

SENATE BILL 149

N2, D3

0lr1643

By: **Senator West**

Introduced and read first time: January 10, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

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.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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