



**MARYLAND  
LEGAL AID**

*Advancing*  
**Human Rights and  
Justice for All**

**House Bill 359  
Petition for Guardianship of the Property of Alleged Disabled Person – Stay of Civil Actions  
and Proceedings  
Hearing February 7, 2024  
Judiciary Committee  
Position: FAVORABLE**

*Maryland Legal Aid (MLA) submits its written and oral testimony on HB 359 in response to a request from Delegate Long.*

Maryland Legal Aid (MLA) is the largest non-profit law firm in the State of Maryland. We provide court-appointed representation to the alleged disabled person in guardianship proceedings in multiple counties around the state. Under current Maryland law a petition for guardianship alleges that a person is unable to effectively manage their affairs or property due to a disability and requests the court to appoint a guardian to manage all of their decisions relating to health, lifestyle and/or property. The alleged disabled person is entitled to an attorney, who performs an investigation, identifies their wishes and capacity, and provides representation in court.

HB 359 would provide for the first time, that when such a petition for guardianship of the person is filed there would be an automatic stay of other legal proceedings that could have a permanent diminishing impact on the property of the alleged disabled person. HB 359 would protect the property against certain actions until the guardianship proceeding is completed. These include actions for alleged unpaid rent, restitution, wrongful detainer of property, foreclosure proceedings, sheriff's sale of property, and any other action against the property of the alleged disabled person. Those actions would remain stayed until the resolution of the guardianship petition, either through dismissal or appointment of a guardian of property. Current Maryland law does not provide any protection of this type for people facing a guardianship action.

MLA's guardianship clients usually come to us after a lengthy hospitalization or stay in a nursing home. Some of them are experiencing significant medical problems. They might have a temporary difficulty understanding the allegations in the petition for guardianship, due to accident or medical condition. They have the right to object to the appointment of a guardian and resist the matter in court. This bill would allow our clients to focus their attention on a proceeding that could permanently affect their right to make decisions for themselves, limit worry about claims against their property, and protect against a potential default and automatic loss of property.

MLA urges a favorable report on HB 359. Please contact me if you need additional information.

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