

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
ADMINISTRATOR
GOVERNMENT RELATIONS
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P: (410) 260-1560

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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 660
Estates and Trusts – Register of Wills – Admission of Copy of
Executed Will
DATE: January 29, 2025
(2/12)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 660. This legislation amends §5-802 of the Estates and Trusts Article to authorize an interested person to file with the register of wills in a county, rather than the orphans' court, a petition for admission of a copy of an executed will in a probate proceeding. The bill also amends §5-804 of the article to permit the register to accept a copy of an executed will for administrative probate without an order from the orphan's court.

The Judiciary opposes this bill as it circumvents the authority of the orphans' court. Even in cases where there is consent, it would be inappropriate to remove jurisdiction from the orphans' court as there are statutory factors that require a judicial determination as to what constitutes a will that should be admitted into probate. The proposed bill inappropriately confers judicial authority to the register of wills.

cc. Hon. Jen Terrasa
Judicial Council
Legislative Committee

Kelley O'Connor