

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE
Revised

House Bill 760 (Delegates Finifter and Dembrow)
Judiciary

Orphans' Court - Appeals - Stay of Proceedings

This bill provides that an appeal from an orphans' court or a circuit court stays all proceedings in the orphans' court concerning the issue appealed. An appeal from an orphans' court or a circuit court does not stay any proceedings in the orphans' court that do not concern the issue appealed, if the orphans' court can provide for conforming to the decision of the appellate court.

Under current law, an appeal from a final judgment of a court of law to which issues have been sent from an orphans' court stays all proceedings in the orphans' court concerning the subject of the issues. A direct appeal to the Court of Special Appeals from a final judgment of an orphans' court does not stay any proceedings in the orphans' court which may with propriety be carried on before the appeal is decided, if the court can provide for conforming to the decision of the appellate court, whether the decision eventually is for or against the appellant.

The bill applies to all appeals filed on or after the bill's October 1, 1999 effective date.

Fiscal Summary

State Effect: None. The change is procedural in nature and would not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Register of

Wills, Department of Legislative Services

Fiscal Note History:

First Reader - March 1, 1999

lnc/jr

Revised - House Third Reader - March 30, 1999

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