



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

March 21, 2024

Good evening, Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,

I am here today on behalf of HB359, "Petition for Guardianship of the Property of Alleged Disabled Person - Stay of Civil Actions and Proceedings." This legislation aimed to enhance the adult guardianship process in our state. As we deliberate on this crucial matter, we must consider the profound impact such legislation can have on the lives of vulnerable Marylanders who require legal protection and support.

The proposed legislation seeks to introduce a temporary stay provision similar to the automatic stay observed in bankruptcy proceedings. Much like the bankruptcy stay, this provision would offer a critical respite to individuals facing financial and housing crises due to their disabilities. It would temporarily halt eviction proceedings and creditor actions, allowing these individuals to have a court-appointed guardian manage their finances and affairs until a more permanent solution is reached.

Allow me to illustrate the necessity of this legislation through real-life examples that highlight the challenges faced by individuals with disabilities in navigating our legal system:

- 1. Individual A's Plight:** Consider the case of Individual A, diagnosed with dementia, who faced the loss of their home due to unpaid taxes. Despite having sufficient equity and resources to rectify the situation, Individual A's cognitive impairment prevented them from taking action. The absence of a temporary stay provision led to the unfortunate sale of their home. Had such a provision been in place, a court-appointed guardian could have intervened, preventing the loss of the home and safeguarding Individual A's assets.
- 2. Individual B's Dilemma:** Similarly, imagine Individual B, living alone with dementia, facing eviction from their apartment due to unpaid rent. Despite having the means to fulfill their financial obligations, Individual B's condition impairs their ability to do so effectively. Without intervention, eviction would not only deprive Individual B of shelter but also expose them to the harsh realities of homelessness, particularly during the winter months. A temporary stay provision would enable the appointment of a guardian to address the arrears and ensure the stability and well-being of Individual B.

These examples underscore the urgent need for legislative measures that prioritize the protection and rights of individuals with disabilities. The proposed legislation offers a lifeline to those who find themselves entangled in legal proceedings they are ill-equipped to navigate alone. Furthermore, it is crucial to emphasize that the temporary stay provision does not unduly burden landlords or creditors. Instead, it serves as a compassionate and pragmatic response to complex situations, safeguarding the interests of all parties involved.

With that, Mr. Chair, and members of the Committee, we ask for a favorable report and thank you for your consideration.

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