROVIDE NOTICE OF THE PETITION AND REQUEST TO ALL PARTIES TO ~~THAT~~ THE ACTION FOR WHICH THE STAY IS SOUGHT; AND

(2) ~~NOTIFY~~ WITHIN 90 DAYS AFTER FILING THE PETITION OR THE PERIOD OF THE STAY DETERMINED UNDER SUBSECTION (C)(1) OF THIS SECTION, NOTIFY A COURT GRANTING A STAY UNDER THIS SECTION AND ANY PARTY TO ~~THE~~ THAT ACTION OF:

(I) THE APPOINTMENT OF A TEMPORARY OR PERMANENT GUARDIAN OF THE PROPERTY OF THE DISABLED PERSON; OR

(II) THE DENIAL, DISMISSAL, OR WITHDRAWAL OF THE PETITION.

(C) (1) ~~A~~ UNLESS EXTENDED FOR GOOD CAUSE, A STAY UNDER SUBSECTION (A) OF THIS SECTION MAY REMAIN IN EFFECT FOR NOT MORE THAN 90 DAYS AFTER THE FILING OF THE PETITION.

(2) ~~THE COURT SHALL LIFT A~~ STAY UNDER SUBSECTION (A) OF THIS SECTION SHALL AUTOMATICALLY BE LIFTED ON:

(I) THE APPOINTMENT OF A TEMPORARY OR PERMANENT GUARDIAN OF THE PROPERTY OF THE DISABLED PERSON, WHICHEVER OCCURS FIRST; OR

(II) THE DENIAL OF THE PETITION.

(D) TO EFFECTUATE SERVICE OF PROCESS ON AN ALLEGED DISABLED PERSON FOR AN ACTION STAYED UNDER SUBSECTION (A) OF THIS SECTION, THE TEMPORARY OR PERMANENT GUARDIAN OF THE PROPERTY OF THE DISABLED PERSON, AS APPROPRIATE, MUST BE SERVED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any petition for the guardianship of the property of an alleged disabled person filed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

Approved by the Governor, May 12, 2026.