

House Bill 868 – Jacob W. Deaven, Attorney at Law, Unfavorable

Senator Smith, Senator Waldstreicher, and Distinguished Members of the Committee,

I am writing to you about HB 868, Circuit Court for Howard County – Judges Sitting as Orphans' Court Ho. Co. 06–22.

I write to you on this Bill not as a resident of Howard County but as an attorney who makes regular appearances before Orphans' Courts throughout the entire state. Based on my experience, I think the Orphans' Court is an integral part of the Maryland Judiciary. Harford County would be doing a disservice by having Circuit Court Judges replace the Orphans' Court.

In my years of experience, I have found Orphans' Court Judges are particularly cognizant of their unique position in the Maryland court system. The people appearing before them are suffering the loss of a loved one, overwhelmed with understanding the probate process, are often nervous about making their first appearance before a Judge or Court, and frequently appear pro se. I have found Orphans' Court Judges particularly understand this and can correctly rule on probate law while offering guidance and comfort that those before them may need. They have the time and patience a Circuit Court Judge, with a busy docket, may not be able to afford to a grieving constituent. Like you, they are elected from their jurisdiction and understand the people they serve.

Over the year 2021, a task force met to study the Orphans' Court and provide recommendations for improving it. When members of this legislature introduced legislation to create the task force, they hoped the committee would determine if it would be prudent to replace the Orphans' Court in every county with Circuit Court Judges sitting as the Orphans' Court. The intent being to create a more uniform probate court experience throughout Maryland. The members of this task force included representatives from the Legislature, Orphans' Court Judges, a Register of Wills, and an attorney chosen by the Maryland Bar Association. After their year-long study, they made five recommendations to improve the Orphans' Court. This Bill does not represent one of their findings.

There is often pressure to support legislation introduced by a Delegation when the Bill's subject is exclusively the Delegation's county. I believe this is referred to as a local courtesy. I am asking that you give more thought and consideration to this Bill than you would other Bills which may be subject to a local courtesy. After a year of study, this change is not one recommended by a committee created to study this subject, and, from my personal experience, it would be detrimental to the people of Howard County, though they may not realize it yet.

Sincerely yours,



Jacob W. Deaven

Attorney at Law