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Wes Moore | Governor

Aruna Miller | Lt. Governor

Carmel Roques | Secretary

Date: March 9, 2026

Bill Number: HB 1553

Bill Title: Estates and Trusts - Guardianship of the Person of a Disabled Person - Emergency and Temporary Guardianship Petitions

Committee: House Judiciary Committee

**MDOA Position: Letter of Concern**

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Madam Chair, Vice Chair, Members of the Committee:

Thank you for the opportunity to submit this letter of concern on behalf of the Maryland Department of Aging for House Bill (HB) 1553 - Estates and Trusts - Guardianship of the Person of a Disabled Person - Emergency and Temporary Guardianship Petitions.

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.

MDOA appreciates the bill sponsor's thoughtful intentions in bringing this legislation with a goal of achieving quicker, safer outcomes for incapacitated adults. MDOA recognizes that the original intent of this legislation is to create an emergency, temporary guardianship that mirrors a protective order process. However, MDOA and partners experienced in this work maintain that sufficient options already exist to provide this type of swift relief through Adult Protective Services, and other legal options, including protective orders. Public guardianships are rarely, if ever reversed or terminated; thus they result in the permanent deprivation of an adult's human rights and decision making authority. MDOA is confident that sufficient alternate legal options are currently available that make new temporary and emergency guardianship processes unnecessary. MDOA maintains the State should continue to be incredibly cautious about any future changes to make it easier to establish guardianships of older adults, and continue to seek other, less restrictive alternatives.



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This legislation will increase, not decrease, the time it takes to have a guardianship hearing scheduled for concerned petitioners. MDOA acknowledges that there are significant delays in having guardianship cases heard by appropriate courts. But this will likely increase those delays for older adults who are good candidates for public guardianship. Similarly, AAAs in most larger Maryland counties and their legal counsel, are already stretched far beyond capacity in terms of their guardianship case loads. Adding this additional tool for parties to file for temporary and emergency guardianships, with next business day first hearings, will be very challenging for AAAs and county attorneys supporting them to sufficiently prepare for. More broadly, this legislation would likely lead to more public guardianship appointments, even if only temporary. These would create additional capacity strain at the local and state levels.

MDOA notes that it 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 included regular participation from attorneys from many hospitals, the Maryland Hospital Association, Maryland Departments of Human Services, Aging. Its meetings took place over an extended period to discuss new solutions that avoid guardianship. This workgroup considered and recommended two pieces of legislation that were introduced this session. HB 1553 nor any similar concepts came out of this workgroup. The workgroup reflected the mutual understanding that any changes to state guardianship law bring significant intended and unintended consequences.

The Maryland Health Care Decisions<sup>1</sup> and Supported Decision-Making<sup>2</sup> laws are useful tools already available, in addition to legal remedies. More education on existing options like these with Maryland hospitals, the state's responsive partners in the Maryland Judiciary, Maryland Legal Aid and the Department of Human Services as partners on this topic would be prudent before looking to make any changes to state guardianship law. MDOA acknowledges there are capacity constraints at many levels of government and the legal system that make the guardianship system slower than it could be in some parts of the state.

If you have any questions, please contact Andrea Nunez, Legislative Director, at [andrea.nunez@maryland.gov](mailto:andrea.nunez@maryland.gov) or (443) 414-8183.

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<sup>1</sup> See MD Attorney General: Health Care Decisions Act: Text and Educational Materials, *available at*: <https://www.marylandattorneygeneral.gov/Pages/HealthPolicy/hcda.aspx>

<sup>2</sup> See Maryland Judiciary: Alternatives to Guardianship Part 8: Supported Decision-Making, *available at*: <https://www.courts.state.md.us/video/courthelp/supported-decision-making>