

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 885
Judiciary

(Delegate Bates, *et al.*)

Orphans' Court - Change of Name to Estate Court

This proposed constitutional amendment changes the name of each Orphans' Court to the Estate Court.

Fiscal Summary

State Effect: None.

Local Effect: If the proposed constitutional amendment is approved by the voters, local government finances are not expected to be materially affected. Local boards of elections should also not incur additional costs associated with submitting this proposed constitutional amendment to the voters at the 2012 general election. Any expenditures from implementing the name change, if approved, can be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: The counties and Baltimore City each elect three judges to the orphans' court of their respective jurisdictions, with the exception of Montgomery and Harford counties where a circuit court judge sits as the orphans' court. The judges must be citizens of the State, and residents, for the preceding 12 months, in the jurisdiction in which they may be elected. Pursuant to Chapter 481 of 2010 (adopted by the voters of the State and Baltimore City at the November 2010 general election), judges of the orphans' court in Baltimore City also must be admitted to practice law in the State and be

members in good standing of the Maryland Bar. (*See* Maryland Constitution, Art. IV, § 40.)

Background: An orphans' court hears all contested matters regarding a decedent's estate, including validity of wills and legal questions involving transfers of property. The court also supervises estates that are probated judicially; approves accounts, awards of personal representatives' commissions, and attorney's fees in all estates; and has concurrent jurisdiction with the circuit courts in the guardianship of minors and their property.

Local Fiscal Effect: The Maryland Constitution requires that proposed amendments to the constitution be publicized either (1) in at least two newspapers in each county, if available, and in at least three newspapers in Baltimore City once a week for four weeks immediately preceding the general election; or (2) by order of the Governor in a manner provided by law. State law requires local boards of elections to publicize proposed amendments to the constitution either in newspapers or on specimen ballots; local boards of elections are responsible for the costs associated with these requirements. It is anticipated that the budgets of local election boards will contain funding for notifying qualified voters about proposed constitutional amendments for the 2012 general election in newspapers or on specimen ballots.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Register of Wills, Department of Legislative Services

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mlm/kdm

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