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The Maryland House of Delegates
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

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Judiciary Committee
Chair Delegate Luke Clippinger
Vice Chair Delegate Sandy J. Bartlett
100 House Office Building
Annapolis, MD 21401

Dear Chair, Vice Chair, and Members of the Judiciary Committee:

This bill comes from a tragedy that we all felt as Marylanders—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.