

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1062

(Delegates Embry and Taveras)

Judiciary

Judicial Proceedings

**Estates and Trusts - Jurisdiction Over Property of Minors or Disabled Persons -
Authorized Transactions**

This bill specifies additional transactions that a circuit court may authorize or direct with respect to the property, service, or care arrangement of a minor or disabled person without appointing a guardian (under circumstances in which the court otherwise could appoint a guardian of the property): (1) granting access to financial records; and (2) establishing eligibility for government assistance programs.

Fiscal Summary

State Effect: The bill is not expected to materially affect the State finances.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Current Law:

Authorization of a Specific Transaction Without the Appointment of a Guardian

Under § 13-204 of the Estates and Trusts Article, if a basis exists for the circuit court to assume jurisdiction over the property of a minor or a disabled person by appointing a guardian of the property, the court, without appointing a guardian, may authorize or direct a transaction with respect to the property, service, or care arrangement of the minor or disabled person. The transactions which the court may authorize or direct include:

- payment, delivery, deposit, or retention of funds or property;
- sale, mortgage, lease, or other transfer of property;
- purchase of contracts for an annuity, life care, training, or education;
- making the election to take an elective share of an estate subject to election under § 3-403 of the Estates and Trusts Article; or
- any other transaction described in (1) § 13-203(c)(2) of the Estates and Trusts Article (making gifts from the principal and income of the estate, and disclaiming on behalf of the minor or disabled person, in whole or in part, the right of succession or transfer to that person of any property or interest in any property); (2) Title 9, Subtitle 2 of the Estates and Trusts Article (disclaiming an interest in or power over property under the Maryland Uniform Disclaimer of Property Interests Act; or (3) § 15-102 of the Estates and Trusts Article (specified powers of a fiduciary over property).

Before approving a transaction or arrangement, the court must consider the interests of creditors and dependents of the minor or disabled person and whether the property of the minor or disabled person needs the continuing protection provided by a guardian.

Maryland Rule 10-304.2 (Effective July 2026)

Maryland Rule 10-304.2, a new rule effective July 1, 2026, authorizes a court to order a specific transaction with respect to the property, service, or care arrangement of a minor or disabled person pursuant to § 13-204 of the Estates and Trusts Article, with “specific transaction” defined as an action or series of actions authorized or directed by a court order to meet a demonstrated need of a minor or disabled person as a less restrictive alternative to guardianship of the property. Included under the examples of specific transactions a court may authorize under the rule are (1) granting access to financial or other records related to a minor or disabled person and (2) establishing a minor or disabled person’s eligibility for benefits, such as Medical Assistance.

Guardianship of the Property

Under § 13-201 of the Estates and Trusts Article, a circuit court is authorized, on petition and after any notice or hearing required by law or the Maryland Rules, to appoint a guardian of the property for a minor or a disabled person.

A guardian must be appointed for a minor if the court determines that (1) a minor owns or is entitled to property that requires management or protection or (2) funds are needed for the minor’s support, care, welfare, and education, and protection is necessary or desirable to obtain or provide funds.

A guardian must be appointed for a disabled person if the court determines that (1) the person is unable to manage effectively the person's property and affairs because of physical or mental disability, disease, habitual drunkenness, drug addiction, imprisonment, compulsory hospitalization, detention by a foreign power, or disappearance and (2) the person has or may be entitled to property or benefits that require proper management.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - March 3, 2026
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