

HOUSE BILL 1553

N2

6lr3338

By: **Delegates Alston, Addison, Miller, and T. Morgan**

Introduced and read first time: February 13, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Guardianship of the Person of a Disabled Person –**
3 **Emergency and Temporary Guardianship Petitions**

4 FOR the purpose of requiring an order for guardianship of the person of a disabled person
5 to allow for certain visitation; authorizing an interested person to file a certain
6 petition for guardianship of the person of a disabled person on the grounds that the
7 disabled adult’s current guardian is medically or physically neglecting the adult;
8 requiring a court to hear certain petitions within a certain amount of time;
9 authorizing an interested person to file a certain petition to appoint a temporary
10 guardian of a disabled person; and generally relating to petitions to appoint a
11 guardian of a disabled person.

12 BY repealing and reenacting, with amendments,
13 Article – Estates and Trusts
14 Section 13–705, 13–708, and 13–709
15 Annotated Code of Maryland
16 (2022 Replacement Volume and 2025 Supplement)

17 BY adding to
18 Article – Estates and Trusts
19 Section 13–709.1
20 Annotated Code of Maryland
21 (2022 Replacement Volume and 2025 Supplement)

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

24 **Article – Estates and Trusts**

25 13–705.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) On petition and after any notice or hearing prescribed by law or the Maryland
2 Rules, a court may appoint a guardian of the person of a disabled person.

3 (b) A guardian of the person shall be appointed if the court determines from clear
4 and convincing evidence that:

5 (1) A person lacks sufficient understanding or capacity to make or
6 communicate responsible personal decisions, including provisions for health care, food,
7 clothing, or shelter, because of any mental disability, disease, habitual drunkenness, or
8 addiction to drugs; and

9 (2) No less restrictive form of intervention is available that is consistent
10 with the person's welfare and safety.

11 (c) (1) Procedures and venue in these cases shall be as described by Title 10,
12 Chapters 100 and 200 of the Maryland Rules.

13 (2) Notwithstanding the provisions of paragraph (1) of this subsection, a
14 petition for guardianship of a disabled person shall include signed and verified certificates
15 of competency from the following health care professionals who have examined or evaluated
16 the disabled person:

17 (i) Two licensed physicians; or

18 (ii) 1. One licensed physician; and

19 2. A. One licensed psychologist;

20 B. One licensed certified social worker—clinical; or

21 C. One nurse practitioner.

22 (3) An examination or evaluation by at least one of the health care
23 professionals under paragraph (2) of this subsection shall occur within 21 days before filing
24 a petition for guardianship of a disabled person.

25 (d) (1) (i) Subject to paragraph (2) of this subsection, unless the alleged
26 disabled person has counsel of the person's own choice, the court shall appoint an attorney
27 to represent the person in the proceeding and may require the deposit of an appropriate
28 sum into the court registry or the appointed attorney's escrow account within 30 days after
29 the order of appointment has been entered, subject to further order of the court.

30 (ii) If the person is indigent, the State shall pay a reasonable
31 attorney's fee.

32 (iii) The court may not require the deposit of an appropriate sum into
33 the court registry or the appointed attorney's escrow account under subparagraph (i) of this

1 paragraph if payment for the services of the court-appointed attorney for the alleged
2 disabled person is the responsibility of:

3 1. A government agency paying benefits to the disabled
4 person;

5 2. A local department of social services; or

6 3. An agency eligible to serve as the guardian of the disabled
7 person under § 13-707 of this subtitle.

8 (2) In any action in which payment for the services of a court-appointed
9 attorney for the alleged disabled person is the responsibility of the local department of
10 social services, unless the court finds that it would not be in the best interests of the alleged
11 disabled person, the court shall:

12 (i) Appoint an attorney who has contracted with the Department of
13 Human Services to provide those services, in accordance with the terms of the contract; and

14 (ii) In an action in which an attorney has previously been appointed,
15 strike the appearance of the attorney previously appointed and appoint the attorney who
16 is currently under contract with the Department of Human Services, in accordance with
17 the terms of the contract.

18 (e) (1) (i) The person alleged to be disabled is entitled to be present at the
19 hearing unless the person has knowingly and voluntarily waived the right to be present or
20 cannot be present because of physical or mental incapacity.

21 (ii) Waiver or incapacity may not be presumed from nonappearance
22 but shall be determined on the basis of factual information supplied to the court by counsel
23 or a representative appointed by the court.

24 (2) The person alleged to be disabled is also entitled to present evidence
25 and to cross-examine witnesses.

26 (3) The issue may be determined at a closed hearing without a jury if the
27 person alleged to be disabled or the person's counsel so requests and all hearings herein
28 shall be confidential and sealed unless otherwise ordered by a court of competent
29 jurisdiction for good cause shown.

30 (f) The court shall hear and rule on a petition seeking appointment of a guardian
31 of the person of a disabled person in connection with medical treatment on an expedited
32 basis.

33 **(G) (1) THERE IS A REBUTTABLE PRESUMPTION THAT IT IS IN THE BEST**
34 **INTERESTS OF A DISABLED PERSON THAT AN ORDER APPOINTING A GUARDIAN**
35 **UNDER THIS SECTION SHALL INCLUDE AN ACCESS SCHEDULE FOR INDIVIDUALS**

1 RELATED TO THE DISABLED PERSON BY BLOOD OR MARRIAGE TO ACCESS THE
2 DISABLED PERSON.

3 (2) IF THE COURT DETERMINES THAT IT IS IN THE BEST INTERESTS
4 OF THE DISABLED PERSON, AN ORDER APPOINTING A GUARDIAN UNDER THIS
5 SECTION SHALL INCLUDE AN ACCESS SCHEDULE FOR INDIVIDUALS RELATED TO THE
6 DISABLED PERSON BY BLOOD OR MARRIAGE TO ACCESS THE DISABLED PERSON.

7 13-708.

8 (a) (1) The court may grant to a guardian of a person only those powers
9 necessary to provide for the demonstrated need of the disabled person.

10 (2) (i) The court may appoint a guardian of the person of a disabled
11 person for the limited purpose of making one or more decisions related to the health care
12 of that person.

13 (ii) The court may appoint a guardian of the person of a disabled
14 person for a limited period of time if it appears probable that the disability will cease within
15 1 year of the appointment of the guardian.

16 (b) Subject to subsection (a) of this section, the rights, duties, and powers that the
17 court may order include, but are not limited to:

18 (1) The same rights, powers, and duties that a parent has with respect to
19 an unemancipated minor child, except that the guardian is not liable solely by reason of the
20 guardianship to third persons for any act of the disabled person;

21 (2) The right to custody of the disabled person and to establish the disabled
22 person's place of abode within and without the State, provided there is court authorization
23 for any change in the classification of abode, except that, except as provided under §
24 10-611 of the Health - General Article, no one may be committed to a mental facility
25 without an involuntary commitment proceeding as provided by law;

26 (3) The duty to provide for care, comfort, and maintenance, including
27 social, recreational, and friendship requirements, and, if appropriate, for training and
28 education of the disabled person;

29 (4) If it is in the best interest of the disabled person, the duty to foster and
30 preserve family relationships including, as appropriate, assisting to arrange visitation and
31 communication by telephone calls, personal mail, and electronic communications **AND TO**
32 **COMPLY WITH AN ACCESS SCHEDULE ISSUED BY THE COURT UNDER §**
33 **13-705 OF THIS SUBTITLE;**

1 (5) The duty to take reasonable care of the clothing, furniture, vehicles, and
2 other personal effects of the disabled person, and, if other property requires protection, the
3 power to commence protective proceedings;

4 (6) If a guardian of the estate of the disabled person has not been
5 appointed, the right to commence proceedings to compel performance by any person of the
6 person's duty to support the disabled person, and to apply the estate to the support, care,
7 and education of the disabled person, except that the guardian of the person may not obtain
8 funds from the estate for room and board that the guardian, the guardian's spouse, parent,
9 or child provide without a court order approving the charge, and the duty to exercise care
10 to conserve any excess estate for the needs of the disabled person;

11 (7) If a guardian of the estate has been appointed, the duty to control the
12 custody and care of the disabled person, to receive reasonable sums for room and board
13 provided to the disabled person, and to account to the guardian of the estate for funds
14 expended, and the right to ask the guardian of the estate to expend the estate in payment
15 of third persons for care and maintenance of the disabled person;

16 (8) (i) The duty to file an annual or biannual report with the court
17 indicating the present place of residence and health status of the ward, the guardian's plan
18 for preserving and maintaining the future well-being of the ward, and the need for
19 continuance or cessation of the guardianship or for any alteration in the powers of the
20 guardian; and

21 (ii) On receipt of a report under item (i) of this item:

22 1. The court shall renew the appointment of the guardian if
23 the court is satisfied that the grounds for the original appointment stated in § 13-705(b) of
24 this subtitle continue to exist;

25 2. If the court believes such grounds may not exist, the court
26 shall hold a hearing, similar to that provided for in § 13-705 of this subtitle, at which the
27 guardian shall be required to prove that such grounds exist;

28 3. If the court does not make these findings, the court shall
29 order the discontinuance of the guardianship of the person; and

30 4. If the guardian declines to participate in the hearing, the
31 court may appoint another guardian to replace the guardian pursuant to the priorities in §
32 13-707(a) of this subtitle; and

33 (9) The power to give necessary consent or approval for:

34 (i) Medical or other professional care, counsel, treatment, or service,
35 including admission to a hospital or nursing home or transfer from one medical facility to
36 another;

1 (ii) Withholding medical or other professional care, counsel,
2 treatment, or service; and

3 (iii) Withdrawing medical or other professional care, counsel,
4 treatment, or service.

5 (c) (1) Notwithstanding the powers conferred to a guardian under subsection
6 (b)(8) of this section, and except as provided in paragraph (2) of this subsection, where a
7 medical procedure involves, or would involve, a substantial risk to the life of a disabled
8 person, the court must authorize a guardian's consent or approval for:

9 (i) The medical procedure;

10 (ii) Withholding the medical procedure; or

11 (iii) Withdrawing the medical procedure that involves, or would
12 involve, a substantial risk to the life of the disabled person.

13 (2) The court may, upon such conditions as the court considers appropriate,
14 authorize a guardian to make a decision regarding medical procedures that involve a
15 substantial risk to life without further court authorization, if:

16 (i) The disabled person has executed an advance directive in
17 accordance with Title 5, Subtitle 6 of the Health – General Article that authorizes the
18 guardian to consent to the provision, withholding or withdrawal of a medical procedure
19 that involves a substantial risk to life but does not appoint a health care agent; or

20 (ii) The guardian is:

21 1. Within a class of individuals specified in § 5–605(a)(2) of
22 the Health – General Article as authorized to make health care decisions for the disabled
23 person; and

24 2. Determined by the court to be familiar with the personal
25 beliefs, values, and medical situation of the disabled person.

26 (3) A petition seeking the authorization of a court that a life-sustaining
27 procedure be withheld or withdrawn is subject to the provisions of §§ 13–711 through
28 13–713 of this subtitle.

29 (d) (1) Notwithstanding subsection (a) of this section, and in addition to the
30 rights, duties, and powers which the court may order under subsection (b) of this section,
31 the court may order the relief provided under this subsection.

32 (2) (i) If a guardian of the estate has been appointed, a guardian of the
33 person may ask the guardian of the estate to expend the estate in payment of care and

1 maintenance services provided directly to the disabled person by the guardian of the person
2 at the rate of reimbursement established under this subsection.

3 (ii) The guardian of the person shall maintain appropriate records to
4 document the care and maintenance services provided directly to the disabled person to
5 receive any payment under this subsection.

6 (3) To implement the provisions of this subsection, the court may:

7 (i) Adopt guidelines for the rate of reimbursement for care and
8 maintenance services provided directly by the guardian of the person to a disabled person;

9 (ii) Establish appropriate procedures for records, inspections, audits,
10 or other requirements to monitor care and maintenance services provided directly by the
11 guardian of the person for which the guardian of the person is reimbursed; and

12 (iii) Order any act necessary for the best interests of the disabled
13 person.

14 (e) Notwithstanding subsection (a) of this section, and in addition to the rights,
15 duties, and powers that the court may order under subsection (b) of this section, the court
16 may order the guardian of a person with a disability to serve as a victim's representative
17 to assert the person's interests if:

18 (1) There is no victim's representative who can adequately assert the
19 person's rights as a victim of a crime or a delinquent act; and

20 (2) No court has appointed a guardian ad litem to protect the person's
21 interests.

22 **(F) AN INTERESTED PERSON MAY FILE A PETITION FOR EMERGENCY OR**
23 **TEMPORARY GUARDIANSHIP FOR A DISABLED PERSON ON THE BELIEF THAT A**
24 **DISABLED PERSON'S CURRENT GUARDIAN IS MEDICALLY OR PHYSICALLY**
25 **NEGLECTING THE DISABLED PERSON, IN ACCORDANCE WITH §§ 13-709 AND**
26 **13-709.1 OF THIS SUBTITLE.**

27 13-709.

28 (a) (1) A law enforcement officer shall transport an adult to an appropriate
29 medical facility, which shall immediately notify the next of kin and the director, when, from
30 personal observation of the officer, it appears probable that:

31 (i) The adult will suffer immediate and serious physical injury or
32 death if not immediately placed in a health care facility;

33 (ii) The adult is incapable of giving consent; and

1 (iii) It is not possible to follow the procedures of this section.

2 (2) The medical care provided under paragraph (1) of this subsection may
3 not be rendered in a State mental facility other than, in an appropriate case, the Walter P.
4 Carter Community Mental Health and Retardation Center and the Highland Health
5 Facility unless authorized by the courts in a civil commitment proceeding.

6 (3) (i) The director shall file a petition for any adult transferred under
7 this subsection pursuant to subsection (b) of this section within 24 hours after the transfer
8 of the person has taken place.

9 (ii) The court shall hold a hearing on the petition and render its
10 decision within 48 hours after the transfer has occurred.

11 (b) Upon petition by an interested person, a court may issue an order authorizing
12 the provision of protective services on an emergency basis to an adult after finding on the
13 record, based on [clear and convincing] **A PREPONDERANCE OF THE** evidence, that:

14 (1) For the purpose of this section the person lacks capacity under the
15 standards enumerated in § 13–705(b) of this subtitle;

16 (2) **(I)** An emergency exists, as defined in § 13–101 of this title; **OR**

17 **(II) THE PERSON IS ALREADY IN A GUARDIANSHIP AND IS BEING**
18 **MEDICALLY OR PHYSICALLY NEGLECTED;** and

19 (3) **[No] UNLESS THE BASIS OF THE EMERGENCY PETITION IS THAT**
20 **THE PERSON IS BEING NEGLECTED BY THE CURRENT GUARDIAN OF THE PERSON, NO**
21 person authorized by law or court order to give consent for the person is available to consent
22 to emergency services.

23 **(C) A PETITION FILED BY AN INTERESTED PERSON UNDER THIS SECTION**
24 **SHALL BE HEARD AND RULED ON WITHIN 1 BUSINESS DAY AFTER THE FILING OF THE**
25 **PETITION.**

26 **[(c)] (D)** In issuing an emergency order, the court shall adhere to the following
27 limitations:

28 (1) Only such protective services as are necessary to remove the conditions
29 creating the emergency shall be ordered; the court shall specifically designate the approved
30 services in its order;

31 (2) Protective services authorized by an emergency order shall not include
32 hospitalization or a change of residence unless the court specifically finds such action is
33 necessary and gives specific approval for such action in its order;

1 (3) Protective services may be provided under an initial emergency order
2 for not more than 144 hours, and the initial order may be renewed as provided in paragraph
3 (5) of this subsection;

4 (4) In its order the court shall appoint the petitioner, another interested
5 person, the director, or the Secretary of Aging as [temporary] EMERGENCY guardian of
6 the person with responsibility for the person's welfare and authority to give consent for the
7 person for the approved protective services until the expiration of the order;

8 (5) (i) Notwithstanding the provisions of paragraphs (3) and (4) of this
9 subsection, the court may extend the terms of the emergency order and the appointment of
10 the [temporary] EMERGENCY guardian until appointment of a guardian of the person
11 pursuant to § 13-705 of this subtitle **OR THE APPOINTMENT OF A TEMPORARY**
12 **GUARDIAN IN ACCORDANCE WITH § 13-709.1 OF THIS SUBTITLE**, on petition of the
13 [temporary] EMERGENCY guardian, the director, or the Secretary of Aging, as appropriate,
14 and after a showing that the conditions found to exist in subsection (b) of this section will
15 probably continue beyond the expiration of the extended emergency order;

16 (ii) A petition under subparagraph (i) of this paragraph shall be filed
17 before the expiration of the 6-day period provided for in paragraph (3) of this subsection
18 and shall be accompanied by a petition for appointment of a guardian of the person
19 pursuant to § 13-705 of this subtitle; and

20 (iii) A petition for appointment of a guardian of the person under
21 subparagraph (ii) of this paragraph shall be heard on an expedited basis no more than 60
22 days after the filing of the petition;

23 (6) The issuance of an emergency order and the appointment of [a
24 temporary] AN EMERGENCY guardian shall not deprive the person of any rights except to
25 the extent provided for in the order or appointment; [and]

26 (7) (i) To implement an emergency order, the court may authorize
27 forcible entry of the premises of the person for the purpose of rendering protective services
28 or transporting the person to another location for the provision of protective services only
29 after a showing to the court that attempts to gain voluntary access to the premises have
30 failed and forcible entry is necessary; and

31 (ii) Persons making authorized forcible entry under subparagraph
32 (i) of this paragraph shall be accompanied by a law enforcement officer, the director or the
33 director's representative, and if appropriate, a representative of the local department of
34 health; **AND**

35 (8) (I) **THERE IS A REBUTTABLE PRESUMPTION THAT IT IS IN THE**
36 **BEST INTERESTS OF A DISABLED PERSON THAT AN ORDER APPOINTING A GUARDIAN**
37 **UNDER THIS SECTION SHALL INCLUDE AN ACCESS SCHEDULE FOR INDIVIDUALS**

1 RELATED TO THE DISABLED PERSON BY BLOOD OR MARRIAGE TO ACCESS THE
2 DISABLED PERSON; AND

3 (II) IF THE COURT DETERMINES THAT IT IS IN THE BEST
4 INTERESTS OF THE DISABLED PERSON, AN ORDER APPOINTING AN EMERGENCY
5 GUARDIAN UNDER THIS SECTION SHALL INCLUDE AN ACCESS SCHEDULE FOR
6 INDIVIDUALS RELATED TO THE DISABLED PERSON BY BLOOD OR MARRIAGE TO
7 ACCESS THE DISABLED PERSON.

8 [(d)] (E) The petition for an emergency order shall set forth:

9 (1) The name, address, and interest of the petitioner;

10 (2) The name, age, and address of the person in need of protective services;

11 (3) IF APPLICABLE, THE NAME, AGE, AND ADDRESS OF THE PERSON'S
12 CURRENT GUARDIAN;

13 (4) The nature of the person's disability, if determinable;

14 [(4)] (5) The proposed protective services;

15 [(5)] (6) The petitioner's reasonable belief, together with supportive facts,
16 as to the existence of the facts stated in subsection (b)(1) through (3) of this section; [and]

17 [(6)] (7) [Facts] IF APPLICABLE, FACTS showing the petitioner's
18 attempts to obtain the person's consent to the services and the outcomes of the attempts;
19 AND

20 (8) IF APPLICABLE, FACTS SHOWING THAT THE PERSON'S CURRENT
21 GUARDIAN IS MEDICALLY OR PHYSICALLY NEGLECTING THE PERSON.

22 [(e)] (F) (1) Notice of the filing of the petition for an emergency order shall be
23 given as required in the Maryland Rules and to the director.

24 (2) The notice shall be given in language reasonably understandable by the
25 intended recipients [at least 24 hours] AS SOON AS PRACTICABLE before the hearing for
26 emergency intervention.

27 (3) The court may waive the [24-hour] notice requirement on a showing
28 that:

29 (i) Immediate and reasonably foreseeable physical harm to the
30 person or others will result from the [24-hour] delay; and

1 (ii) Reasonable attempts have been made to give notice.

2 (4) Notice of the court's final order shall be given to the same parties as
3 required under paragraph (1) of this subsection.

4 **[(f)] (G)** (1) The hearing on a petition for an emergency order for protective
5 services shall be held under the following conditions:

6 (i) 1. The person **OR THE PERSON'S GUARDIAN, WHERE**
7 **APPLICABLE**, shall be present unless the person **OR THE PERSON'S GUARDIAN, WHERE**
8 **APPLICABLE**, has knowingly and voluntarily waived the right to be present or cannot be
9 present because of physical or mental incapacity; and

10 2. Waiver or incapacity may not be presumed from
11 nonappearance but shall be determined on the basis of factual information supplied to the
12 court by counsel or a representative appointed by the court;

13 (ii) 1. The person has the right to counsel whether or not the
14 person is present at the hearing;

15 2. Subject to paragraph (2) of this subsection, if the person is
16 indigent or lacks the capacity to waive counsel, the court shall appoint counsel; and

17 3. If the person is indigent, the State shall pay reasonable
18 attorney's fees; and

19 (iii) 1. The person may present evidence and cross-examine
20 witnesses; and

21 2. The hearing shall be held **[no earlier than 24 hours]** after
22 the notice required in subsection **[(e)] (F)** of this section has been given, unless such notice
23 has been waived by the court.

24 (2) In any action in which payment for the services of a court-appointed
25 attorney for the person is the responsibility of the local department of social services, unless
26 the court finds that it would not be in the best interests of the person, the court shall:

27 (i) Appoint an attorney who has contracted with the Department of
28 Human Services to provide those services, in accordance with the terms of the contract; and

29 (ii) In an action in which an attorney has previously been appointed,
30 strike the appearance of the attorney previously appointed and appoint the attorney who
31 is currently under contract with the Department of Human Services, in accordance with
32 the terms of the contract.

1 [(g)] (H) The court shall issue for the record a statement of its findings in support
2 of any order for emergency protective services.

3 [(h)] (I) The person, the [temporary] EMERGENCY guardian, or any interested
4 person may petition the court to have the emergency order set aside or modified at any
5 time, notwithstanding any prior findings by the court that the person is disabled.

6 [(i)] (J) (1) If protective services are rendered on the basis of an emergency
7 order, the [temporary] EMERGENCY guardian shall submit a report describing the
8 circumstances including the name, place, date, and nature of the services, and the use of
9 forcible entry, if any, to the court and the director.

10 (2) The report under this subsection shall become part of the court record.

11 [(j)] (K) The person or the guardian of the person may appeal any findings of a
12 court under subsection (b) of this section. Such appeal shall be handled on an expedited
13 basis by the appellate court.

14 **13-709.1.**

15 (A) **ON PETITION BY AN INTERESTED PERSON, A COURT MAY ISSUE AN**
16 **ORDER AUTHORIZING THE PROVISION OF PROTECTIVE SERVICES ON A TEMPORARY**
17 **BASIS TO AN ADULT AFTER FINDING ON THE RECORD BASED ON A PREPONDERANCE**
18 **OF THE EVIDENCE THAT:**

19 (1) **FOR THE PURPOSE OF THIS SECTION, THE PERSON LACKS**
20 **CAPACITY UNDER THE STANDARDS ENUMERATED IN § 13-705(B) OF THIS SUBTITLE;**

21 (2) (I) **AN EMERGENCY EXISTS, AS DEFINED IN § 13-101 OF THIS**
22 **TITLE; OR**

23 (II) **THE PERSON IS CURRENTLY UNDER A GUARDIANSHIP AND**
24 **IS BEING MEDICALLY OR PHYSICALLY NEGLECTED; AND**

25 (3) **UNLESS THE BASIS OF THE TEMPORARY PETITION IS THAT THE**
26 **PERSON IS BEING NEGLECTED BY THE CURRENT GUARDIAN OF THE PERSON, NO**
27 **PERSON AUTHORIZED BY LAW OR COURT ORDER TO GIVE CONSENT FOR THE PERSON**
28 **IS AVAILABLE TO CONSENT TO EMERGENCY SERVICES.**

29 (B) **A PETITION FILED BY AN INTERESTED PERSON UNDER THIS SECTION**
30 **SHALL BE HEARD AND RULED ON WITHIN 7 CALENDAR DAYS AFTER THE FILING OF**
31 **THE PETITION.**

1 **(C) IN ISSUING A TEMPORARY ORDER, THE COURT SHALL ADHERE TO THE**
2 **FOLLOWING REQUIREMENTS AND LIMITATIONS:**

3 **(1) ONLY THE PROTECTIVE SERVICES THAT ARE NECESSARY TO**
4 **REMOVE THE CONDITIONS CREATING THE EMERGENCY MAY BE ORDERED AND THE**
5 **COURT SHALL SPECIFICALLY DESIGNATE THE APPROVED SERVICES IN THE ORDER;**

6 **(2) PROTECTIVE SERVICES AUTHORIZED BY A TEMPORARY ORDER**
7 **MAY NOT INCLUDE HOSPITALIZATION OR A CHANGE OF RESIDENCE UNLESS THE**
8 **COURT SPECIFICALLY FINDS THE ACTION IS NECESSARY AND GIVES SPECIFIC**
9 **APPROVAL FOR THE ACTION IN THE ORDER;**

10 **(3) PROTECTIVE SERVICES MAY BE PROVIDED UNDER A TEMPORARY**
11 **ORDER ONLY UNTIL APPOINTMENT OF A GUARDIAN OF THE PERSON IN**
12 **ACCORDANCE WITH § 13-705 OF THIS SUBTITLE;**

13 **(4) THE ISSUANCE OF A TEMPORARY ORDER AND THE APPOINTMENT**
14 **OF A TEMPORARY GUARDIAN MAY NOT DEPRIVE THE PERSON OF ANY RIGHTS**
15 **EXCEPT TO THE EXTENT PROVIDED FOR IN THE ORDER OR APPOINTMENT;**

16 **(5) (I) TO IMPLEMENT A TEMPORARY ORDER, THE COURT MAY**
17 **AUTHORIZE FORCIBLE ENTRY OF THE PREMISES OF THE PERSON FOR THE PURPOSE**
18 **OF RENDERING PROTECTIVE SERVICES OR TRANSPORTING THE PERSON TO**
19 **ANOTHER LOCATION FOR THE PROVISION OF PROTECTIVE SERVICES ONLY AFTER A**
20 **SHOWING TO THE COURT THAT ATTEMPTS TO GAIN VOLUNTARY ACCESS TO THE**
21 **PREMISES HAVE FAILED AND FORCIBLE ENTRY IS NECESSARY; AND**

22 **(II) PERSONS MAKING AUTHORIZED FORCIBLE ENTRY UNDER**
23 **ITEM (I) OF THIS ITEM SHALL BE ACCOMPANIED BY A LAW ENFORCEMENT OFFICER,**
24 **THE DIRECTOR, OR THE DIRECTOR'S REPRESENTATIVE, AND, IF APPROPRIATE, A**
25 **REPRESENTATIVE OF THE LOCAL DEPARTMENT OF HEALTH; AND**

26 **(6) AN ORDER APPOINTING A TEMPORARY GUARDIAN UNDER THIS**
27 **SECTION SHALL INCLUDE AN ACCESS SCHEDULE FOR INDIVIDUALS RELATED TO THE**
28 **DISABLED PERSON BY BLOOD OR MARRIAGE TO ACCESS THE DISABLED PERSON,**
29 **UNLESS THE COURT DETERMINES THAT AN ACCESS SCHEDULE IS NOT IN THE BEST**
30 **INTERESTS OF THE DISABLED PERSON.**

31 **(D) THE PETITION FOR A TEMPORARY ORDER SHALL INCLUDE:**

32 **(1) THE NAME, ADDRESS, AND INTEREST OF THE PETITIONER;**

1 **(2) THE NAME, AGE, AND ADDRESS OF THE PERSON IN NEED OF**
2 **PROTECTIVE SERVICES;**

3 **(3) IF APPLICABLE, THE NAME, AGE, AND ADDRESS OF THE PERSON'S**
4 **CURRENT GUARDIAN;**

5 **(4) THE NATURE OF THE PERSON'S DISABILITY, IF DETERMINABLE;**

6 **(5) THE PROPOSED PROTECTIVE SERVICES;**

7 **(6) THE PETITIONER'S REASONABLE BELIEF, TOGETHER WITH**
8 **SUPPORTIVE FACTS, AS TO THE EXISTENCE OF THE FACTS STATED IN SUBSECTION**
9 **(A)(1) THROUGH (3) OF THIS SECTION;**

10 **(7) IF APPLICABLE, FACTS SHOWING THE PETITIONER'S ATTEMPTS**
11 **TO OBTAIN THE PERSON'S CONSENT TO THE SERVICES AND THE OUTCOMES OF THE**
12 **ATTEMPTS; AND**

13 **(8) IF APPLICABLE, FACTS SHOWING THAT THE PERSON'S CURRENT**
14 **GUARDIAN IS MEDICALLY OR PHYSICALLY NEGLECTING THE PERSON.**

15 **(E) (1) NOTICE OF THE FILING OF THE PETITION FOR A TEMPORARY**
16 **ORDER SHALL BE GIVEN AS REQUIRED IN THE MARYLAND RULES AND TO THE**
17 **DIRECTOR.**

18 **(2) THE NOTICE SHALL BE GIVEN IN A LANGUAGE REASONABLY**
19 **UNDERSTANDABLE BY THE INTENDED RECIPIENTS AT LEAST 24 HOURS BEFORE THE**
20 **HEARING FOR TEMPORARY INTERVENTION.**

21 **(3) THE COURT MAY WAIVE THE 24-HOUR NOTICE REQUIREMENT ON**
22 **A SHOWING THAT:**

23 **(I) IMMEDIATE AND REASONABLY FORESEEABLE PHYSICAL**
24 **HARM TO THE PERSON OR OTHERS WILL RESULT FROM THE 24-HOUR DELAY; AND**

25 **(II) REASONABLE ATTEMPTS HAVE BEEN MADE TO GIVE**
26 **NOTICE.**

27 **(4) NOTICE OF THE COURT'S FINAL ORDER SHALL BE GIVEN TO THE**
28 **SAME PARTIES AS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

29 **(F) (1) THE HEARING ON A PETITION FOR A TEMPORARY ORDER FOR**
30 **PROTECTIVE SERVICES SHALL BE HELD UNDER THE FOLLOWING CONDITIONS:**

1 **(I) 1. THE PERSON, OR THE PERSON'S GUARDIAN, IF**
2 **APPLICABLE, SHALL BE PRESENT UNLESS THE PERSON, OR THE PERSON'S**
3 **GUARDIAN, IF APPLICABLE, HAS KNOWINGLY AND VOLUNTARILY WAIVED THE RIGHT**
4 **TO BE PRESENT OR CANNOT BE PRESENT BECAUSE OF PHYSICAL OR MENTAL**
5 **INCAPACITY; AND**

6 **2. WAIVER OR INCAPACITY MAY NOT BE PRESUMED**
7 **FROM NONAPPEARANCE BUT SHALL BE DETERMINED ON THE BASIS OF FACTUAL**
8 **INFORMATION SUPPLIED TO THE COURT BY COUNSEL OR A REPRESENTATIVE**
9 **APPOINTED BY THE COURT;**

10 **(II) 1. THE PERSON HAS THE RIGHT TO COUNSEL WHETHER**
11 **OR NOT THE PERSON IS PRESENT AT THE HEARING;**

12 **2. SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF**
13 **THE PERSON IS INDIGENT OR LACKS THE CAPACITY TO WAIVE COUNSEL, THE COURT**
14 **SHALL APPOINT COUNSEL; AND**

15 **3. IF THE PERSON IS INDIGENT, THE STATE SHALL PAY**
16 **REASONABLE ATTORNEY'S FEES; AND**

17 **(III) 1. THE PERSON, OR THE PERSON'S GUARDIAN, WHERE**
18 **APPLICABLE, MAY PRESENT EVIDENCE AND CROSS-EXAMINE WITNESSES; AND**

19 **2. THE HEARING SHALL BE HELD NOT EARLIER THAN 24**
20 **HOURS AFTER THE NOTICE REQUIRED IN SUBSECTION (E) OF THIS SECTION HAS**
21 **BEEN GIVEN, UNLESS SUCH NOTICE HAS BEEN WAIVED BY THE COURT.**

22 **(2) IN ANY ACTION IN WHICH PAYMENT FOR THE SERVICES OF A**
23 **COURT-APPOINTED ATTORNEY FOR THE PERSON IS THE RESPONSIBILITY OF THE**
24 **LOCAL DEPARTMENT OF SOCIAL SERVICES, UNLESS THE COURT FINDS THAT IT**
25 **WOULD NOT BE IN THE BEST INTERESTS OF THE PERSON, THE COURT SHALL:**

26 **(I) APPOINT AN ATTORNEY WHO HAS CONTRACTED WITH THE**
27 **DEPARTMENT OF HUMAN SERVICES TO PROVIDE THOSE SERVICES IN ACCORDANCE**
28 **WITH THE TERMS OF THE CONTRACT; AND**

29 **(II) IN AN ACTION IN WHICH AN ATTORNEY HAS PREVIOUSLY**
30 **BEEN APPOINTED, STRIKE THE APPEARANCE OF THE ATTORNEY PREVIOUSLY**
31 **APPOINTED AND APPOINT THE ATTORNEY WHO IS CURRENTLY UNDER CONTRACT**
32 **WITH THE DEPARTMENT OF HUMAN SERVICES IN ACCORDANCE WITH THE TERMS**
33 **OF THE CONTRACT.**

1 **(G) THE COURT SHALL ISSUE FOR THE RECORD A STATEMENT OF THE**
2 **COURT'S FINDINGS IN SUPPORT OF ANY ORDER FOR TEMPORARY PROTECTIVE**
3 **SERVICES.**

4 **(H) THE PERSON, THE TEMPORARY GUARDIAN, OR ANY INTERESTED**
5 **PERSON MAY PETITION THE COURT TO HAVE THE TEMPORARY ORDER SET ASIDE OR**
6 **MODIFIED AT ANY TIME, NOTWITHSTANDING ANY PRIOR FINDINGS BY THE COURT**
7 **THAT THE PERSON IS DISABLED.**

8 **(I) (1) IF PROTECTIVE SERVICES ARE RENDERED ON THE BASIS OF A**
9 **TEMPORARY ORDER, THE TEMPORARY GUARDIAN SHALL SUBMIT A REPORT**
10 **DESCRIBING THE CIRCUMSTANCES, INCLUDING THE NAME, PLACE, DATE, AND**
11 **NATURE OF THE SERVICES AND THE USE OF FORCIBLE ENTRY, IF ANY, TO THE COURT**
12 **AND THE DIRECTOR.**

13 **(2) THE REPORT UNDER THIS SUBSECTION SHALL BECOME PART OF**
14 **THE COURT RECORD.**

15 **(J) (1) THE PERSON, OR THE GUARDIAN OF THE PERSON, MAY APPEAL**
16 **ANY FINDINGS OF A COURT UNDER SUBSECTION (A) OF THIS SECTION.**

17 **(2) AN APPEAL SHALL BE HANDLED ON AN EXPEDITED BASIS BY THE**
18 **APPELLATE COURT.**

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