

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 681
Judiciary

(Delegate Buckel)

Judicial Proceedings

Task Force to Study the Maryland Orphans' Courts

This bill establishes a Task Force to Study the Maryland Orphans' Courts. The task force must (1) examine the composition and purpose of the orphans' courts; (2) review and compare the orphans' courts in each local jurisdiction; (3) analyze and compare the laws and practices of other states relating to probate courts; (4) examine any other research, analysis, or guidance related to the best practices of probate courts; and (5) make recommendations on how to improve the orphans' courts. By January 1, 2022, the task force must report its findings and recommendations to the Governor and the General Assembly. **The bill takes effect July 1, 2021, and terminates June 30, 2022.**

Fiscal Summary

State Effect: Any expense reimbursements for task force members and staffing costs for the Judiciary are assumed to be minimal and absorbable within existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The Administrative Office of the Courts must provide staff for the task force; the Governor must designate the chair. A member of the task force may not receive compensation but is entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget.

Current Law: Under the Maryland Constitution, each county elects, for a term of four years, three judges to the orphans' court of their respective jurisdictions, with the exception of Harford and Montgomery counties, where a circuit court judge sits as the orphans' court. The orphans' courts are the State's probate courts. The courts supervise the handling of estates and also have certain jurisdiction over the guardianship of minors and their property.

Additional Information

Prior Introductions: HB 339 of 2020, as amended, passed the House and was referred to the Senate Judicial Proceedings Committee, but no further action was taken. HB 914 of 2019, a similar bill, received a hearing in the House Health and Government Operations Committee but was subsequently withdrawn.

Designated Cross File: None.

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

Fiscal Note History: First Reader - February 7, 2021
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