



Wes Moore | Governor

Aruna Miller | Lt. Governor

Carmel Roques | Secretary

Date: March 24, 2026

Bill Number: **HB 1062**

Bill Title: Estates and Trusts - Jurisdiction Over Property of Minors or Disabled Persons - Authorized Transactions

Committee: Senate Judicial Proceedings Committee

MDOA Position: **FAVORABLE**

Madam Chair, Vice-Chair, and Members of the Committee:

The Maryland Department of Aging (MDOA) respectfully submits this testimony in support of House Bill (HB) 1062 - Estates and Trusts - Jurisdiction Over Property of Minors or Disabled Persons - Authorized Transactions.

The Maryland Department of Aging (MDOA) serves as Maryland's State Unit of Aging, administering federal and state 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. Maryland's 19 AAA's serve as public guardians for adults aged 65 and older in last resort situations where no family member or suitable alternative guardian is available. MDOA supports guardianship avoidance, and the preservation of older adults' autonomy and well-being to the greatest extent possible. Generally, the least restrictive intervention must have already failed before public guardianship of an older person should be pursued in hospitals, nursing homes, or any other setting.

Given MDOA's role, MDOA served on the Working Group on Alternatives to Guardianship for Unrepresented Hospital Patients in Need of Treatment and Discharge Decisions, which was chaired by University of Maryland School of Law Professor Diane Hoffman. This working group met over the past two years approximately to discuss new solutions that avoid guardianship. HB 1062 is a recommendation from this working group.



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It aligns with the state's strong partners in this work from the Maryland Judiciary, who have recently enacted this same concept in the form of a court rule clarifying the use of the specific transactions. This bill will allow circuit court judges, without needing to appoint a guardian of person or property, to authorize two additional categories of critical transactions for the benefit of people without capacity to make their own decisions: granting access to financial records and establishing eligibility for government assistance programs.

For older people who have met the legal standard of "disabled" under the law in the form of their temporary or long-term loss of capacity to make decisions for themselves, this will be a measured, very useful improvement to our state law. With this change, courts will be able to more quickly access important financial documents and appropriately authorize the initiation of key Medicaid applications on behalf of the incapacitated older adults. These older people will be more quickly able to relocate to more suitable nursing facilities or other care settings that fit their needs. This entire process has natural guardrails in the form of the Judiciary, which may only authorize individual transactions in these two additional categories.

MDOA supports HB 1062 on the basis that it provides an additional, limited tool to avoid guardianship of older adults. It also aligns with MDOA's recently released Longevity-Ready Maryland Plan and Task Force on Countering and Preventing Elder Abuse. Marylanders aged 60 and older will constitute roughly a quarter or more of the state's population by 2030, a trend that underscores the urgency of policy responses that transform Maryland's institutions and systems for the benefit of older people.

For these reasons, MDOA requests a favorable report for HB 1062. If you have any questions, please contact Andrea Nunez, Legislative Director, at andrea.nunez@maryland.gov or (443) 414-8183. Thank you for your consideration.