



House Bill 426
**Petition for Guardianship of the Property of Alleged Disabled Person – Stay of Civil Actions
and Proceedings**
Hearing February 11, 2026
Judiciary Committee
Position: FAVORABLE, WITH AMENDMENT

Maryland Legal Aid (MLA) submits its written and oral testimony on HB 426 in response to a request from Senator Long.

Maryland Legal Aid (MLA) is the largest non-profit law firm in the State of Maryland. We provide court-appointed representation in guardianship proceedings to the alleged disabled person throughout Maryland. Current Maryland law allows a petition to be filed in court alleging that a person is unable to effectively manage his or her property and affairs as the result of a disability, and that the court should appoint a guardian to manage and preserve that property for the benefit of the alleged disabled person.

HB 426 would provide that when a petition for guardianship has been filed, a stay of other legal proceedings could be requested if the matter could have a permanent impact on the property of the alleged disabled person. This includes actions for unpaid rent, restitution, detainer of property, foreclosure, sheriff's sale of the alleged disabled person's property, and other actions. Those matters would remain stayed for 90 days. Without this legislation, people with disabilities in Maryland do not have any protection over the management of their property.

We request one minor amendment to HB 426. Currently, the bill proposes a 90-day timeline for any stay of other proceedings, running from the date the petition for a stay is filed. We request that any timeline for a stay run from the date the stay issues, with a possible renewal if a court finds good cause. In our experience, while 90 days may be more than enough time to adjudicate a guardianship petition in some cases, in others the resolution may take much longer. Please find the proposed amendment attached to this testimony.

Our clients often come to us after a lengthy hospitalization. They may resist the appointment of a guardian, or may have difficulty understanding the allegations against them. This bill would allow our clients to focus their attention on a proceeding that could permanently affect their right to make decisions for themselves, without distraction from stressful and potentially damaging property claims.

MLA urges a favorable report on HB 426, with the amendment requested above. If you need additional information please contact James Silver, Esq., Supervising Attorney, Adult Guardianship Program, Maryland Legal Aid, jsilver@mdlaborg.

PROPOSED AMENDMENT TO HB 426:

P. 2, 27-28:

(C) (1) A STAY UNDER SUBSECTION (A) OF THIS SECTION MAY REMAIN IN EFFECT FOR NOT MORE THAN 90 DAYS AFTER THE ~~FILING OF THE PETITION~~ **ENTRY OF THE STAY. UPON A MOTION BY A PARTY, THE STAY MAY BE RENEWED BEYOND 90 DAYS UPON A FINDING OF GOOD CAUSE BY THE COURT WHERE THE STAYED ACTION IS PENDING.**