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Judicial Proceedings Committee



THE SENATE OF MARYLAND
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March 23rd, 2023
The House Judiciary Committee
The Honorable Luke Clippinger
Room 101, House Office Building
Annapolis, Maryland 21401

Re: Senate Bill – 792 - Estates and Trusts - Registered Domestic Partnerships

Dear Chairman Clippinger and members of the Committee,

The laws of intestacy regarding who inherits if a Maryland resident dies without a will have not been updated to reflect modern families. Senate Bill 792 and the cross-file, House Bill 755 will remedy this issue.

The bill allows domestic partners to register their domestic partnership by filing a declaration with the Register of Wills in the county in which they are domiciled. By registering, a surviving domestic partner will have the same right to an intestate share of the deceased domestic partner's estate as a surviving spouse would have, and the inheritance tax will not apply to the amounts received.

Senate Bill 792/House Bill 755 also eliminates "legitimate child" and "illegitimate child" with more appropriate terminology. Furthermore, if there are no minor children, and no adult children from a prior relationship, the surviving spouse or registered domestic partner's share is increased to the entire residuary estate.

In the scenario in which there is no surviving minor child but there are adult children from another relationship, the spouse's/registered domestic partner's share will be the first \$100,000 (rather than \$40,000), plus one-half of the residue. Also, great-grandparents and issue of great-grandparents are deleted as classes of intestate beneficiaries.

No changes have been made regarding the inheritance of a minor child, and a task force including estate attorneys, two Registers of Wills, and other stakeholders collaborated on this bill. Finally, Senate Bill 792 passed both the Judicial Proceedings Committee and the Senate unanimously.

I appreciate the Committee's consideration of Senate Bill 792 and will be happy to answer any questions the Committee may have.