

## CHAPTER 748

(Senate Bill 905)

AN ACT concerning

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

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

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

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

#### **Article – Estates and Trusts**

13–105.

(a) (1) The orphans' courts and the circuit courts have concurrent jurisdiction over guardians of the person of a minor and over protective proceedings for minors.

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

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

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

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

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

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

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

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

**Approved by the Governor, May 19, 2009.**