

Chapter 130

(House Bill 247)

AN ACT concerning

Orphans' Courts – Appeals – Procedures

FOR the purpose of requiring a certain appeal from a final judgment of an orphans' court to be made by filing a certain notice, rather than a certain order; extending the period of time within which the register of wills must transmit certain information to the court to which the appeal is taken; making stylistic changes; providing for the application of this Act; and generally relating to appeals from orphans' courts.

BY repealing and reenacting, with amendments,
 Article – Courts and Judicial Proceedings
 Section 12–502
 Annotated Code of Maryland
 (2013 Replacement Volume and 2019 Supplement)

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

Article – Courts and Judicial Proceedings

12–502.

(a) (1) (i) Instead of a direct appeal to the Court of Special Appeals [pursuant to] **UNDER** § 12–501 of this subtitle, a party may appeal to the circuit court for the county from a final judgment of an orphans' court.

(ii) The appeal shall be heard de novo by the circuit court.

(iii) The de novo appeal shall be treated as if it were a new proceeding and as if there had never been a prior hearing or judgment by the orphans' court.

(iv) The circuit court shall give judgment according to the equity of the matter.

(2) This subsection does not apply to Harford County or Montgomery County.

(b) (1) An appeal [pursuant to] **UNDER** this section shall be taken by filing [an order for] **A NOTICE OF** appeal with the register of wills within 30 days after the date of the final judgment from which the appeal is taken.

(2) Within [30] **60** days [thereafter] **AFTER THE FILING OF A NOTICE OF APPEAL UNDER PARAGRAPH (1) OF THIS SUBSECTION**, the register of wills shall transmit all pleadings and orders of the proceedings to the court to which the appeal is taken, unless the orphans' court from which the appeal is taken extends the time for transmitting these pleadings and orders.

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 order for an appeal filed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.