

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 1129

(Queen Anne's County Delegation)

Judiciary

Judicial Proceedings

Queen Anne's County - Estates and Trusts - Orphans' Court Judges

This bill specifies that a judge of the Orphans' Court in Queen Anne's County who is also an attorney-at-law has full power to do any act the court is authorized by law to perform, including the power to hold court on a day not named in an adjournment.

Fiscal Summary

State Effect: None. The bill's changes would not directly affect State operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Under the Maryland Constitution, the counties and City of Baltimore, with the exception of Montgomery and Harford counties (in which a circuit court judge sits as the orphans' court), elect three judges to the orphans' court of their jurisdictions. The judges must be citizens of the State and residents, for the preceding 12 months, in the city or county in which they may be elected.

In general, under State law, two orphans' court judges may act with the full power of the court and hold court on a day not named in an adjournment if a person has pressing business in the court and notice is given to any interested person. One judge may also act alone, with the full power of the court, if the other judges are absent due to prolonged

illness or vacancies on the court, provided a certification of the vacancy or prolonged illness of the judge or judges not in attendance is attached to the proceedings or papers in each case.

In Baltimore City and Prince George's County, a judge of the orphans' court who is an attorney-at-law has full power to do any act which the court is or may be authorized to perform, including the power to hold court on a day not named in an adjournment.

Background: An orphans' court is a probate court. Orphans' court judges are elected to serve four-year terms. Each county, other than Harford and Montgomery, has three judges sitting on its orphans' court. The chief judge of each county is appointed by the Governor. An orphans' court hears all contested matters regarding a decedent's estate, including validity of wills and legal questions involving transfers of property. The court also supervises estates that are probated judicially; approves accounts, awards of personal representatives' commissions, and attorney's fees in all estates; and has concurrent jurisdiction with the circuit courts in the guardianship of minors and their property.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Queen Anne's County, Register of Wills, Department of Legislative Services

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ncs/jr

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