

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

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



KELLEY O'CONNOR
ASSISTANT STATE COURT
ADMINISTRATOR
GOVERNMENT RELATIONS
AND PUBLIC AFFAIRS
P: (410) 260-1560

SUZANNE PELZ, ESQ.
SNR. GOVT. RELATIONS AND
PUBLIC AFFAIRS OFFICER
P: (410)260-1523

MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: House Judiciary 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: February 6, 2025
(2/12)
INFORMATIONAL COMMENT PAPER

The Judiciary respects the separation of powers doctrine and acknowledges that the legislature is the policy-making branch. As such, the Judiciary has no position on the policy aims of this legislation and defers to the legislative branch on such matters.

The Judiciary only writes to comment that the bill allows the court to stay an action for wrongful detainer on page 2, lines 3 – 4, on the filing of a petition for guardianship or the property of an alleged disabled person. The other categories of civil actions presented allow for the disabled person to not lose possession of their housing of which they have or once had lawful possession. In a wrongful detainer action, however, the alleged disabled person purportedly has no legal possessory right to occupy the property. It is not clear if the intent is to stay wrongful detainer actions as it could prevent the lawful owner of the property from gaining rightful possession of their own property.

cc. Hon. Jeffrie Long
Judicial Council
Legislative Committee
Kelley O'Connor