

# HOUSE BILL 756

N2, O3, D3  
HB 359/24 – JUD

5lr1987

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By: ~~Delegate J. Long~~ **Delegates J. Long, Conaway, Kaufman, Phillips, and Schmidt**

Introduced and read first time: January 27, 2025

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 2025

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## 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 ~~petitioner~~ party to the guardianship of the property of an  
5 alleged disabled person to request a stay of certain civil actions or proceedings on the  
6 filing of a petition for guardianship of the property of an alleged disabled person;  
7 requiring a certain party to the guardianship of the property of an alleged disabled  
8 person to provide certain notice to a court granting a stay and to parties to a civil  
9 action or proceeding; establishing that a stay granted by a court may be in effect only  
10 for a certain period of time; requiring a court to lift a stay of certain civil actions  
11 under certain circumstances; requiring, to effectuate service of process for certain  
12 civil actions against an alleged disabled person, the temporary or permanent  
13 guardian of the property of the disabled person to be served; and generally relating  
14 to petitions 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 2024 Supplement)

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

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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.



## Article – Estates and Trusts

13-223.

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

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

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

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

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

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

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

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

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

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

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

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

1           **(C) (1) A STAY UNDER SUBSECTION (A) OF THIS SECTION MAY REMAIN IN**  
2 **EFFECT ~~UNTIL~~; FOR NOT MORE THAN 90 DAYS AFTER THE FILING OF THE PETITION.**

3           **(2) THE COURT SHALL LIFT A STAY UNDER SUBSECTION (A) OF THIS**  
4 **SECTION ON:**

5           **(1) (I) THE ~~COURT APPOINTS~~ APPOINTMENT OF A TEMPORARY OR**  
6 **PERMANENT GUARDIAN OF THE PROPERTY OF THE DISABLED PERSON, WHICHEVER**  
7 **OCCURS FIRST; OR**

8           **(2) (II) THE ~~COURT DENIES~~ DENIAL OF THE PETITION.**

9           **(C) (D) (1) TO EFFECTUATE SERVICE OF PROCESS ON AN ALLEGED**  
10 **DISABLED PERSON FOR AN ACTION STAYED UNDER SUBSECTION (A) OF THIS**  
11 **SECTION, THE TEMPORARY OR PERMANENT GUARDIAN OF THE PROPERTY OF THE**  
12 **DISABLED PERSON, AS APPROPRIATE, MUST BE SERVED.**

13           **(2) AN ACTION STAYED UNDER THIS SECTION MAY BE DISMISSED IF**  
14 **SERVICE OF PROCESS IS NOT EFFECTUATED IN COMPLIANCE WITH PARAGRAPH (1)**  
15 **OF THIS SUBSECTION.**

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

20           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2025.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.