

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 426
Petition for Guardianship of the Property of Alleged Disabled
Person – Stay of Civil Actions and Proceedings
DATE: March 18, 2026
(3/26)

INFORMATIONAL COMMENT PAPER

The Judiciary respects the separation of powers doctrine and acknowledges the policy-making authority of the legislative branch. As such, the Judiciary has no position on the policy aims of this legislation.

This bill would help prevent the unhousing or interference with the property of individuals who lack the capacity to defend against the same. The Judiciary is concerned, however, with the 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