

HOUSE BILL 426

N2, O3, D3

(6lr2335)

ENROLLED BILL

— *Judiciary/Judicial Proceedings* —

Introduced by **Delegates J. Long, Alston, Pasteur, and Woods**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Petition for Guardianship of the Property of Alleged Disabled Person – Stay of**
3 **Civil Actions and Proceedings**

4 FOR the purpose of authorizing a party to the guardianship of the property of an alleged
5 disabled person to request a stay of certain civil actions or proceedings on the filing
6 of a petition for guardianship of the property of an alleged disabled person; requiring
7 a certain party to the guardianship of the property of an alleged disabled person to
8 provide certain notice to a court granting a stay and to parties to a civil action or
9 proceeding; establishing that a stay granted by a court may be in effect only for a
10 certain period of time, subject to a certain exception; requiring a court to
11 automatically lift a stay of certain civil actions under certain circumstances;
12 requiring, to effectuate service of process for certain civil actions against an alleged
13 disabled person, the temporary or permanent guardian of the property of the
14 disabled person to be served; and generally relating to petitions for guardianship of
15 the property of an alleged disabled person.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 BY adding to
2 Article – Estates and Trusts
3 Section 13–223
4 Annotated Code of Maryland
5 (2022 Replacement Volume and 2025 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That the Laws of Maryland read as follows:

8 **Article – Estates and Trusts**

9 **13–223.**

10 (A) ON THE FILING OF A PETITION FOR GUARDIANSHIP OF THE PROPERTY
11 OF AN ALLEGED DISABLED PERSON, A PARTY TO THE GUARDIANSHIP MAY FILE A
12 REQUEST FOR THE STAY OF ANY OF THE FOLLOWING CIVIL ACTIONS OR
13 PROCEEDINGS AGAINST THE ALLEGED DISABLED PERSON WITH THE COURT
14 PRESIDING OVER THE CIVIL ACTION OR PROCEEDING:

15 (1) AN ACTION FOR FAILURE TO PAY RENT UNDER § 8–401 OF THE
16 REAL PROPERTY ARTICLE;

17 (2) A WARRANT OF RESTITUTION UNDER § 8–401 OF THE REAL
18 PROPERTY ARTICLE;

19 (3) AN ACTION FOR WRONGFUL DETAINER UNDER § 14–132 OF THE
20 REAL PROPERTY ARTICLE;

21 (4) A FORECLOSURE ACTION UNDER § 7–105.1 OF THE REAL
22 PROPERTY ARTICLE;

23 (5) A SHERIFF’S SALE UNDER TITLE 11, SUBTITLE 5 OF THE COURTS
24 ARTICLE; AND

25 (6) AN ACTION AGAINST THE PROPERTY OF THE ALLEGED DISABLED
26 PERSON.

27 (B) A PARTY TO THE GUARDIANSHIP OF THE PROPERTY OF AN ALLEGED
28 DISABLED PERSON REQUESTING THE STAY OF AN ACTION UNDER SUBSECTION (A)
29 OF THIS SECTION SHALL:

30 (1) PROVIDE NOTICE OF THE PETITION AND REQUEST TO ALL
31 PARTIES TO ~~THE~~ THE ACTION FOR WHICH THE STAY IS SOUGHT; AND

1 (2) ~~NOTIFY~~ WITHIN 90 DAYS AFTER FILING THE PETITION OR THE
2 PERIOD OF THE STAY DETERMINED UNDER SUBSECTION (C)(1) OF THIS SECTION,
3 NOTIFY A COURT GRANTING A STAY UNDER THIS SECTION AND ANY PARTY TO THE
4 THAT ACTION OF:

5 (I) THE APPOINTMENT OF A TEMPORARY OR PERMANENT
6 GUARDIAN OF THE PROPERTY OF THE DISABLED PERSON; OR

7 (II) THE DENIAL, DISMISSAL, OR WITHDRAWAL OF THE
8 PETITION.

9 (C) (1) ~~A~~ UNLESS EXTENDED FOR GOOD CAUSE, A STAY UNDER
10 SUBSECTION (A) OF THIS SECTION MAY REMAIN IN EFFECT FOR NOT MORE THAN 90
11 DAYS AFTER THE FILING OF THE PETITION.

12 (2) ~~THE COURT SHALL LIFT A~~ STAY UNDER SUBSECTION (A) OF THIS
13 SECTION SHALL AUTOMATICALLY BE LIFTED ON:

14 (I) THE APPOINTMENT OF A TEMPORARY OR PERMANENT
15 GUARDIAN OF THE PROPERTY OF THE DISABLED PERSON, WHICHEVER OCCURS
16 FIRST; OR

17 (II) THE DENIAL OF THE PETITION.

18 (D) TO EFFECTUATE SERVICE OF PROCESS ON AN ALLEGED DISABLED
19 PERSON FOR AN ACTION STAYED UNDER SUBSECTION (A) OF THIS SECTION, THE
20 TEMPORARY OR PERMANENT GUARDIAN OF THE PROPERTY OF THE DISABLED
21 PERSON, AS APPROPRIATE, MUST BE SERVED.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
23 apply only prospectively and may not be applied or interpreted to have any effect on or
24 application to any petition for the guardianship of the property of an alleged disabled
25 person filed before the effective date of this Act.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2026.