

**written testimony MDOA - FAVORABLE - HB756 3.24.25**

Uploaded by: Carmel Roques

Position: FAV



Wes Moore | Governor

Aruna Miller | Lt. Governor

Carmel Roques | Secretary

Date: March 24, 2025

Bill Number: HB756

Bill Title: Petition for Guardianship of the Property of Alleged Disabled Person – Stay of Civil Actions and Proceedings

Committee: Senate Judicial Proceedings

**MDOA Position: FAVORABLE ON BILL AS AMENDED**

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The Department of Aging (MDOA) thanks the Chair and Committee members for the opportunity to submit this favorable as amended testimony for House Bill (HB) 756 - Petition for Guardianship of the Property of Alleged Disabled Person – Stay of Civil Actions and Proceedings.

The Maryland Department of Aging (MDOA) serves as Maryland's State Unit of Aging, administering federal funding for core programs, overseeing the Area Agency on Aging (AAA) network at the local level that provides services, and planning for Maryland's older adult population. Among many other roles, Maryland's 19 AAA's serve as public guardians or "guardians of the person" in last resort situations for adults 65 and older where no other family member or suitable alternative guardian is available. As guardians of the person, AAAs depend on the work of the court-appointed guardians of property who manage the older adults' assets.

Public guardianship cases for older adults vary in terms of their circumstances, but often the older adult involved owns or rents their own home, whether they live alone or with others. Due to a variety of health circumstances, these older adults subject to a guardianship petition regularly fall behind in their rent, mortgage, or property tax payments. This temporary stay upon request will provide a reasonable method for preserving an older adult's home and assets during the critical transition period while a guardianship petition is being considered by the appropriate court. The common-sense pause in civil actions against the property of the older adult that HB 756 authorizes will be useful to older adults and the public guardianship system as a whole. It will provide greater housing security and stronger economic protection for these older adults in



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these situations. MDOA is supportive of the clarifying amendments to the bill sponsor and other key stakeholders agreed to.

For these reasons, the Department of Aging respectfully urges a **favorable as amended report for House Bill 756**. If you have any questions, please contact Andrea Nunez, Legislative Director, at [andrea.nunez@maryland.gov](mailto:andrea.nunez@maryland.gov) or (443) 414-8183.

Sincerely,

A handwritten signature in blue ink that reads "Carmel Roques". The signature is fluid and cursive, with a long horizontal stroke at the end.

Carmel Roques  
Secretary  
Maryland Department of Aging

# **Crossover Testimony\_HB 756-Petition for Guardiansh**

Uploaded by: Natasha Mehu

Position: FAV



Maryland  
Hospital Association

**House Bill 756 - Petition for Guardianship of the Property of Alleged Disabled Person -  
Stay of Civil Actions and Proceedings**

**Position: *Support***

March 26, 2025

Senate Judicial Proceedings Committee

**MHA Position**

On behalf of the Maryland Hospital Association's (MHA) member hospitals and health systems, we appreciate the opportunity to comment in support of House Bill 756.

MHA fully supports all efforts to improve the Maryland health care system and hospital experience for patients. HB 756 would further assist patient care and hospital throughput by restricting civil actions taken against the assets of disabled patients who have filed for a guardian.

Often patients are admitted to hospitals without family or representatives to speak on their behalf. In some instances, these disabled patients are incapacitated and unable to account for their finances. HB 756 places a stay on civil actions once a disabled person files for a petition for guardianship of the property. This legislation protects patients from incurring additional financial hardship while being unable to contest.

In many instances, patients are unable to be transported to post-acute settings due to financial impediments. Issues, such as lacking access to bank accounts and asset acquisition, stand in between a patient receiving the next step in care. HB 756 would delay any actions against a patient's personal property until a guardian is appointed, thereby giving patients a greater opportunity to retain assets while the guardianship petition works its way through the judicial system—a process that often can take months.

For these reasons, we request a favorable report on HB 756.

For more information, please contact:

Natasha Mehu, Vice President, Government Affairs & Policy

Nmehu@mhaonline.org

## **hb756amend.pdf**

Uploaded by: Will Vormelker

Position: INFO

HON. STACY A. MAYER  
CIRCUIT COURT  
JUDGE  
BALTIMORE COUNTY  
CHAIR

HON. RICHARD SANDY  
CIRCUIT COURT  
JUDGE  
FREDERICK COUNTY  
VICE-CHAIR



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## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

### MEMORANDUM

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 756  
Petition for Guardianship of the Property of Alleged Disabled  
Person – Stay of Civil Actions and Proceedings  
**DATE:** March 12, 2025  
(3/26)

### INFORMATIONAL COMMENT PAPER

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The Judiciary supports the amendments that would allow any interested person to request a stay and that direct that necessary parties receive notice of the guardianship petition and the request for a stay.

The Judiciary is concerned, however, with the amended language on page 3, line 2, which would limit the length of any stay to no more than 90 days after the petition for guardianship is filed. In some jurisdictions and in contested cases, it may not be feasible for courts to hear and rule on a petition within 90 days. Moreover, any appointed guardian of the property would then have limited time to marshal assets and prepare to defend against any stayed action. This hard “deadline” could undermine the goals of this legislation. The Judiciary recommends adding language to this provision that would provide courts with more flexibility to extend a stay beyond 90 days for good cause. For example, “A stay under this subsection (a) of this section may remain in effect for not more than 90 days after the filing of the petition, **unless extended for good cause.**”

cc. Hon. Jeffrie Long  
Judicial Council

Legislative Committee  
Kelley O'Connor