

SENATE BILL 905

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9lr3028
CF HB 634

By: **Senator Muse**

Introduced and read first time: February 12, 2009

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 18, 2009

Committee Report: Favorable

Senate action: Adopted

Read second time: April 6, 2009

CHAPTER _____

1 AN ACT concerning

2 **Orphans' Court – Minors – Guardianship of Person**

3 FOR the purpose of providing that an orphans' court may exercise jurisdiction over the
4 guardianship of the person of a minor regardless of whether the minor has
5 property, may inherit property, or is destitute under certain circumstances;
6 providing that an orphans' court may transfer a certain matter to a circuit court
7 under certain circumstances; providing that an orphans' court may waive
8 certain costs; providing for the application of this Act; and generally relating to
9 the jurisdiction of an orphans' court concerning the guardianship of the person
10 of a minor.

11 BY repealing and reenacting, with amendments,
12 Article – Estates and Trusts
13 Section 13–105
14 Annotated Code of Maryland
15 (2001 Replacement Volume and 2008 Supplement)

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

18 **Article – Estates and Trusts**

19 13–105.

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) The orphans' courts and the circuit courts have concurrent
2 jurisdiction over guardians of the person of a minor and over protective proceedings for
3 minors.

4 (2) Upon petition of an interested person, a matter initiated in the
5 orphans' court may be transferred to the circuit court.

6 (b) The circuit courts have exclusive jurisdiction over protective proceedings
7 for disabled persons.

8 (c) (1) **AN ORPHANS' COURT MAY EXERCISE JURISDICTION OVER**
9 **GUARDIANSHIP OF THE PERSON OF A MINOR IF THE PRESIDING JUDGE OF THE**
10 **ORPHANS' COURT IS A MEMBER OF THE BAR, REGARDLESS OF WHETHER THE**
11 **MINOR WHO IS THE SUBJECT OF THE PETITION FOR GUARDIANSHIP OF THE**
12 **PERSON HAS PROPERTY, MAY INHERIT PROPERTY, OR IS DESTITUTE.**

13 (2) **AN ORPHANS' COURT THAT EXERCISES JURISDICTION OR IS**
14 **REQUESTED TO EXERCISE JURISDICTION UNDER THIS SUBSECTION MAY:**

15 (i) **TRANSFER THE MATTER TO THE CIRCUIT COURT ON A**
16 **FINDING THAT THE BEST INTERESTS OF THE CHILD REQUIRE UTILIZATION OF**
17 **THE EQUITABLE POWERS OF THE CIRCUIT COURT; AND**

18 (ii) **WAIVE THE COSTS, IF ANY, OF A TRANSFER UNDER THIS**
19 **PARAGRAPH.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
21 construed to apply only prospectively and may not be applied or interpreted to have
22 any effect on or application to any petition for guardianship of the person of a minor
23 filed before the effective date of this Act.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2009.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.