

HB1420 - Favorable.pdf

Uploaded by: Byron Macfarlane

Position: FAV



BYRON E. MACFARLANE
REGISTER OF WILLS FOR HOWARD COUNTY
9250 JUDICIAL WAY, SUITE 1100
ELLCOTT CITY, MARYLAND 21043
bmacfarlane@registers.maryland.gov – 410.313.2133

March 20, 2025

The Honorable William C. Smith, Jr., Chair
Judicial Proceedings Committee
Miller Senate Office Building, 2 East
Annapolis, MD 21401

RE: HB1420 – Registers of Wills – Appointment of Personal Representatives – Noncitizens – FAVORABLE

Dear Chair Smith, Vice-Chair Waldstreicher, and Members of the Committee,

I write to express my strong support for House Bill 1420, which will repeal Maryland's unique prohibition on noncitizens serving as personal representatives of probate estates. Please note that the views I express here are mine alone and that I am not writing on behalf of any other Register of Wills or the Maryland Register of Wills Association, which has taken no position on this legislation.

CURRENT LAW: To serve as a personal representative, the fiduciary charged with administering a probate estate, an individual must be named as the personal representative in a valid Last Will and Testament of a decedent, have priority to serve under the laws of intestacy, or be appointed at the conclusion of a judicial probate proceeding. That individual must be an adult, competent, and not convicted of a serious crime. These three restrictions are common state to state, but Maryland is unique in our geographic region by prohibiting anyone who is not either a citizen of the United States or a permanent resident – meaning a green card holder – and be a surviving spouse, descendant, ancestor, or sibling of the decedent. None of our surrounding jurisdictions – Delaware, the District of Columbia, Pennsylvania, West Virginia, and Virginia – has a similar restriction.

ISSUE ADDRESSED BY HB1420: This restriction creates an impediment for permanent residents, who may not be closely related to the decedent, and noncitizens, both documented and undocumented, to be appointed by a Register of Wills or Orphans' Court to manage a decedent's estate. This includes individuals who are in the United States for work, education, medical treatment, or are family members of U.S. citizens, among scores of lawful immigrant categories. Some decedents who were domiciled in Maryland at the time of their death may *only* have family

or others they trust to manage their affairs who are disqualified because of this unique restriction. Their only recourse, then, is to hire an attorney to serve as personal representative. This can be cost-prohibitive in many cases. To illustrate this point, I note that in Howard County, reportedly one of the wealthiest jurisdictions in the United States, the median value of a probate estate is under \$10,000, with many containing assets worth only a few hundred or few thousand dollars. The prospect of spending thousands on legal fees can and does create a financial impediment for those estates. My concern is that if our system creates too many obstacles to disposing of probate assets properly, someone residents may be forced to dispose of them improperly, and we do not want to encourage that kind of behavior.

SUMMARY: I want to summarize what is and would be required to serve as a personal representative in Maryland if this legislation becomes law. You must be an adult, competent, and not convicted of a serious crime. You must have been named as a personal representative in a will, have priority to serve under intestacy law, or have been appointed by a court. And for estates that are solvent, you must also obtain a nominal or full bond of personal representative. This final requirement will prohibit some noncitizens from serving. I have spoken with several insurance underwriters who have stated they will not bond non-citizens. This means that they may only be able to serve in estates that are low in value or actually insolvent. For example, if a decedent dies and their only asset is a checking account worth \$2,000, and he has a surviving noncitizen spouse, the surviving spouse is entitled to a \$10,000 family allowance, so she could be appointed and serve without a bond because the estate is insolvent.

These cases come up consistently and I think as a matter of common sense and basic fairness, we should repeal this restriction, and allow a named personal representative in a will, a close family member, or someone appointed by a court, to handle someone's assets, follow proper procedures, and move on.

Thank you for your time and attention and I urge a **favorable report**.

Sincerely,

A handwritten signature in blue ink, reading "Bryan E. Marfisi". The signature is fluid and cursive, with the first name "Bryan" and last name "Marfisi" clearly legible.

Mauareen Wambui Testimony in Strong Support of HB1

Uploaded by: Maureen Wambui

Position: FAV

Maureen Wambui

7827 Rolling View Ave, Nottingham, MD, 21236

Maureen.w.m.2030@gmail.com

03/24/2025

Maryland House Judiciary Committee

Maryland General Assembly, Annapolis, MD 21401

Testimony in Strong Support of HB1420 – Registers of Wills: Identity Verification Without Government-Issued Identification

Hearing Date: March 26th, 2025

Chairperson and Esteemed Members of the Committee,

My name is Maureen Wambui, and I am a community advocate and resident of Legislative District 8 in Maryland. I am writing in **strong support of HB1420** as an immigrant who understands firsthand the challenges of navigating legal and financial systems without traditional government-issued identification. This bill is a crucial step toward ensuring that all Maryland residents, regardless of their background or documentation status, have fair and equitable access to the probate process.

As an immigrant, I have witnessed the barriers that arise when trying to prove one's identity in legal matters. Many immigrants, including elderly individuals and those fleeing difficult circumstances, may not have immediate access to government-issued identification due to delays, financial constraints, or legal complexities. This issue becomes especially urgent when trying to claim rightful inheritance or handle estate matters after the passing of a loved one.

HB1420 addresses this gap by requiring the Registers of Wills to establish alternative methods for identity verification. This legislation ensures that individuals without traditional forms of ID are not unjustly excluded from the probate process and are able to rightfully access their inheritance and estate benefits. It is a common-sense, fair, and compassionate measure that upholds the principles of due process and equity.

Moreover, this bill strengthens trust between immigrant communities and government institutions. When individuals know they have legal avenues to verify their identity and protect their rights, they are more likely to engage with public services rather than live in fear of systemic exclusion.

I urge this committee to support HB1420 and remove the unnecessary burdens that prevent vulnerable populations from accessing what is rightfully theirs. Maryland has always been a leader in advancing inclusive policies, and passing this bill would further demonstrate the state's commitment to justice and fairness for all its residents.

Thank you for your time and consideration.

Respectfully submitted,

Maureen Wambui.

HB1420.docx.pdf

Uploaded by: Ninfa Amador

Position: FAV

English translation below

Distinguido Presidente Smith y miembros del comite,

Mi nombre es María del Carmen Castellón Quintana y yo soy viuda de Miguel Luna quien falleció hace 11 meses, el día 26 de marzo del 2024 al caerse el Key Bridge en Baltimore en ese día.

Mi esposo y yo éramos una pareja muy feliz y compartíamos mucho juntos – tanto nuestros sueños y esperanzas para una vida larga y feliz tanto como nuestras deudas cotidianas y cuentas bancarias. El me apoyo en realizar mi sueño de emprender mi propio negocio y juntos ahorramos lo necesario para comprarnos nuestra primera casa en el 2022. Yo aporte para el enganche de mis propios ahorros y el de los suyos, y juntos logramos el sueño de tener un hogar compartido.

Desgraciadamente, hace casi un año, sufrí lo que no le deseo a nadie – la perdida trágica de la persona mas importante de mi vida.

Al empezar al reconstruir mi vida después de la tragedia, y al organizar nuestras finanzas conjuntas - lo que ya era bastante complicado dado la falta de un testimonio de parte de Miguel - me informaron de 2 situaciones inmensamente injustas y frustrantes que yo tenía que enfrentar en medio del dolor que sentía en ese momento y aun experimento. - Primero, al no aparecer yo oficialmente en las escrituras de la casa que los dos compramos, me entere que la propiedad formaría parte del patrimonio de mi difunto esposo, y segundo – yo, al no ser ciudadana de los estados unidos, no podía ser identificada como representante del patrimonio ni participar en alguna decisión directa que tenga que ver con la distribución de los bienes del patrimonio. ¡Esto a pesar de que el patrimonio consiste casi exclusivamente de la casa que yo misma compre con mi esposo y nuestros ahorros!

Esta injusticia es algo que fácilmente se puede remediar, con el simple poder que este cuerpo legislativo tiene en declarar que cualquier persona, independientemente de su estatus migratorio, puede participar como representante personal en el patrimonio de un ser querido y así asegurar que la distribución de esos bienes tome lugar según la voluntad del difunto. Con su apoyo y

acción, espero que nunca mas sufra otra persona como yo, la doble pena de perder a una pareja y no tener una voz en la distribución de los bienes compartidos solo por el estatus migratorio del sobreviviente.

Gracias por su atención y le pido un reporte favorable a proyecto de ley 1420.

Translate to English:

Dear Honorable Chair Smith and members of the Committee,

My name is María del Carmen Castellón Quintana, and I am the widow of Miguel Luna, who passed away 11 months ago, on March 26, 2024, when the Key Bridge in Baltimore collapsed that day.

My husband and I were a very happy couple and shared so much together—our dreams and hopes for a long and happy life, as well as our daily expenses and bank accounts. He supported me in achieving my dream of starting my own business, and together we saved enough to buy our first home in 2022. I contributed to the down payment with my own savings, as did he, and together we accomplished the dream of owning a home.

Unfortunately, nearly a year ago, I suffered what I would not wish upon anyone—the tragic loss of the most important person in my life.

As I began to rebuild my life after the tragedy and organize our shared finances—which was already complicated due to the absence of a will from Miguel—I was informed of two immensely unjust and frustrating situations that I had to face in the midst of my grief, which I still experience today.

First, since my name did not officially appear on the title of the home we purchased together, I learned that the property would be considered part of my late husband's estate. Second, because I am not a U.S. citizen, I was not eligible to be designated as the representative of his estate or to have any direct role in decisions regarding the distribution of its assets. This, despite the fact that the estate consists almost entirely of the home that I myself purchased with my husband using our savings!

This injustice is something that can easily be remedied with the simple power that this legislative body holds in declaring that any person, regardless of their immigration status, can serve as the personal representative of a loved one's estate. This would ensure that the distribution of those assets takes place in accordance with the deceased's wishes.

With your support and action, I hope that no one else will have to suffer the double burden of losing a partner and then being denied a voice in the distribution of shared assets solely because of the survivor's immigration status.

Thank you for your attention, and I respectfully request a favorable report on HB 1420.

TW Testimony HB1420.pdf

Uploaded by: Teresa Woorman

Position: FWA



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

March 26, 2025

Judicial Proceedings Committee
Chair Senator William C. Smith, Jr
Vice Chair Senator Jeff Waldstreicher
2 East Miller Senate Office Building
Annapolis, Maryland 21401

Dear Chair, Vice Chair, and Members of the Judicial Proceedings Committee:

This bill comes from a tragedy that we all felt as Marylanders a year ago today—the collapse of the Key Bridge. Ms. Carmen is a widow from that tragedy. Her husband was one of the men working hard into the night to make our roads safer for us. But after his death, she discovered that she could not be named as the personal representative of his estate due to her immigration status. As a result, she had to spend countless hours with an attorney to fight for the death benefits that were rightfully due to her. This bill is about ensuring that immigration status does not prevent anyone from properly dealing with a loved one's death.

Thank you for the opportunity to testify on House Bill 1420, my bill to require the registers of wills in Maryland to develop an alternative method for individuals without government-issued identification to verify their identity as heirs or beneficiaries of a will.

This bill addresses a critical issue of accessibility in the probate process. Many individuals, including immigrants, those experiencing homelessness, and elderly residents, may lack access to government-issued identification due to financial, legal, or bureaucratic barriers. As a result, they face unnecessary challenges in claiming their rightful inheritance. By requiring the registers of wills to develop alternative identity verification methods, this bill ensures that no one is unfairly excluded from the probate process.

The verification methods will be developed in consultation with the Maryland Registers of Wills Association to maintain the integrity and security of the system. Possible alternatives may include notarized affidavits, credible witness testimonies, or other secure and verifiable means to confirm identity while minimizing fraud risks.

This bill is about equity and fairness. It ensures that all Maryland residents, regardless of their circumstances, have equal access to the legal processes that protect their rights. The administrative burden is expected to be minimal, as the registers of wills already oversee identity verification procedures and can develop these alternatives using existing resources.

After further discussions with the Maryland Registers of Wills Association and other stakeholders, we decided to amend the bill by repealing the existing language and instead repealing Estates and Trusts Article 5-105(c)(4). This provision currently restricts non-U.S. citizens from serving as personal representatives of an estate unless they are permanent residents and related to the decedent in specific ways. By removing this restriction, we ensure that all rightful heirs and beneficiaries—regardless of citizenship status—have an equal opportunity to participate in the probate process.

The repeal of 5-105(c)(4) aligns with the bill's original intent: ensuring fairness and accessibility in estate administration. This change removes an outdated and unnecessary barrier that disproportionately affects immigrant communities while preserving the integrity and security of the probate process.

By passing this bill, Maryland will take an important step toward making the probate system more inclusive, removing unnecessary barriers while maintaining the security and integrity of inheritance claims. I appreciate your time and consideration and respectfully request a favorable report on House Bill 1420.