

HOUSE BILL 426

N2, O3, D3
HB 756/25 – JUD

6lr2335

By: **Delegates J. Long, Alston, Pasteur, and Woods**

Introduced and read first time: January 22, 2026

Assigned to: Judiciary

A BILL ENTITLED

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; requiring a court to lift a stay of certain civil actions under
11 certain circumstances; requiring, to effectuate service of process for certain civil
12 actions against an alleged disabled person, the temporary or permanent guardian of
13 the property of the disabled person to be served; and generally relating to petitions
14 for guardianship of the property of an alleged disabled person.

15 BY adding to

16 Article – Estates and Trusts

17 Section 13–223

18 Annotated Code of Maryland

19 (2022 Replacement Volume and 2025 Supplement)

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

22 **Article – Estates and Trusts**

23 **13–223.**

24 **(A) ON THE FILING OF A PETITION FOR GUARDIANSHIP OF THE PROPERTY**
25 **OF AN ALLEGED DISABLED PERSON, A PARTY TO THE GUARDIANSHIP MAY FILE A**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 REQUEST FOR THE STAY OF ANY OF THE FOLLOWING CIVIL ACTIONS OR
2 PROCEEDINGS AGAINST THE ALLEGED DISABLED PERSON WITH THE COURT
3 PRESIDING OVER THE CIVIL ACTION OR PROCEEDING:

4 (1) AN ACTION FOR FAILURE TO PAY RENT UNDER § 8-401 OF THE
5 REAL PROPERTY ARTICLE;

6 (2) A WARRANT OF RESTITUTION UNDER § 8-401 OF THE REAL
7 PROPERTY ARTICLE;

8 (3) AN ACTION FOR WRONGFUL DETAINER UNDER § 14-132 OF THE
9 REAL PROPERTY ARTICLE;

10 (4) A FORECLOSURE ACTION UNDER § 7-105.1 OF THE REAL
11 PROPERTY ARTICLE;

12 (5) A SHERIFF'S SALE UNDER TITLE 11, SUBTITLE 5 OF THE COURTS
13 ARTICLE; AND

14 (6) AN ACTION AGAINST THE PROPERTY OF THE ALLEGED DISABLED
15 PERSON.

16 (B) A PARTY TO THE GUARDIANSHIP OF THE PROPERTY OF AN ALLEGED
17 DISABLED PERSON REQUESTING THE STAY OF AN ACTION UNDER SUBSECTION (A)
18 OF THIS SECTION SHALL:

19 (1) PROVIDE NOTICE OF THE PETITION AND REQUEST TO ALL
20 PARTIES TO THAT ACTION; AND

21 (2) NOTIFY A COURT GRANTING A STAY UNDER THIS SECTION AND
22 ANY PARTY TO THE ACTION OF:

23 (I) THE APPOINTMENT OF A TEMPORARY OR PERMANENT
24 GUARDIAN OF THE PROPERTY OF THE DISABLED PERSON; OR

25 (II) THE DENIAL, DISMISSAL, OR WITHDRAWAL OF THE
26 PETITION.

27 (C) (1) A STAY UNDER SUBSECTION (A) OF THIS SECTION MAY REMAIN IN
28 EFFECT FOR NOT MORE THAN 90 DAYS AFTER THE FILING OF THE PETITION.

29 (2) THE COURT SHALL LIFT A STAY UNDER SUBSECTION (A) OF THIS
30 SECTION ON:

1 **(I) THE APPOINTMENT OF A TEMPORARY OR PERMANENT**
2 **GUARDIAN OF THE PROPERTY OF THE DISABLED PERSON, WHICHEVER OCCURS**
3 **FIRST; OR**

4 **(II) THE DENIAL OF THE PETITION.**

5 **(D) TO EFFECTUATE SERVICE OF PROCESS ON AN ALLEGED DISABLED**
6 **PERSON FOR AN ACTION STAYED UNDER SUBSECTION (A) OF THIS SECTION, THE**
7 **TEMPORARY OR PERMANENT GUARDIAN OF THE PROPERTY OF THE DISABLED**
8 **PERSON, AS APPROPRIATE, MUST BE SERVED.**

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

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