

# **HB1553 Testimony.pdf**

Uploaded by: Madelin Martinez

Position: FAV

**HB1553**

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

Judiciary

March 11, 2026

**Favorable**

**Catholic Charities of Baltimore supports House Bill Number 1553**, which requires guardianship orders for the person of a disabled adult to provide for certain visitation in the person's best interest; authorizes an interested person to petition for guardianship when the adult's current guardian is medically or physically neglecting them; requires courts to hear such petitions within a specified timeframe; and authorizes an interested person to petition for the appointment of a temporary guardian for a disabled person.

For over a century, Catholic Charities has provided care and services to improve the lives of Marylanders in need. We accompany Marylanders as they age with dignity, support their pursuit of employment and career advancement, heal from trauma and addiction, achieve independence, prepare for educational success, and welcome immigrant neighbors into Maryland communities.

Catholic Charities supports individuals with disabilities through programs like Gallagher Services, which provides residential and meaningful day supports to adults with intellectual and developmental disabilities, and Hosanna House, a permanent housing facility for single women over 18 who have been chronically homeless and have documented disabilities. In these settings, we have witnessed the significant challenges people with disabilities face when guardianship processes are delayed or mismanaged.

Of the many cases we have encountered, one example is a 52-year-old woman in our Gallagher program who endured years of pain from fibroids because the necessary guardianship was not in place to authorize the surgical treatment she required. These delays severely compromised both her health and quality of life. By establishing emergency and temporary guardianship procedures in cases of medical or physical neglect, HB 1553 ensures that vulnerable adults are not left unprotected while legal processes unfold. Delays in these situations can lead to worsening health, unsafe living conditions, and preventable harm.

Additionally, many individuals with disabilities are restricted from spending time with their families or capturing important life moments because their guardianship arrangements prevent them from doing so. Family members and loved ones play an essential role in providing emotional support, advocacy, and accountability. When safe and appropriate, maintaining these relationships helps protect the individual's dignity and well-being.

Catholic Charities believes that every person is created with inherent dignity and deserves care that ensures both safety and respect for their human worth. When a guardianship arrangement no longer serves that purpose, the law should not leave a vulnerable person without a prompt remedy. Research has shown that insufficient court oversight in guardianship proceedings can create significant opportunities for neglect, exploitation, and abuse. HB 1553 is a measured step toward improving safety, oversight, and protection for vulnerable adults.

**For these reasons, Catholic Charities of Baltimore urges the committee to issue a favorable report for HB1553.**

Submitted By: Madelin Martinez, Assistant Director of Advocacy on behalf of Meti Negassa, Advocacy Fellow and Katie Kemp, Gallagher Services Administrator

## **Late testimony**

Uploaded by: Michelle Harris, Esq

Position: FAV

## TESTIMONY IN SUPPORT OF HOUSE BILL 1553

### **Estates & Trusts – Guardianship of the Person of a Disabled Person – Emergency and Temporary Guardianship Petitions Before the House Judiciary Committee [Insert Hearing Date]**

#### **Chairman Sandy Bartlett, Vice Chair Debra Davis, Delegate Alston, and Members of the Judiciary Committee:**

Good afternoon. My name is **Michele R. Harris**, and I am an attorney practicing in Southern Maryland. For more than two decades, I have represented elderly adults, disabled adults, and families in guardianship, CINA, juvenile, and protective order proceedings. I am here today to voice my **strong support for House Bill 1553**.

This bill fills a critical gap in Maryland law by creating a **clear and accessible process** for an interested person to request an **emergency hearing** when a vulnerable adult is being neglected by their current guardian. Under our existing framework, families and professionals often have no timely remedy when a guardian is failing to provide adequate care. HB 1553 finally gives the courts the authority and structure needed to intervene **before** a crisis becomes irreversible.

HB 1553 also expressly authorizes the court to establish an **access schedule** so that a vulnerable adult can maintain contact with family members and friends. Isolation is one of the strongest indicators of abuse or neglect. When a guardian cuts off communication, it often prevents loved ones from discovering that the adult is in danger. By allowing courts to order reasonable access, this bill protects not only the adult's safety, but also their emotional well-being and dignity.

Another major benefit of HB 1553 is that it will **substantially reduce delays** in guardianship proceedings. The bill requires emergency petitions to be heard within a defined timeframe and authorizes temporary guardianships when necessary. In guardianship matters, time is often the difference between safety and serious harm. This bill ensures that the court can act quickly, efficiently, and appropriately.

In short, HB 1553 strengthens Maryland's ability to protect vulnerable adults, provides families with a meaningful avenue for relief, and gives the courts the tools they need to respond swiftly to neglect.

For these reasons, I respectfully urge the Committee to issue a **favorable report** on House Bill 1553.

Thank you for your time and for your commitment to safeguarding Maryland's most vulnerable residents.

# **HB 1553- Guardianship of the Person of a Disabled**

Uploaded by: Andrew Nicklas

Position: FWA



Maryland  
Hospital Association

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

**Position: *Support with Amendments***

March 11, 2026

House Judiciary Committee

**MHA Position**

On behalf of the Maryland Hospital Association's (MHA) member hospitals and health systems, we appreciate the opportunity to comment in support with amendments on House Bill 1553. This bill clarifies the process for emergency and temporary guardianship petitions and enables courts to authorize protective services when an adult is at risk of medical or physical neglect from their guardian. These safeguards are essential to protect vulnerable individuals who are incapacitated and may not have a family member or other representative available to care for or advocate on their behalf.

HB 1553 allows courts to authorize protective services necessary to address an emergency through a temporary order. This helps ensure that individuals in crisis receive timely intervention and that necessary services can be implemented without unnecessary delay. Similarly, many incapacitated and unrepresented patients remain hospitalized for months beyond medical necessity due to court scheduling delays and the limited availability of qualified guardians. During this period, patients remain in hospital beds despite no longer needing acute care services. These patients require more specialized post-acute care but are unable to transition to the appropriate post-acute setting because no individual has legal authority to manage the patient's finances or complete benefits applications. This not only risks deterioration of the patient's condition owing to not receiving appropriate care but also delays access for other patients who require hospitalization, contributes to emergency department crowding, and increases systemwide costs when care is delivered in a setting that is more intensive than medically necessary.

To that end, we respectfully request an amendment that will allow courts to authorize these temporary protective services in circumstances when these incapacitated patients require a safe, timely discharge or transfer to a more appropriate setting, such as a skilled nursing facility or a rehabilitation center. This amendment is critical to ensure that vulnerable patients, within the limited circumstances provided for in the bill, can transition to settings that better meet their clinical and supportive care needs when warranted.

Hospitals strongly support the goal of protecting vulnerable adults while ensuring that appropriate safeguards and due process protections remain in place. Clarifying that temporary protective service orders may be used in limited circumstances to facilitate medically appropriate

discharge would help courts and providers work together more effectively to serve these individuals.

For these reasons, we request a favorable with amendments report on HB 1553.

Amendment 1

On page 12, line 22, strike "Or" and in line 23, add:

(II) THE PROVISION OF PROTECTIVE SERVICES ON A TEMPORARY BASIS COULD HELP FACILITATE A MEDICALLY APPROPRIATE HOSPITAL DISCHARGE; OR"

For more information, please contact:

Natasha Mehu, Vice President, Government Affairs & Policy

Nmehu@mhaonline.org

# **HB1553\_The Arc Maryland and MACS\_Oppose.pdf**

Uploaded by: Ande Kolp

Position: UNF



**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:

Ande Kolp, Executive Director

The Arc Maryland

[akolp@thearcmd.org](mailto:akolp@thearcmd.org)

Laura Howell, CEO

Maryland Association of Community Services

[lhowell@macsonline.org](mailto:lhowell@macsonline.org)

**MDOA - LOC- HB 1553- 3.9.26.docx.pdf**

Uploaded by: Andrea Nunez

Position: UNF



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.



Wes Moore | Governor

Aruna Miller | Lt. Governor

Carmel Roques | Secretary

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>

**HB1553\_DHS\_UNF.pdf**

Uploaded by: Gloria Brown-Burnett

Position: UNF



**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.

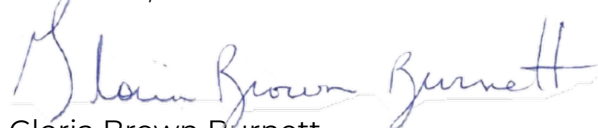
HB 1553 would establish a new process devising an “emergency guardianship” by showing evidence that such a guardianship is necessary. When a court orders a person placed under guardianship, that person loses the right to self determination. As such, certain due process rights are implicated, including 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

# **HB1553 approved PDF.pdf**

Uploaded by: Lucia Caltagirone

Position: UNF



## Maryland Developmental Disabilities Council

**CREATING CHANGE • IMPROVING LIVES**

### House Judiciary Committee

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

March 11, 2026

#### POSITION: OPPOSE

Disability Rights Maryland (DRM), a non-profit legal advocacy organization, is the federally-mandated Protection and Advocacy agency for the State of Maryland, charged with defending and advancing the rights of persons with disabilities. We have been serving children, youth, and adults with disabilities in our state for over 40 years. The Maryland Developmental Disabilities Council (Council) creates change to make it possible for people with developmental disabilities to live the lives they want with the support they need. Together, we work to increase opportunities for Marylanders with disabilities to be integrated into their communities, live independently and access high-quality, affordable health care.

Adults with disabilities are regularly subject to being placed under a court-ordered guardianship order based on the biased assumption that they lack the capacity to make their own decisions because of their diagnoses. When placed under guardianship, people with disabilities lose the authority to make many personal decisions; this can include decisions regarding their own healthcare, finances, or even their own relationships. Too often, these guardianship orders are overbroad and unnecessary, stripping away an individual's basic rights to direct their own life. Additionally, many of these orders are permanent; once a guardian is appointed, it is often very difficult to terminate or limit the orders.

DRM and the Council have long advocated for alternatives to guardianship such as advance directives or financial power of attorney documents that allow for individuals to retain their decision-making authority and avoid guardianship. In recent years, Maryland has continued to expand the use of these alternatives to limit, terminate, or avoid guardianship. Notably, in 2022, DRM and the Council, along with over 27 partners in the Cross-Disability Supported Decision Making Coalition, advocated for the passage of SB 559, codifying the use of supported decision-making (SDM) as a less restrictive alternative to guardianship<sup>1</sup>. The passage of this bill served as

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<sup>1</sup> Md. Estates and Trusts Article, §13-204

a critical turning point in protecting the decision-making authority of people with disabilities in Maryland.

While we acknowledge the good intentions behind HB 1553, specifically the intentions to expand access to family members and to address instances of neglect by preexisting guardians, we are concerned with the potential unintended consequence presented by this bill. The text of this bill ultimately expands guardianship with the addition of Md. Estates and Trusts Article, §13-709.1 “Protective Services on a Temporary Basis Until Appointment of a Guardian of the Person.” Adding a new process for temporary guardianship is an expansion of guardianship. We know that once guardianship is granted it can be very challenging to rescind. We also know that because of the individual rights at stake in guardianship proceedings, guardianship, even on a temporary basis, should be rarely sought. Codifying additional avenues by which people with disabilities can be subject to guardianship is of great concern.

HB 1553 also alters the legal standard for the issuance of emergency and temporary guardianship in Md. Estates and Trusts Article, §13-709 to a preponderance of the evidence standard. Previously, the standard applied was “clear and convincing evidence”.<sup>2</sup> A preponderance of the evidence means that something is more likely than not to be true, while clear and convincing evidence requires a higher degree of certainty that a given condition is true. Application of this lower standard of proof will make it easier to place people with disabilities under guardianship, potentially even allowing guardianship in cases where there is weak justification. Due to the restrictive nature of guardianship and the high risks incurred by the loss of personal autonomy, the higher burden of proof should be retained.

All individuals deserve the right to make their own decisions. Unfortunately, individuals with disabilities have been in a constant cycle of oppression, inequity and powerlessness that limits that right. HB 1553 expands the grounds for guardianship and lowers the burden of proof required in emergency and temporary guardianship proceedings, thus continuing that cycle. We are concerned that HB 1553 ultimately undermines the equity and autonomy of people with disabilities.

**For these reasons, DRM and the Council oppose HB 1553.**

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<sup>2</sup> Md. Estates and Trusts Article, §13-709

**HB1553-JUD-OPP.pdf**

Uploaded by: Nina Themelis

Position: UNF



BRANDON M. SCOTT  
MAYOR

*Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401*

**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.

**hb1553.pdf**

Uploaded by: Will Vormelker

Position: UNF

HON. STACY A. MAYER  
CIRCUIT COURT  
JUDGE  
BALTIMORE COUNTY  
CHAIR

HON. RICHARD SANDY  
CIRCUIT COURT  
JUDGE  
FREDERICK COUNTY  
VICE-CHAIR



KELLEY O'CONNOR  
ASSISTANT STATE COURT  
ADMINISTRATOR  
GOVERNMENT RELATIONS  
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P: (410) 260-1560

SUZANNE PELZ, ESQ.  
SNR. GOVT. RELATIONS AND  
PUBLIC AFFAIRS OFFICER  
P: (410)260-1523

## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

### MEMORANDUM

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 1553  
Estates and Trusts – Guardianship of the Person of a Disabled  
Person – Emergency and Temporary Guardianship Petitions  
**DATE:** March 4, 2026  
(3/11)  
**POSITION:** Oppose

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The Maryland Judiciary opposes House Bill 1553.

This bill appears to be designed to address situations in which 1) family members are unable to visit with a person under guardianship, and 2) a guardian of the person may be medically or physically neglecting a person under guardianship. The Judiciary appreciates the seriousness of these situations. This bill, however, would be difficult to implement and conflict with current protections provided in the guardianship process.

First, the proposed amendments to Estates and Trusts § 13-705 would establish a rebuttable presumption that it is in the best interest of a disabled person that the order appointing a guardian of the person include an access schedule for individuals related to the disabled by blood or marriage. Individuals who are related to the disabled person by marriage may not be interested persons by law entitled to notice and the opportunity to participate in the guardianship case. At the time a guardian is appointed, it is highly unlikely that the court will have adequate information to determine what access schedule

would be in the best interest of a disabled person. Acquiring this information would require additional proceedings or investigations and place an additional burden on the parties to identify relatives and gather evidence to rebut the presumption or propose an access schedule. Certain access schedules may interfere with a guardian's ability to find an appropriate placement for the disabled person. Some nursing homes and assisted living facilities may have visitation policies that may conflict with an access schedule. Imposing an access schedule before the guardian has an opportunity to explore options may limit where the disabled person can be placed.

The Judiciary also has concerns with the proposed amendments to Estates & Trusts § 13-709, which would expand the court's authority to order emergency protective services (i.e., the appointment of an "emergency" guardian) when an appointed guardian is suspected of medically or physically neglecting a person under guardianship. This seems to be an attempt to create a new process to remove and replace a guardian within a statute that is designed to establish the basis for guardianship. It would also significantly alter the emergency protective proceeding process in a way that would be difficult to implement and would undermine the rights of alleged disabled persons.

Specifically, lowering the evidentiary standard for any emergency protective services from "clear and convincing" to "preponderance of the evidence" would create a conflict within the statute (as the court would still need to find that an alleged disabled person "lacks capacity under the standards enumerated in § 13-705(b)," which sets a clear and convincing standard) and would make it easier for interested persons, including those who are not acting in the best interest of the alleged disabled person, to interfere with that person's rights and liberties.

Further, proposed § 13-709(c) would require a court to hear and rule on a petition within one (1) business day of the filing of a petition by an interested person. This timeline is unworkable and would be impossible in contested cases. The timeline does not recognize the demands of other pending cases or required notice and due process requirements. The Judiciary is in the best position to schedule the matters before it, and any attempt to mandate the docket structure runs afoul of the separation of powers doctrine. This timeline would also render the provisions of this statute designed to protect the rights of the (alleged) disabled person meaningless. The abbreviated timeline would not allow for proper service of parties and would severely limit the ability of attorneys for (alleged) disabled persons to represent their clients effectively. There would be no time for investigations or discovery to occur, and the court would not have enough time or information to determine whether the petitioner or anyone else in the case is a bad actor seeking to control or take advantage of an (alleged) disabled person. It would be nearly impossible for the court to develop an access schedule as contemplated in proposed § 13-709(d)(8).

Finally, proposed new statute § 13-709.1 would provide for the appointment of a "temporary" guardian and is largely duplicative of § 13-709 as drafted in both language and problems.

The Judiciary notes that there are currently mechanisms for interested persons to invoke the court's jurisdiction to address visitation issues and to remove and replace a guardian. Courts take allegations of abuse, neglect, and exploitation seriously and will take steps to ensure the safety and well-being of persons under guardianship.

cc. Hon. Tiffany Alston  
Judicial Council  
Legislative Committee  
Kelley O'Connor