

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 660
Judiciary

(Delegate Terrasa, *et al.*)

Estates and Trusts - Register of Wills - Admission of Copy of Executed Will

This bill allows for a petition for admission of a copy of a will to be filed with the register of wills instead of the orphans' court. The bill also authorizes the register of wills to (1) admit a copy of a will for administrative probate, without needing authorization from the orphans' court, or (2) require the filing of judicial probate. The bill only applies prospectively and may not be applied or interpreted to have any effect on or application to the estate of any decedent who died before the bill's effective date.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: The bill does not materially affect local government finances.

Small Business Effect: None.

Analysis

Current Law:

Petition for Admission of a Copy of an Executed Will

Under the Estates and Trusts Article, an interested person (defined in § [1-101\(j\)](#)), without notice to other interested persons, may file a petition for the admission of a copy of an executed will with the orphans' court at any time before administrative or judicial probate if (1) the original executed will is alleged to be lost or destroyed; (2) a duplicate reproduction of the original executed will, evidencing a copy of the original signatures of

the decedent and the witnesses, is offered for admission; and (3) all the heirs at law (persons entitled to property of an intestate decedent) and legatees (persons, including a trustee, who under the terms of a will would receive any property) named in the offered will execute a consent in substantially the form specified under § [5-803](#) of the Estates and Trusts Article.

The orphans court may (1) without a hearing, issue an order authorizing the petitioner to proceed with administrative probate in accordance with statute, and the register of wills to accept the copy of the will for administrative probate or (2) require the filing of judicial probate in accordance with statute.

Registers of Wills

In general, the registers of wills in each of the State's 24 jurisdictions are responsible for the administration of estates by admitting wills to probate and issuing letters of administration, auditing accounts, and maintaining accurate records of all estate matters. The registers also serve as clerks of the orphans' courts.

Orphans' Courts

Under the Maryland Constitution, each county and Baltimore City elects, for a term of four years, three judges to the orphans' court of their respective jurisdictions, with the exception of Harford, Howard, 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

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Orphans' Court of Baltimore County; Register of Wills; Department of Legislative Services

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