

House Bill 928

Kimberly Cascia

Unfavorable

House Judiciary Committee

Delegate Clippinger, Delegate Bartlett and Members of the Committee

I have had the privilege and honor to serve the citizens of Queen Anne's County since 2010 as an Orphans' Court Judge and have been a Board Member of the Conference of Orphans' Court Judges appointed by the Chief Justices each year since 2011 and elected by my fellow judges to the MAJOC Board since 2011 as well. I come to you today in my individual capacity and not on behalf of the Maryland Judiciary or any of its parts.

For a will to be valid under current law in Maryland, a will must be (1) in writing (typed or handwritten), (2) signed by the person making the will, and (3) attested and signed by two credible witnesses in the presence of the person making the will. The person making the will and the two witnesses must be at least 18 years of age and legally competent. Audio, oral, and video wills are not valid.

Prohibiting a testator from signing their will in the presence of their spouse or registered domestic partner, as well as prohibitive witnessing, is too restrictive!

Not all citizens use, or can afford an attorney to write their wills. When someone takes the time to put their wishes for distribution of their assets in writing, it should be respected.

It would be wrong to ignore the specifically written instructions of the testator because their spouse or registered domestic partner was one of the witnesses or was present at the signing of the will.

I humbly request that House Bill 928 not receive your approval.

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