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HB1553

March 11, 2026

TO: Members of the House Judiciary Committee

FROM: Nina Themelis, Director, Mayor's Office of Government Relations

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

POSITION: UNFAVORABLE

Chair Bartlett, Vice Chair Davis, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** House Bill (HB) 1553.

HB 1553 (1) requires that a guardian of the person of a disabled person establish an access schedule for individuals related to the disabled person by blood or marriage to access the disabled person, (2) creates a provision allowing an interested person to file a petition for emergency or temporary guardianship for a disabled person on the belief that the disabled person's current guardian is medically or physically neglecting them, (3) lowers the standard of proof for the court to make a finding that a person lack capacity under the standards enumerated in the subtitle, and (4) requires that a petition for emergency or temporary guardianship be heard and ruled on within one business day after it is filed.

Baltimore City Health Department (BCHD) serves as the city's Area Agency on Aging (AAA). The AAA serves as the court-appointed "guardian of the person" for City residents ages 65 and older who have been legally adjudicated disabled when the individual has no family members or friends who can serve as their guardian. The Deputy Commissioner of Aging is assigned the responsibility of guardianship of the person by the courts. BCHD's AAA operates the largest public guardianship program in the State for persons 65 and over. Currently, the agency is acting as guardian for over 200 disabled persons.

HB1553 would undermine important procedural safeguards that currently exist within Maryland's guardianship framework. Under the current process, emergency guardianship petitions may be granted only if the court finds clear and convincing evidence that the person lacks capacity under the subtitle and that an emergency exists. The bill would lower this standard to "a preponderance of the evidence." Lowering this standard could lead to increased filings for temporary guardianship in situations that may not rise to the level of an emergency, potentially overburdening the courts and the public guardianship system and creating opportunities for misuse. BCHD's Public Guardianship Program is particularly concerned that vulnerable adults could be placed under guardianship more quickly and with fewer protections than the existing statute requires. As the largest public guardian program in the state, Baltimore City would be disproportionately impacted by the adverse impacts of this bill.

The BCA has the following additional concerns about HB 1553:

- The bill has the potential to result in temporary public guardianship as a default prior to resolution of the petition. In the event that the disabled person is at risk of harm and the petitioner is not requesting that they themselves become the guardian – or if the petitioner is requesting guardianship but they are not the best option (for example, because they do not live locally or do not have stable housing) – guardianship may default to BCHD. Public guardianship is always the last resort, because it is always preferable that the guardian of the person be a suitable family member or close friend. Defaulting to public guardianship may not serve the long-term best interest of the disabled person.
- This bill will likely increase the number of petitioners filing for emergency guardianship, specifically related to contested family guardianship cases. While this is not necessarily negative, these petitions can be the result of strained familial relationships. Not only would this place strain on the court system, it would create stress for the disabled person.
- The proposed requirement for a petition to be heard and ruled upon in one day presumes that all Maryland jurisdictions, petitioners, current guardians, potential public guardians, counsel, and other interested and impacted parties have the capacity and availability to participate fully in the legal proceedings.
- The bill creates a potential pathway for an institution to file a petition for change in guardianship that may not support the long-term best interest of the individuals.

For these reasons explained above, the BCA respectfully requests an **unfavorable** report HB 1553.