

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 834 (Delegate Bates)
Judiciary

Orphans' Court - Changing References in Annotated Code to Estate Court

This bill changes all references to an orphans' court in the Annotated Code to an estate court.

The bill is contingent on the passage of HB 885 of 2011, a constitutional amendment, and its ratification by the voters of the State.

Fiscal Summary

State Effect: The bill's changes can be implemented with existing resources..

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: The counties and Baltimore City each elect three judges to the orphans' court of their respective jurisdictions, with the exception of Montgomery and Harford counties where a circuit court judge sits as the orphans' court. The judges must be citizens of the State, and residents, for the preceding 12 months, in the jurisdiction in which they may be elected. Pursuant to Chapter 481 of 2010 (adopted by the voters of the State and Baltimore City at the November 2010 general election), judges of the orphans' court in Baltimore City also must be admitted to practice law in the State and be members in good standing of the Maryland Bar. (*See* Maryland Constitution, Art. IV, § 40.)

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): Judiciary (Administrative Office of the Courts), Register of Wills, Department of Legislative Services

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

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