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To: Members of Senate Judicial Proceedings Committee

From: MSBA Estate & Trust Law Section

Date: February 23, 2026

Subject: HB 0963 – Estates and Trusts –Registers of Wills– Appointment of Personal Representatives

Position: Support With Amendments

On behalf of the Estates and Trusts Section Council of the Maryland State Bar Association, we respectfully submit this testimony in support of House Bill 963 **with amendments**.

House Bill 963 would repeal an outdated restriction in the Estates and Trusts Article that prevents certain otherwise qualified individuals from serving as personal representatives of decedent's estates because of non-citizen status.

Maryland law already provides substantial safeguards regarding the qualification of persons authorized to serve as a personal representative of an estate. A personal representative must be at least 18 years old, mentally competent, not convicted of a serious crime absent good cause, and either nominated in a valid will or entitled to appointment under the statutory order of priority. The Registers of Wills maintain supervisory authority over estate administration, and bonding requirements remain available to protect creditors and beneficiaries when appropriate. These mechanisms adequately protect estates without the need for categorical disqualification based on an outdated criterion.

Repealing this current restrictive qualification requirements would better serve families who, particularly in jurisdictions like District 16 and the greater Washington metropolitan area, may have diverse immigration statuses or international ties.

The Section's support is "favorable with amendments" to clarify drafting and ensure smooth implementation by the Registers of Wills and the courts. Specifically, we recommend revising subsection (c)(4) to clarify that letters of administration may not be granted to a person who is not a United States citizen or permanent resident of the United States **unless that person is domiciled in the United States and is the spouse, ancestor, descendant, or sibling of the decedent**.

This amendment clarifies terminology, ensures consistency within the statute, and preserves a meaningful connection between the proposed personal representative and both the United States and the decedent. It maintains reasonable safeguards while eliminating outdated and overly rigid barriers.

House Bill 963 promotes fairness, efficiency, and respect for families navigating the probate process during some of the most difficult moments of their lives. With the recommended amendment, we believe it will strengthen Maryland's probate system while preserving appropriate safeguards.

For these reasons, the Estates and Trusts Section Council respectfully requests a favorable report with amendments on House Bill 963.

Thank you for your consideration.

For the reasons stated above, the Estate and Trust Law Section of the MSBA **supports HB 0963, subject to amendment outlined herein, and urges a favorable committee report.**

For further information, please contact:

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