

HOUSE BILL 247

N2, D3

0lr2307
CF SB 149

By: **Delegate Malone**

Introduced and read first time: January 17, 2020

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 25, 2020

CHAPTER _____

1 AN ACT concerning

2 **Orphans' Courts – Appeals – Procedures**

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

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

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

15 **Article – Courts and Judicial Proceedings**

16 12–502.

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

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

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

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

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

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

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
17 apply only prospectively and may not be applied or interpreted to have any effect on or
18 application to any order for an appeal filed before the effective date of this Act.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.