

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 22

(Senator West)

Judicial Proceedings

Task Force to Study Fiduciary Adjudication in Maryland

This bill establishes a Task Force to Study Fiduciary Adjudication in Maryland. The Governor must designate the chair of the task force. The Administrative Office of the Courts (AOC) must provide staff for the task force. By January 1, 2026, the task force must report its findings and recommendations to the Governor and the General Assembly. **The bill takes effect July 1, 2025, and terminates June 30, 2026.**

Fiscal Summary

State Effect: The bill can be implemented with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The task force must:

- examine the qualifications, training, and methods of selection of judges hearing probate and other fiduciary matters in Maryland;
- examine the jurisdictions of the orphans' courts and circuit courts with respect to fiduciary matters;
- analyze the efficiency of the procedures for adjudicating contested and uncontested matters in the orphans' courts and circuit courts;

- analyze the effect of the different qualifications of orphans' court judges and related litigation procedures on the uniform application of justice in Maryland;
- analyze and compare the laws and practices of other states relating to the adjudication of fiduciary matters, including the selection, qualification, and training of judges hearing those matters;
- seek guidance from appropriate witnesses with experience or expertise in the area of fiduciary adjudication;
- examine any other research, analysis, or guidance related to the best practices for adjudicating fiduciary matters;
- offer one or more opportunities for members of the public and other interested parties to give their opinions on the subjects considered by the task force; and
- make recommendations to improve efficiency, uniformity, and quality of fiduciary adjudication in Maryland.

The orphans' courts, circuit courts, registers of wills, and AOC must comply with all reasonable requests by the task force for information and data the task force considers necessary for its work.

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:

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.

Circuit Courts

The circuit courts are the highest common-law and equity courts of record exercising original jurisdiction within the State. Each has full common-law and equity powers and jurisdiction in all civil and criminal cases within its county, and all the additional powers and jurisdiction conferred by the Maryland Constitution and by law, except where, by law, jurisdiction has been limited or conferred exclusively on another court.

Additional Comments: On December 13, 2021, the Task Force to Study the Maryland Orphans' Courts adopted a [report](#) making recommendations about, among other things, the term of office for an orphans court judge, setting of annual salaries and benefits, and a cross-jurisdictional probate court to adjudicate complex estate matters.

Additional Information

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

Cross File: HB 315 (Delegate Cardin) - Judiciary.

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

Fiscal Note History: First Reader - January 22, 2025
km/sdk

Analysis by: Joanne E. Tetlow

Direct Inquiries to:
(410) 946-5510
(301) 970-5510