

HOUSE BILL 359

N2, O3, D3

4lr1045

By: **Delegates J. Long, Alston, Amprey, Embry, Harris, Pasteur, Roberson, Simpson, Smith, and Taylor**

Introduced and read first time: January 17, 2024

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 2, 2024

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 ~~requiring an automatic~~ authorizing a petitioner to request a stay of
5 certain civil actions or proceedings on the filing of a petition for guardianship of the
6 property of an alleged disabled person; requiring, to effectuate service of process for
7 certain civil actions against an alleged disabled person, the temporary or permanent
8 guardian of the property of the disabled person to be served; and generally relating
9 to petitions for guardianship of the property of an alleged disabled person.

10 BY adding to
11 Article – Estates and Trusts
12 Section 13–223
13 Annotated Code of Maryland
14 (2022 Replacement Volume and 2023 Supplement)

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

17 **Article – Estates and Trusts**

18 **13–223.**

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.



(A) ON THE FILING OF A PETITION FOR GUARDIANSHIP OF THE PROPERTY OF AN ALLEGED DISABLED PERSON, ~~THERE SHALL BE AN AUTOMATIC STAY ON THE COMMENCEMENT OR CONTINUATION~~ A PETITIONER MAY FILE A REQUEST TO STAY ANY OF THE FOLLOWING CIVIL ACTIONS OR PROCEEDINGS AGAINST THE ALLEGED DISABLED PERSON:

(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) ~~AN AUTOMATIC~~ A STAY UNDER SUBSECTION (A) OF THIS SECTION ~~SHALL~~ MAY REMAIN IN EFFECT UNTIL:

(1) THE COURT APPOINTS A TEMPORARY OR PERMANENT GUARDIAN OF THE PROPERTY OF THE DISABLED PERSON, WHICHEVER OCCURS FIRST; OR

(2) THE COURT DENIES THE PETITION.

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

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

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

1 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.