

# HOUSE BILL 134

D4

6lr1339

(PRE-FILED)

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By: **Delegate Vogel**

Requested: October 27, 2025

Introduced and read first time: January 14, 2026

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Incapacitated or Protected Persons – Petition for Visitation**

3 FOR the purpose of establishing a rebuttable presumption relating to the best interest of  
4 an alleged incapacitated or protected person in an action under this Act; authorizing  
5 a certain person to petition a certain court for reasonable visitation with a certain  
6 alleged incapacitated or protected person; authorizing the court to impose certain  
7 restrictions on a certain visitation; establishing a certain immunity from civil  
8 liability under certain circumstances; requiring an authorized decision maker to  
9 provide certain notifications within a certain period of time under certain  
10 circumstances; and generally relating to visitation of alleged incapacitated or  
11 protected persons.

12 BY adding to

13 Article – Family Law

14 Section 15–101 through 15–103 to be under the new title “Title 15. Visitation”

15 Annotated Code of Maryland

16 (2019 Replacement Volume and 2025 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Family Law**

20 **TITLE 15. VISITATION.**

21 **15–101.**

22 **(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
23 **INDICATED.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **(B) "ALLEGED INCAPACITATED OR PROTECTED PERSON" MEANS THE**  
2    **PERSON THE PETITIONER SEEKS TO VISIT.**

3                   **(C) "HEALTH CARE FACILITY" MEANS:**

4                    **(1) AN ASSISTED LIVING PROGRAM;**  
5                    **(2) A HOSPICE;**  
6                    **(3) A HOSPITAL; OR**  
7                    **(4) A NURSING HOME.**

8                   **(D) (1) "INTERESTED PARTY" MEANS A PERSON WHO IS:**

9                    **(I) APPOINTED AS A GUARDIAN OF THE PERSON UNDER §**  
10   **13-705 OF THE ESTATES AND TRUSTS ARTICLE;**

11                   **(II) APPOINTED AS A GUARDIAN OF THE PROPERTY UNDER §**  
12   **13-201 OF THE ESTATES AND TRUSTS ARTICLE;**

13                   **(III) AN AGENT UNDER AN ADVANCE DIRECTIVE THAT IS VALID**  
14   **UNDER TITLE 5, SUBTITLE 6 OF THE HEALTH - GENERAL ARTICLE;**

15                   **(IV) A SURROGATE DECISION MAKER UNDER § 5-605 OF THE**  
16   **HEALTH - GENERAL ARTICLE; OR**

17                   **(V) AN ATTORNEY IN FACT UNDER A DURABLE POWER OF**  
18   **ATTORNEY THAT IS VALID UNDER TITLE 17 OF THE ESTATES AND TRUSTS ARTICLE.**

19                   **(2) "INTERESTED PARTY" DOES NOT INCLUDE A PERSON DESCRIBED**  
20   **UNDER § 13-707(A)(10) OF THE ESTATES AND TRUSTS ARTICLE.**

21                   **(E) "PETITIONER" MEANS A PERSON WHO FILES A PETITION INDIVIDUALLY**  
22   **OR JOINTLY WITH ANOTHER PERSON UNDER SUBSECTION (D) OF THIS SECTION**  
23   **SEEKING VISITATION WITH AN ALLEGED INCAPACITATED OR PROTECTED PERSON.**

24                   **(F) "VISIT" OR "VISITATION" MEANS ANY IN-PERSON MEETING, OR ANY**  
25   **TELEPHONIC, MAIL, OR ELECTRONIC COMMUNICATION, BETWEEN THE PETITIONER**  
26   **AND THE ALLEGED INCAPACITATED OR PROTECTED PERSON.**

27   **15-102.**

1       **IT IS THE INTENT OF THE GENERAL ASSEMBLY TO RECOGNIZE THE RIGHT OF**  
2       **EVERY ADULT IN THE STATE TO HAVE VISITATION WITH WHOMEVER THE ADULT**  
3       **CHOOSES, UNLESS A COURT HAS SPECIFICALLY ORDERED OTHERWISE OR THE**  
4       **ADULT IS INCAPACITATED AND THE VISITATION IS NOT IN THE ADULT'S BEST**  
5       **INTEREST.**

6       **15-103.**

7           **(A) THERE IS A REBUTTABLE PRESUMPTION IN AN ACTION UNDER THIS**  
8       **SECTION THAT IT IS IN THE BEST INTEREST OF AN ALLEGED INCAPACITATED OR**  
9       **PROTECTED PERSON TO HAVE VISITATION FROM:**

10              **(1) THE SPOUSE OF THE PERSON, IF THE SPOUSE AND THE PERSON**  
11       **ARE NOT LEGALLY SEPARATED;**

12              **(2) THE ADULT CHILDREN OF THE PERSON;**

13              **(3) THE ADULT GRANDCHILDREN OF THE PERSON;**

14              **(4) THE PARENTS OF THE PERSON;**

15              **(5) THE ADULT SIBLINGS OF THE PERSON; AND**

16              **(6) OTHER INTERESTED PARTIES.**

17           **(B) (1) A PERSON LISTED IN SUBSECTION (A) OF THIS SECTION MAY**  
18       **PETITION THE COURT, IN THE JURISDICTION IN WHICH THE ALLEGED**  
19       **INCAPACITATED OR PROTECTED PERSON RESIDES OR IN THE COURT THAT**  
20       **APPOINTED A GUARDIAN OF THE PERSON FOR THAT PERSON, FOR REASONABLE**  
21       **VISITATION BY THAT PETITIONER WITH THE ALLEGED INCAPACITATED OR**  
22       **PROTECTED PERSON.**

23           **(2) A PETITION MAY NOT BE MADE UNDER PARAGRAPH (1) OF THIS**  
24       **SUBSECTION IF THE AUTHORIZED DECISION MAKER OF THE ALLEGED**  
25       **INCAPACITATED OR PROTECTED PERSON IS A PUBLIC GUARDIAN.**

26           **(C) A PETITION DESCRIBED IN SUBSECTION (B) OF THIS SECTION SHALL:**

27              **(1) BE VERIFIED AND STATE FACTS SHOWING:**

28               **(I) THAT THE PETITIONER IS A PERSON LISTED IN SUBSECTION**  
29       **(A) OF THIS SECTION;**

4 (III) THE IDENTITY OF THE PERSON OR PERSONS WHO HAVE  
5 UNREASONABLY INTERFERED WITH OR DENIED VISITATION; AND

11 (D) THE PETITIONER SHALL PERSONALLY SERVE A COPY OF THE PETITION  
12 ON:

13 (1) THE ALLEGED INCAPACITATED OR PROTECTED PERSON;

14 (2) THE ATTORNEY FOR THE ALLEGED INCAPACITATED OR  
15 PROTECTED PERSON;

16 (3) THE GUARDIAN OF THE PERSON OF THE ALLEGED  
17 INCAPACITATED OR PROTECTED PERSON, IF ANY;

18 (4) THE AUTHORIZED DECISION MAKER FOR THE ALLEGED  
19 INCAPACITATED OR PROTECTED PERSON;

20 (5) THE ATTENDING PHYSICIAN, NURSE PRACTITIONER, OR  
21 PHYSICIAN ASSISTANT FOR THE ALLEGED INCAPACITATED OR PROTECTED PERSON;

22 (6) THE PRINCIPAL ADMINISTRATOR, OR THE ADMINISTRATOR'S  
23 DESIGNEE, AND THE MEDICAL DIRECTOR OF A HEALTH CARE FACILITY PROVIDING  
24 SERVICES TO THE ALLEGED INCAPACITATED OR PROTECTED PERSON, IF ANY; AND

25 (7) ANY PERSON ALLEGED TO HAVE INTERFERED WITH OR DENIED  
26 VISITATION.

27 (E) (1) AT ANY HEARING ON THE PETITION, IF EVIDENCE IS PRESENTED  
28 THAT THE ALLEGED INCAPACITATED OR PROTECTED PERSON OBJECTS TO THE  
29 PETITION OR HAS IN THE PAST EXPRESSED AN OBJECTION TO VISITATION BY THE  
30 PETITIONER, THE BURDEN OF PROOF DESCRIBED IN SUBSECTION (A) OF THIS  
31 SECTION SHALL SHIFT TO THE PETITIONER TO PROVE, BY CLEAR AND CONVINCING  
32 EVIDENCE, THAT THE ALLEGATION OF AN ALLEGED INCAPACITATED OR PROTECTED  
33 PERSON'S CURRENT OR PRIOR OBJECTION WAS NOT BASED ON RELIABLE EVIDENCE.

5 (I) THE PETITIONER HAS COMMITTED PHYSICAL OR FINANCIAL  
6 ABUSE OR NEGLECT OR HAS BEEN THE SUBJECT OF A PROTECTIVE ORDER ISSUED  
7 BY A COURT THAT RESTRICTED OR PROHIBITED CONDUCT BY THE PETITIONER;

10 (III) THE AUTHORIZED DECISION MAKER IS ACTING BASED ON A  
11 RECOMMENDATION OF AN ATTENDING PHYSICIAN OR A PROTECTIVE ORDER ISSUED  
12 BY A COURT;

13 (IV) THE PETITIONER'S AFFIDAVIT DOES NOT QUALIFY THE  
14 PETITIONER AS AN INTERESTED PARTY;

15 (V) STATEMENTS, WRITINGS, OR ACTIONS BY THE ALLEGED  
16 INCAPACITATED OR PROTECTED PERSON DEMONSTRATE THAT THE ALLEGED  
17 INCAPACITATED OR PROTECTED PERSON:

22 (VI) THE VISITATION WOULD BE HARMFUL TO THE HEALTH OR  
23 MENTAL WELL-BEING OF THE ALLEGED INCAPACITATED OR PROTECTED PERSON.

24 (F) (1) IN RULING ON A PETITION UNDER THIS SECTION, THE COURT  
25 SHALL ISSUE A STATEMENT OF FACTS AND LAW.

30 (G) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE COURT  
31 MAY ASSESS COSTS OF THE PETITION OR VISITATION, INCLUDING THE COST OF  
32 MONITORING VISITS, TO THE PETITIONER UNDER THIS SECTION.

6 (3) NO COSTS OR SANCTIONS UNDER THIS SECTION MAY BE ASSESSED  
7 AGAINST THE ALLEGED INCAPACITATED OR PROTECTED PERSON WHO IS THE  
8 SUBJECT OF THE PETITION.

13 (I) A COURT ORDER ISSUED TO DENY OR RESTRICT VISITATION;  
14 OR

15 (II) A GOOD FAITH BELIEF THAT A VISIT OR VISITATION IS NOT  
16 IN THE BEST INTEREST OF AN ALLEGED INCAPACITATED OR PROTECTED PERSON.

17 (H) ON WRITTEN REQUEST BY AN INTERESTED PARTY, AN AUTHORIZED  
18 DECISION MAKER SHALL, WITHIN 72 HOURS AFTER RECEIPT OF THE REQUEST,  
19 IDENTIFY IN WRITING OR BY ELECTRONIC COMMUNICATION:

20 (1) THE HEALTH CARE FACILITY OR OTHER LOCATION WHERE THE  
21 ALLEGED INCAPACITATED OR PROTECTED PERSON IS RESIDING:

22 (2) ALL CURRENT FUNERAL ARRANGEMENTS: OR

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2026.