

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

Re-referred to: Judiciary, February 26, 2007

Committee Report: Favorable

House action: Adopted

Read second time: March 13, 2007

CHAPTER _____

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

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

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

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

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

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

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

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

3 (2) In Prince George's County, a judge of the Orphans' Court who is
4 also an attorney-at-law has full power to do any act which the Court is or may be
5 authorized to perform, including the power to hold court on a day not named in an
6 adjournment.

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

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

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

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

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

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

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

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

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

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 5 October 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.