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Bill No.: House Bill 868
Title: Circuit Court for Howard County –
Judges Sitting as Orphans' Court
Committee: Judiciary
Hearing Date: March 2, 2022
Position: Recommend Unfavorable Committee Report

COMMENTS:

Chairman Clippinger and Members of the Committee:

We, the Judges of the Orphans' Court for Prince George's County, collectively in our individual capacities, offer this written testimony in opposition to House Bill 868.

There have been other attempts over the years to abolish Maryland's Orphans' Courts. The Circuit Court Judges of Montgomery County and Harford County have been sitting on a rotating basis as Orphans' Court Judges since 1964 and 1972, respectively. The remaining twenty-two (22) Maryland Counties have each maintained a separate Orphans' Court pursuant to the Maryland Constitution. While a Circuit Court Judge has to be knowledgeable about many areas of the law, one of the primary advantages of preserving a separate probate court is the expertise that the Orphans' Court Judge develops and maintains.

Just last year, House Bill 681 – Task Force to Study the Maryland Orphans' Courts, passed. The ultimate purpose of the Task Force was to make recommendations on how to improve the Orphans' Courts. After several meetings over the course of three months, the Task Force made six recommendations for improving the Orphans' Court. Two of those recommendations are contained in this year's Senate Bill 485 – Orphans' Court Judges – Election and Restrictions on Practicing Law (cross-filed with House Bill 879).

It seems contrary to the spirit of requesting a Task Force to recommend improvements to the Orphans' Courts one year, only to attempt to abolish the Howard County Orphans' Court the following year. Whatever complaints there may be regarding that particular court does not rise to the level of needing to abolish it. If the grievances are about the personalities on the court, then that is all the more reason to oppose this bill. Their presence is only temporary in the grand sense of time. If the criticisms are about the court itself, then rest assured that improvements are consistently addressed with the Conference of Orphans' Court Judges.

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The Orphans' Court for Howard County is an important part of the judiciary. We believe that merging its functions with the Circuit Court for Howard County would be a disservice to its citizens.

Therefore,

We urge an Unfavorable Committee Report for House Bill 868.

Respectfully submitted,

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