

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 623
Judiciary

(Delegate Embry, *et al.*)

Judicial Proceedings

Estates and Trusts - Estate Administration - Publication of Notice

This bill (1) requires the registers of wills of each county and Baltimore City to establish and maintain a centralized website to publish notices required under the Estates and Trusts Article and (2) establishes that notice published on the centralized website satisfies any notice required under the Estates and Trusts Article to be published in a newspaper of general circulation if a decedent's heirs are limited to specified heirs. By December 1, 2025, and annually thereafter, the registers must report specified information to the Maryland Register of Wills Association (MRWA). MRWA must report on the information reported by the registers, by December 31, 2025, and annually thereafter, to the Governor and the General Assembly.

Fiscal Summary

State Effect: The bill does not directly affect State finances.

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

Small Business Effect: Meaningful.

Analysis

Bill Summary:

Publication of Notices

The register of each county and Baltimore City must coordinate to establish and maintain a centralized website for use by all registers to publish notices required under the Estates and Trusts Article. The bill establishes that notice published on the centralized website

satisfies any notice required under the Estates and Trusts Article to be published in a newspaper of general circulation if a decedent's heirs are limited to (1) a spouse; (2) a registered domestic partner; (3) lineal ancestors; and (4) lineal descendants.

The notices authorized, under those circumstances, to be published on the centralized website instead of in a newspaper of general circulation, include notices of (1) appointment of a personal representative of an estate; (2) judicial probate of an estate; (3) appointment of a foreign personal representative and estate information; and (4) a meeting for distribution of the net estate by the court.

Reporting Requirements

By December 1, 2025, and each December 1 thereafter, the register of each county and Baltimore City must, for the 12-month period ending on the previous October 31, report to MRWA on the number of estates for which an interested party objected to the appointment of a personal representative, filed a claim against the estate, or challenged a will because the interested party (1) did not receive a notice from the register of wills through the mail or (2) learned about the opening of the estate by reading a notice in a newspaper.

By December 31, 2025, and each December 31 thereafter, MRWA must report to the Governor and the General Assembly on the information reported by the registers, disaggregated by type and jurisdiction.

Current Law:

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 providing proper forms and direction, assisting and advising any person who requests assistance in the preparation of any form for administrative probate, 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.

Published Newspaper Notices

The register of wills, foreign personal representative, or personal representative must publish in a newspaper of general circulation in the appropriate county (or counties) specified notices as follows:

- *Register of Wills* – the register of wills must publish notice (1) once a week in three successive weeks, announcing the appointment of a personal representative,

and notifying creditors of the estate to present their claims, and (2) once a week for two successive weeks, that a petition for judicial probate has been filed in the orphans' court;

- *Foreign Personal Representative* – a foreign personal representative must publish notice once a week for three successive weeks, announcing the appointment of the foreign personal representative, and other estate information; and
- *Personal Representative* – a personal representative must publish notice once a week in three successive weeks of a meeting for distribution of the net estate by the court.

Certain Small Estates Not Subject to Notice Requirement

Small estates (estates with a value of \$50,000 or less) are only subject to the requirement that notice announcing the appointment of a personal representative and notifying creditors to present their claims be published if it appears there will be property remaining after payment of funeral expenses and family allowances.

Small Business Effect: The bill is expected to have a meaningful impact on small business news outlets in the State. A 2024 [report](#) by the University of Maryland's Philip Merrill College of Journalism (*Maryland Local News Ecosystem Study*) and information provided by the Maryland-Delaware-DC Press Association indicate that a significant majority of print-based news outlets in Maryland are small businesses.

The registers of wills estimate that the annual amount of spending to publish estate notices in newspapers statewide is approximately \$1.4 million (the cost is paid by estates or their representatives, not the registers of wills), with an average cost of \$129 for the most common notices. The registers indicate that only about one third of the approximately 30,000 estates opened each year need to publish notice, due to the fact that most estates are small estates that are not required to publish notice (as described above under Current Law). The registers of wills estimate that the bill's authorization for notice requirements to be satisfied by publishing on the centralized website (for certain estates) causes 50% of estate notices currently published in newspapers to instead be published on the centralized website, reducing the annual amount of spending to publish estate notices in newspapers statewide from approximately \$1.4 million to \$685,000.

A survey of Maryland news organizations conducted as part of the *Maryland Local News Ecosystem Study* indicates that approximately 72% of responding organizations (not including one person blogs, social media outlets, or commercial radio and television operations) have annual budgets of under \$500,000, approximately 57% have budgets under \$250,000, and approximately 39% have budgets under \$100,000.

Additional Comments: Although the General Assembly passed similar legislation in the 2024 session (House Bill 1258), the Governor vetoed the bill.

MRWA is a voluntary organization comprised of the 24 registers of wills and their staff, who work together on the registers' statewide website, forms, uniformity of procedures, and other issues. The organization also compiles data for reports for the registers own use and for the Comptroller on an annual and as-needed basis, including reports on revenue, caseload, and trends.

The registers currently maintain a [centralized legal notices page](#) within their broader [website](#).

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1258 of 2024.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland-Delaware-DC Press Association; Philip Merrill College of Journalism, University of Maryland; Register of Wills; Department of Legislative Services

Fiscal Note History: First Reader - February 10, 2025
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