

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 471
Judiciary

(Delegate Dumais)

Orphans' Court - Appeal of Final Judgment to Circuit Court

This bill specifies that an appeal to a circuit court from a final judgment of an orphans' court must be heard on the record made in the orphans' court rather than *de novo*.

The bill applies only prospectively to an estate of a decedent who dies on or after October 1, 2011.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Current Law: A party may appeal to the Court of Special Appeals from a final judgment of an orphans' court. Instead of a direct appeal to the Court of Special Appeals, a party may also appeal to the circuit court, except in Harford and Montgomery counties, where a circuit court judge sits as the orphan's court. In an appeal from an orphans' court to the circuit court the case is heard *de novo* and treated as if it were a new proceeding and there had never been a prior hearing or judgment by the orphans' court. The circuit court is required to give judgment according to the equity of the matter.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 21, 2011
mm/kdm

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