

March 29, 2022

## HB 868 - Opposition

To:

Chair – Senator William C. Smith, Jr.  
Vice-Chair – Senator Jeffrey D. Waldstreich  
Members of the Senate Judicial Proceedings Committee

We, William Evans, Juliet Fisher, and Arthur Frank are judges of the Orphans' Court for Baltimore County, but are submitting this testimony in our individual capacities.

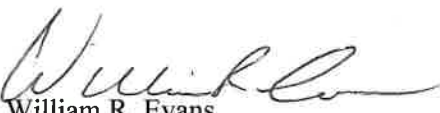
As Orphans' Court Judges who have served combined more than 30 years on this bench, we understand and value the important function that this court provides to the citizens of Maryland. Although we are in one of the most populous counties for Orphans' Courts in the state, we understand and appreciate the value that each distinct court adds to their jurisdiction. Each court offers citizens of their state access to a people friendly court that can provide not only assistance with the limited probate jurisdiction but can provide that assistance much quicker and more cost effectively than the Circuit Courts.

To allow the Circuit Court in Howard County to basically absorb the Orphans' Court would deprive that jurisdiction of the resource that is the Orphans' Court. In Montgomery County where this happened decades ago, the attorneys who practice there have consistently stated that the Circuit Court handling the Orphans' Court matters just simply does not work well. In fact, it should be noted that this legislation was not brought by the attorneys who practice in Howard County but by the Register in that jurisdiction who has had issues with specific judges in his jurisdiction. The current issues in Howard County between the Register and the court should NOT warrant an abolishment of the entire court.

All states have some version of a probate court in addition to other specialty courts that are created to address specific areas of the law similar to the Orphans' Courts in Maryland. To deprive the citizens of Howard County this valuable resource would be an injustice to the citizens of that jurisdiction.

In addition, last year a Task Force to Study Maryland's Orphans' Courts was created and held numerous meetings and crafted a very detailed report and recommendations to improve the courts themselves. It should be noted that there were ZERO recommendations as to abolishing any of the Orphans' Courts. If there was such a strong need for the Orphans' Court to be absorbed by the Circuit Court, this is an issue that should have been recommended by the esteemed panel on the Task Force that comprised members of the House and Senate, two Orphans' Court Judges, one Register, and an esteemed member of the Maryland Bar. The fact that they made no such recommendation should clarify that there is no need or desire by most citizens to have this result.

We ask this Committee to vote **UNFAVORABLY** because abolishing the Howard County Orphans' Court will deny the citizens of Howard County a less costly and more efficient system for resolving their probate disputes.



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