

(PRE-FILED)

By: **Senator Giannetti**

Requested: November 15, 2004

Introduced and read first time: January 12, 2005

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Estates - Circuit Court Jurisdiction**

3 FOR the purpose of authorizing a circuit court to assume jurisdiction from the  
4 orphans' court of an estate and direct the administration of the estate on a  
5 certain petition under certain circumstances; and generally relating to estates  
6 and circuit court jurisdiction.

7 BY repealing and reenacting, without amendments,  
8 Article - Estates and Trusts  
9 Section 2-102  
10 Annotated Code of Maryland  
11 (2001 Replacement Volume and 2004 Supplement)

12 BY adding to  
13 Article - Estates and Trusts  
14 Section 2-102.1  
15 Annotated Code of Maryland  
16 (2001 Replacement Volume and 2004 Supplement)

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

19 **Article - Estates and Trusts**

20 2-102.

21 (a) The court may conduct judicial probate, direct the conduct of a personal  
22 representative, and pass orders which may be required in the course of the  
23 administration of an estate of a decedent. It may summon witnesses. The court may  
24 not, under pretext of incidental power or constructive authority, exercise any  
25 jurisdiction not expressly conferred.

26 (b) The court may not establish rules of practice and procedure inconsistent  
27 with the Maryland Rules or with any statute.

1 (c) An interested person may petition the court to resolve any question  
2 concerning an estate or its administration.

3 (d) This section may not be construed to limit the court's authority under §  
4 1-301(b) of this article.

5 2-102.1.

6 ON A PETITION FROM AN INTERESTED PERSON ALLEGING THAT THE ORPHANS'  
7 COURT IS UNABLE OR UNWILLING TO GRANT COMPLETE AND ADEQUATE RELIEF IN  
8 A PENDING CASE FOR OTHER THAN JURISDICTIONAL REASONS, THE CIRCUIT COURT  
9 IN THAT COUNTY, FOR GOOD CAUSE SHOWN, MAY ASSUME JURISDICTION OF THE  
10 ESTATE AND DIRECT THE ESTATE'S ADMINISTRATION.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2005.