

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 134
Family Law – Incapacitated or Protected Persons – Petition for
Visitation
DATE: January 21, 2026
(2/5)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 134. House Bill 134 would add three sections to the Family Law Article under a new title, “Title 15. Visitation,” to allow specific interested parties to petition for visitation with an alleged incapacitated or protected person. Petitions for visitation may be filed by spouses, adult children, adult grandchildren, parents, adult siblings, and other interested persons defined in the title. Petitions for visitation must state facts alleging that visitation with the alleged incapacitated or protected person has been unreasonably interfered with or denied and identify the persons or person who have caused such interference or denial.

The Judiciary has several concerns with this bill. The definitions in the bill are very broad. First, the definition for “alleged incapacitated or protected person” (§ 15-101(b)) would apply to any adult the petitioner seeks to visit, regardless of whether that adult has an alleged incapacity or is otherwise protected.

In addition, the rebuttable presumption would create an unlevel playing field for petitioners who may seek to harm the “alleged incapacitated or protected person.” Paired with the (high) clear and convincing standard of proof required by § 15-103(e), this bill would force an intrusive and burdensome process upon individuals who are not incapacitated or otherwise protected or who, for a variety of reasons, may not want to associate with the petitioner. In the context of a guardianship of the person case, the rebuttable presumption that it is in the best interest of the “alleged incapacitated or protected person” (person under guardianship) to have visitation from the family members or interested parties listed in § 15-103(a) of the bill conflicts with a guardian’s authority under Estates & Trusts Art., §13-708(b)(4) to determine what visitation is in the best interest of the person under guardianship. This would also interfere with the rights of interested persons in the guardianship action, but who are not listed in § 15-103(a) of the bill. The Judiciary notes that some guardianships involve family conflicts and the creation of a separate process, outside of the guardianship case, may exacerbate those conflicts and result in conflicting orders.

cc. Hon. Joe Vogel
Judicial Council
Legislative Committee
Kelley O’Connor