

# **NASW Maryland - 2026 HB 426 FAV - Petition for Gua**

Uploaded by: Karessa Proctor

Position: FAV



**Testimony before the Senate Judicial Proceedings Committee  
March 26, 2026**

**House Bill 426 - Petition for Guardianship of the Property of Alleged Disabled Person -  
Stay of Civil Actions and Proceedings**

**SUPPORT**

On behalf of the National Association of Social Workers, Maryland Chapter (NASW-MD) Committee on Aging, we would like to express our support for HB 426 Petition for Guardianship of the Property of Alleged Disabled Person – Stay of Civil Actions and Proceedings.

We are social workers who serve older adults and people with disabilities. We have worked with people who have experienced cognitive or physical decline that renders them unable to handle their funds, pay bills or complete other transactions. If there is no trusted person to step in, Adult Protective Services (APS) may be called to investigate, and, if they find that the person lacks capacity, APS petitions the Court for a Guardian of the Property. This process can be lengthy, however. Any civil actions taken against the individual during that time between the petition and the Court hearing can have catastrophic consequences:

- An eighty-year-old man with no family was discovered to be living in a filthy, cluttered home with no heat or food. There was an eviction notice posted on his door, but he was not aware that he had not paid his rent.
- A seventy-eight-year-old woman lost her house through foreclosure because she could not remember to pay her mortgage. Piles of past-due notices lay on her kitchen table, unopened. Her belongings were scheduled to be removed from the house the following day, after which she would be homeless.

This bill would help preserve the property and other assets of alleged disabled adults by allowing for a stay of civil proceedings such as evictions, foreclosures or property tax sales for individuals who are the subject of petitions for a Guardian of the Property. This stay could remain in effect until either a Guardian is appointed, or the petition is denied. This bill would prevent vulnerable people from losing their homes and their life savings due to their inability to manage their finances. It is a humane and common-sense measure.

For these reasons, we request that you give a favorable report on HB 426.

Respectfully,

Karessa Proctor, BSW, MSW  
Executive Director, NASW-MD

# **XHB 426- Petition for Guardianship of the Property**

Uploaded by: Natasha Mehu

Position: FAV



Maryland  
Hospital Association

**House Bill 426 - Petition for Guardianship of the Property of Alleged Disabled Person -  
Stay of Civil Actions and Proceedings**

**Position: *Support***

March 26, 2026

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 426.

MHA fully supports all efforts to improve health care and patients' hospital experience. HB 426 would benefit patient care and hospital throughput by restricting civil actions taken against the assets of patients with disabilities who have filed for a guardian of property.

Often patients are admitted to hospitals without family or representatives to speak on their behalf. In some instances, these patients with disabilities are incapacitated and unable to account for their finances. HB 426 places a stay on civil actions once the patient files for a petition for guardianship of their property. This legislation protects vulnerable patients from incurring additional financial hardship while they are unable to contest the charges.

In many cases, patients cannot be transported to post-acute settings because of financial barriers. Lack of access to bank accounts and existing funds can delay or prevent them from receiving the next level of care. HB 426 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 426.

For more information, please contact:

Natasha Mehu, Vice President, Government Affairs & Policy

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**hb426amend.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  
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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**

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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