

HOUSE BILL 426

N2, O3, D3
HB 756/25 – JUD

6lr2335

By: **Delegates J. Long, Alston, Pasteur, and Woods**

Introduced and read first time: January 22, 2026

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 26, 2026

CHAPTER _____

1 AN ACT concerning

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

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

15 BY adding to

16 Article – Estates and Trusts

17 Section 13–223

18 Annotated Code of Maryland

19 (2022 Replacement Volume and 2025 Supplement)

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

22 **Article – Estates and Trusts**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 13-223.

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

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

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

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

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

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

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

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

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

24 (2) ~~NOTIFY~~ WITHIN 90 DAYS AFTER FILING THE PETITION, NOTIFY A
25 COURT GRANTING A STAY UNDER THIS SECTION AND ANY PARTY TO ~~THE~~ THAT
26 ACTION OF:

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

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

1 (C) (1) A STAY UNDER SUBSECTION (A) OF THIS SECTION MAY REMAIN IN
2 EFFECT FOR NOT MORE THAN 90 DAYS AFTER THE FILING OF THE PETITION.

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

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

8 (II) THE DENIAL OF THE PETITION.

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.