

MARYLAND HOUSE JUDICIARY COMMITTEE
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE
**IN SUPPORT WITH REVISIONS OF HB 1420: REGISTERS OF WILLS -
IDENTITY VERIFICATION WITHOUT GOVERNMENT-ISSUED
IDENTIFICATION**

THURSDAY, FEBRUARY 27, 2025

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Chair Clippinger and distinguished members of the Committee, thank you for the opportunity to testify **in support of House Bill 1420 with revisions.**

My name is Megan Good, and I am a Tangled Title Staff Attorney at Maryland Volunteer Lawyers Service¹ (MVLS). Our mission at MVLS is to reduce barriers to justice through free civil legal help, community engagement, and advocacy for equitable laws.

As a member of the Tangled Title team, I am committed to helping low-income families preserve and pass on their family home. In our work, we regularly assist families with the estate administration process in order to pass legal title to the home.

Currently, Section 5-105(c)(4) of the Estates and Trusts Article of the Maryland Code provides that an adult noncitizen may only serve as the Personal Representative for an estate if they are both a permanent resident *and* a qualifying relative of the deceased. For many members of Maryland's growing immigrant community, this means that if the primary earner in a family passes away, no one in the family can open their estate.

Please join us in calling for this inequitable provision to be stricken from Maryland law.

A revised version of HB 1420 which repeals this subsection provides Maryland with the opportunity to remove an inequitable provision from our Code and remove a barrier for grieving loved ones to access their inheritance from the deceased—resources that are often necessary for families to continue to meet their basic needs.

The barrier this law creates is not only one of expediency, but cost. When a family member or beneficiary of a deceased individual cannot open an estate

¹ MVLS is the oldest and largest provider of pro bono civil legal services to low-income Marylanders. Since MVLS' founding in 1981, our statewide panel of over 1,700 volunteers has provided free legal services to over 100,000 Marylanders in a wide range of civil legal matters. In FY24, MVLS volunteers and staff lawyers provided legal services to 2,950 people across the state.

themselves, they are more likely to fail to access the decedent's resources or be compelled to hire an attorney to serve in the capacity on their behalf. For low-income families, this draws important resources away from the family members who need those resources the most in order to maintain their housing and pay other bills.

Barriers to estate administration not only harm families, but also local communities. When real property cannot be properly passed from one owner to another, the property is at a heightened risk for deterioration and vacancy. Vacant properties reduce property values, create safety issues in communities, and cost state and local governments money through reduced tax revenue and government expenditures needed to address blighted properties.

Maryland's citizenship requirement is unique and unnecessary.

None of Maryland's neighboring states—Delaware, Virginia, West Virginia, or Pennsylvania—require a Personal Representative to be a citizen or legal permanent resident of the United States. Del. Code Ann. Title 12 § 1508 (2025); Va. Code Ann. § 64.2-502 (2024); W. Va. Code § 44-5-3 (2025); 20 Pa. Cons. Stat. §§ 3156, 3157 (2025). The citizenship requirement is unnecessary for a Register of Wills to faithfully carry out their responsibilities and jurisdiction over a Personal Representative. And although the District of Columbia does have a citizenship requirement, it is still not as restrictive as Maryland's law. D.C. Code § 20–303(b)(5) (2025) (excluding noncitizens who are not lawfully admitted for permanent residence).

Section 5-105(c)(4) of the Estates and Trusts Article of the Maryland Code unnecessarily targets a marginalized segment of our community for exclusion from an important public process with no practical benefit to the administration of estates.

In our current climate, immigrants—including those with legal status—are afraid to seek government services. Because citizenship status is otherwise irrelevant to the estate administration process, we do not want families to forego this process for fear of needing to disclose the citizenship status of themselves or other beneficiaries.

Members of the committee, to the extent that you hold any concerns about a non-citizen being more likely to fail to complete the estate administration process due to a voluntary or involuntary departure from Maryland, I kindly ask you to remember that we face that risk with all Personal Representatives (PRs). PRs must be replaced when they cannot fulfill their duties due to illness, death, incarceration, etc., yet we do have statutory bars for populations at risk of these types of disruptions from serving as PRs. Similarly, noncitizens should not be barred from serving as the PR for their loved ones simply due to their citizenship status, which does not negatively impact their ability to fulfill their PR duties.

Therefore, we strongly urge you to revise and support HB 1420 to remove the citizenship requirement in Md. Code Estates & Trusts Sec. 5-105(c)(4). Chair and members of the Committee, thank you again for the opportunity to testify.