



**House Bill 1553: Estates and Trusts – Guardianship of the Person of a Disabled Person –
Emergency and Temporary Guardianship Petitions**

House Judiciary Committee

March 11, 2026

POSITION: OPPOSE

The Arc Maryland and the Maryland Association of Community Services (MACS) are statewide organizations dedicated to protecting and advancing the rights of Marylanders with intellectual and developmental disabilities (IDD). For decades, our organizations have advocated for the right of people to retain their legal decision-making authority and have supported the development and expansion of alternatives to guardianship that individuals can access when assistance with decision-making is needed.

Adults with developmental disabilities are often faced with biased assumptions about their intellectual capacity and decision-making abilities. In some cases, individuals may be placed under court-ordered guardianship. When a person is placed under guardianship, significant decision-making authority may transfer to another individual. This can include decisions related to finances, health care, and other important areas of a person's life, including certain personal decisions. Once guardianship is ordered, it can be difficult to modify, limit, or terminate the arrangement.

In 2022, Maryland enacted SB 559, which authorized the use of Supported Decision-Making (SDM) agreements as a less restrictive alternative to guardianship. Supported decision-making allows a person with IDD to identify a trusted supporter or supporters who can assist them in understanding information, exploring options, and making important decisions about their lives. This reform, together with other alternatives such as surrogate decision-making, limited powers of attorney, and related tools, has expanded the range of options available to people who may benefit from decision-making support while retaining their legal rights.

While we recognize that HB 1553 is intended to expand access to family members and to create an expedited process for situations in which an individual may be exposed to

abuse from an existing guardian, we are concerned that the bill could have the effect of expanding the use of guardianship. Creating an additional process for temporary guardianship determinations and appointments represents an expansion of guardianship authority. Even temporary guardianship should be used cautiously because guardianship orders can be difficult to reverse once established. Creating additional pathways through which individuals may be placed under guardianship raises concerns about maintaining the preference for less restrictive alternatives.

HB 1553 would also lower the evidentiary standard required for the issuance of emergency and temporary guardianship to a “preponderance of the evidence.” Previously, the standard has been “clear and convincing evidence,” which requires a higher level of certainty that the conditions warranting guardianship are present. Lowering the evidentiary threshold would make it easier for individuals to be placed under guardianship in situations where the evidence indicates that a claim is more likely than not to be accurate. Given the significance of guardianship and the rights affected by such an order, maintaining the higher burden of proof provides an important safeguard.

Because HB 1553 expands the circumstances under which guardianship may be imposed and lowers the standard required to establish the need for emergency and temporary guardianship, we are concerned that the bill could weaken existing protections intended to preserve autonomy and independence for people with disabilities. For these reasons, we respectfully oppose HB 1553.

For more information, please contact:

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