



**DEPARTMENT OF HUMAN SERVICES**

*Wes Moore, Governor · Aruna Miller, Lt. Governor · Gloria Brown Burnett, Interim Secretary*

March 11, 2026

The Honorable Sandy Bartlett, Chair  
House Judiciary Committee  
100 Lowe House Office Building  
Annapolis, Maryland 21401

**RE: TESTIMONY ON HB 1553 - ESTATES AND TRUSTS - GUARDIANSHIP OF THE PERSON OF A DISABLED PERSON - EMERGENCY AND TEMPORARY GUARDIANSHIP PETITIONS - POSITION: UNFAVORABLE**

Dear Chair Bartlett and Members of the Judiciary Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for its consideration and respectfully requests an unfavorable report on House Bill 1553 (HB 1553).

With offices in every one of Maryland's jurisdictions, DHS provides preventative and supportive services, economic assistance, and meaningful connections to employment development and career opportunities to assist Marylanders in reaching their full potential. HB 1553 would affect our Adult Protective Services (APS) program and Adult Public Guardianship Program, which is overseen by the Office of Adult Services within the Social Services Administration, as well as Maryland Legal Services within DHS. Our local departments of social services (LDSS) serve as guardians of last resort for adults aged 18 and older whose guardianship petitions were filed before they turned 65. HB 1553 attempts to address several issues raised by private counsel who represent families in guardianship proceedings.

Existing law requires the subject of a guardianship proceeding to retain their full due process rights. However, HB 1553 would establish a new, expedited process akin to a temporary protective order proceeding where due process rights are relaxed due to exigency. The expedited process devised by HB 1553 would effectively strip vulnerable adults of their right to representation in situations where an interested party disagrees with the actions of a guardian. There is already a process by which an interested person can raise concerns that ensures that the interests of all parties, including the respondent, are considered. The court can require that the guardian take or refrain

from certain action with respect to the individual under guardianship, and the court can substitute the guardian when appropriate.

HB 1553 would establish a new process devising an “emergency guardianship” by showing evidence that such a guardianship is necessary. When a court orders a person placed under guardianship, that person loses the right to self determination. As such, certain due process rights are implicated, including the appointment of counsel and the requirement that a heightened burden of proof is met. On the expedited timeline set forth in HB 1553, there is no way for an adult’s counsel to be appointed and have adequate time to prepare for a hearing. Consequently, HB 1553 essentially creates an ex parte guardianship on an emergency basis. Current law already allows an LDSS or other individuals to seek protective orders for the benefit of a vulnerable adult with reduced scrutiny without establishing an ex parte guardianship.

HB 1553 would also create a statutory presumption that a visitation schedule for all individuals related to the individual by blood or marriage is necessary. Such a presumption adds individuals related by blood to the case who would otherwise not be interested persons as defined in [Estates & Trusts § 13-101\(k\)](#). Courts already have the authority to create visitation schedules under existing statute.

Finally, Maryland Legal Services within DHS provides attorneys for all adults who cannot otherwise afford representation in an initial guardianship case and anytime the court determines their interests should be represented by counsel. In public guardianship cases, such representation also includes certain post-hearing responsibilities for the duration of the guardianship case. Under the changes to [Estates and Trusts § 13-709.1\(f\)\(ii\)\(1\)](#) suggested by HB 1553, DHS would be required to provide additional legal representation for individuals under guardianship who cannot otherwise afford representation in all public and private guardianship cases in Maryland courts. This would require a significant operational reorganization and fiscal allocation to continue basic services.

We appreciate the opportunity to provide unfavorable testimony to the Committee for consideration during your deliberations. If you require additional information, please contact Justin Hayes, Acting Director of Government Affairs, at [justin.hayes1@maryland.gov](mailto:justin.hayes1@maryland.gov).

In service,



Gloria Brown Burnett  
Interim Secretary