

HOUSE BILL 1129

N2

71r2636

By: **Queen Anne's County Delegation**

Introduced and read first time: February 16, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Queen Anne's County – Estates and Trusts – Orphans' Court Judges**

3 FOR the purpose of establishing that a judge of the Orphans' Court in Queen Anne's
4 County who is also an attorney at law has full power to do any act that the
5 Court is authorized by law to perform, including the power to hold court on a
6 day not named in an adjournment; making stylistic changes; and generally
7 relating to the Orphans' Court in Queen Anne's County.

8 BY repealing and reenacting, with amendments,
9 Article – Estates and Trusts
10 Section 2–106
11 Annotated Code of Maryland
12 (2001 Replacement Volume and 2006 Supplement)

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

15 **Article – Estates and Trusts**

16 2–106.

17 (a) **(1)** Except as provided in this section and unless a different time is
18 prescribed by local law, the court shall be held in each county at the usual place of
19 holding court in the county, on the second Tuesday of February, April, June, August,
20 October, and December, and more often if need be, according to its own adjournment.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2)** One of the judges of the court, in the absence of the others, shall
2 have power to hold court at a stated time of adjournment only for the purpose of
3 adjourning.

4 **(3)** Two judges shall have full power to do an act which the court is or
5 may be authorized by law to perform, and two of them shall have power to hold court
6 on a day not named in an adjournment, on the application of a person having pressing
7 business in the court, if notice be given to any interested person, and the register
8 records that notice has been given.

9 **(4)** One of the judges, in the absence of the others on account of
10 prolonged illness, or in case of vacancy, shall have full power to do an act which the
11 court is authorized by law to do, provided there is attached to the proceedings or
12 papers in each case a certificate signed by the register, certifying to the vacancy or
13 prolonged illness of the judge or judges not attending court on that day.

14 **(5)** If the court does not meet on a day fixed for its meeting and is not
15 adjourned as provided, the register shall adjourn the court from day to day until a
16 meeting is had according to law.

17 (b) **(1)** The sessions of the Court in Baltimore City shall continue from 10
18 a.m. to 4 p.m., if necessary for the transaction of the business of the Court.

19 (2) **(i)** In Baltimore City, a judge of the Orphans' Court who is also
20 an attorney-at-law has full power to do any act which the Court is or may be
21 authorized by law to perform, including the power to hold court on a day not named in
22 an adjournment.

23 (ii) On request of any interested party filed within the time
24 determined by the Court, two judges shall be required to act for the Court.

25 (c) In Montgomery County, a judge of the Circuit Court for Montgomery
26 County at the time sitting as the Orphans' Court for the County shall have full power
27 to do an act which the Orphans' Court of the County is or shall be authorized to
28 perform, including the power to hold court on a day not named in an adjournment as
29 provided.

30 (d) **(1)** Each judge of the Court for Prince George's County shall spend at
31 least three days each week in the conduct of the business of the Court.

32 **(2)** In Prince George's County, a judge of the Orphans' Court who is
33 also an attorney-at-law has full power to do any act which the Court is or may be

1 authorized to perform, including the power to hold court on a day not named in an
2 adjournment.

3 **(3)** However, upon request of any interested party, two judges shall be
4 required to act for the Court.

5 **(4)** If necessary to transact business before the Court, court may be
6 convened 5 days each week.

7 **(e) (1)** In Harford County, the provisions of subsection (a) do not apply.

8 **(2)** A judge of the Circuit Court for Harford County shall sit as the
9 Orphans' Court for the County at the time or times established by the judges of the
10 County Circuit Court and shall have full power to do any act which the Orphans'
11 Court of the County is or shall be authorized to perform, including the power to hold
12 court on a day not named in an adjournment.

13 **(f) (1)** The sessions of the Court in Baltimore County shall continue from
14 10 a.m. to 4 p.m., if necessary for the transaction of the business of the Court.

15 **(2)** A judge of the Orphans' Court in Baltimore County who is also an
16 attorney-at-law has full power to do any act that the Court is authorized by law to
17 perform, including the power to hold court on a day not named in an adjournment.

18 **(g)** In Charles County, the sessions of the Court shall be held on at least one
19 day each week, as determined by the Court, for the transaction of business.

20 **(h)** In Anne Arundel County, the sessions of the Court shall be held at least 2
21 full business days each week, and more often if necessary, for the transaction of
22 business.

23 **(I) A JUDGE OF THE ORPHANS' COURT IN QUEEN ANNE'S COUNTY**
24 **WHO IS ALSO AN ATTORNEY-AT-LAW HAS FULL POWER TO DO ANY ACT THAT**
25 **THE COURT IS AUTHORIZED BY LAW TO PERFORM, INCLUDING THE POWER TO**
26 **HOLD COURT ON A DAY NOT NAMED IN AN ADJOURNMENT.**

27 **[(i)] (J)** If an orphans' court judge of a county is unable to serve for any
28 reason, the Chief Judge of the Court of Appeals may assign, on a temporary basis, an
29 orphans' court judge of another county to sit for the judge who is unable to serve.

30 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
31 October 1, 2007.