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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: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 1062
Estates and Trusts – Jurisdiction over Property of Minors or
Disabled Persons – Authorized Transactions
DATE: March 23, 2026
(3/26)
POSITION: Support

The Maryland Judiciary supports House Bill 1062.

This bill is based on a recommendation from the Working Group on Alternatives to Guardianship for Unrepresented Hospital Patients in Need of Treatment and Discharge Decisions, which was chaired by University School of Law Professor Diane Hoffmann. Members included the Maryland Hospital Association, nursing home representatives, public agencies, attorneys, and disability and aging advocates. Judiciary representatives served as non-voting members of the working group.

The Judiciary supports expanding the list of examples of transactions circuit courts can authorize under Md. Code, Estates & Trusts Art., § 13-204 to include accessing financial records and establishing a minor or disabled person's eligibility for government benefits. Although the statute can be (and has been) used to authorize these types of actions, guardianship stakeholders have found that the statute is underutilized and could be more effectively used when a minor or an individual adjudicated as a disabled person has a discrete need for a fiduciary. The statute can be particularly helpful in addressing the needs of unrepresented patients in hospitals or nursing homes who are experiencing

decision-making limitations. A common barrier to discharge or transfer of these patients is the need to access a patient's financial records or someone to apply for Medical Assistance on their behalf. Guardianship, which results in the significant and usually permanent loss of rights, is often used to address these needs. Section 13-204 offers a less restrictive avenue. This issue and how § 13-204 can be used to address the needs of these patients are outlined in a Judiciary report about Maryland's guardianship system and the use of guardianship by healthcare settings. The report is available at <https://online.flippingbook.com/view/374993492/1>. The report includes a series of recommendations for improving the state's guardianship system, including a recommendation for a court rule clarifying the use of specific transactions under § 13-204. On February 11, 2026, the Supreme Court of Maryland unanimously adopted such a rule. The rule, Md. Rule 10-304.2 (Specific Transaction) can be found on page 92 of the 227th Rules Order (available at <https://www.courts.state.md.us/sites/default/files/rules/order/ro227th.pdf>). The rule's effective date is July 1, 2026.

The bill and proposed rule complement each other and would help encourage the use of § 13-204 as an important less restrictive alternative to the appointment of a guardian of the property.

cc. Hon. Elizabeth Embry
Judicial Council
Legislative Committee
Kelley O'Connor