

**Department of Legislative Services**  
Maryland General Assembly  
2025 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 1029

(Senator Attar, *et al.*)

Judicial Proceedings

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**Estates and Trusts - Interpretation of Wills - Extrinsic Evidence of Intent**  
**(Granny's Law)**

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This bill authorizes a personal representative to petition the court to interpret a will based on the intent of the decedent if the will (1) contains a legacy for a health provider or charitable organization in the health sector and (2) does not expressly provide that the legacy must be used to address health equity issues. The bill requires the court to interpret the legacy as intended to be used to address health equity issues if specified evidence is presented by the personal representative and not rebutted. A personal representative may petition the court to issue an order or judgment against a legatee under certain circumstances after the probate estate is closed. The bill also establishes a State policy relating to health disparities. The bill's provisions related to interpretation of a will must be construed to apply retroactively and must be applied to and interpreted to affect any will probated on or after October 1, 2021.

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**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:** None.

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## Analysis

### Bill Summary:

#### *Personal Representative – Petition to Interpret a Will*

The bill specifies that a personal representative may petition the court to interpret a will according to the intent of the decedent if the will:

- contains a legacy for a health provider or charitable organization in the health sector; and
- does not expressly provide that the legacy must be used to address health equity issues even though the decedent's life reflected an active interest in health equity issues.

A personal representative must present evidence satisfactory to the court, including evidence of actions taken by the decedent during the decedent's lifetime, to demonstrate the intent of the decedent that the legacy to the health provider or charitable organization in the health sector must be used to address health equity issues. Such evidence presented by the personal representative creates a rebuttable presumption as to the intent of the decedent and, unless evidence is presented to rebut the presumption, the court must interpret the will in accordance with the intent of the decedent.

#### *Legatee's Use of Legacy for Health Equity Issues*

For the period beginning six months after the probate of the estate and ending three years after the probate of the estate, a personal representative who petitions the court under the bill's provisions may require a legatee (health provider or charitable organization in the health sector) to demonstrate how the legacy was used by the legatee. If the legatee fails to demonstrate that the legacy was used to address health equity issues, in accordance with the court's interpretation of the will, the personal representative may petition the court to issue (1) an order requiring the beneficiary to return the legacy to the estate or (2) a judgment requiring the legatee to pay the estate the value of the legacy.

#### *Health-General Article – State Policy*

The bill adds a provision to the Health-General Article specifying that it is the policy of the State to oppose and alleviate any disparity in health outcomes for and among racial groups in the State resulting from the provision of treatment otherwise available to assist the public in general, and to encourage and support the making of gifts and bequests consistent with this policy to address and alleviate such health disparities.

## **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.

### *Interpretation of a Will – Testator's Intent*

The Supreme Court of Maryland, in *Vito v. Grueff*, described that when interpreting a will the primary concern of the court is to understand and effectuate the testator's expressed intent from the "four corners of the will." Extrinsic evidence is inadmissible unless it clarifies an ambiguous testamentary intent. See 453 Md. 88, 106-108, 110 (2017).

### *Personal Representative Powers*

A personal representative may exercise all of the power or authority conferred on the personal representative by statute or in the will, without application to, the approval of, or ratification by the court. The personal representative has various statutory powers listed in § [7-401](#) of the Estates and Trusts Article. The personal representative may also petition the court for permission to act in any matter relating to the administration of the estate and the court may pass any order it considers proper.

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## **Additional Information**

**Recent Prior Introductions:** Similar legislation has been introduced within the last three years. See HB 1518 of 2024.

**Designated Cross File:** HB 868 (Delegate Rosenberg, *et al.*) - Judiciary.

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

**Fiscal Note History:** First Reader - March 6, 2025  
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