

BILL NUMBER: SB250 Testimony

POSITION: Favorable

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Good afternoon Chairman Smith and members of the Committee. My name is Julia Cage, a constituent of Anne Arundel County and I am in strong support of Senate Bill 250.

Maryland is currently an outlier in estate law. By adopting the 120 hour survival rule included in the USDA, we will join 44 other states in fixing a technicality that currently invites litigation based on “survival by the minute” at the expense of common sense and intent of the deceased.

While my friend, Joanna Bloom, will share the personal toll this outdated law has taken on her family after a tragic fire in Annapolis, her story highlights a systemic vulnerability for all Marylanders.

Currently, if spouse A survives Spouse B by minutes, a legal windfall may occur for Spouse A’s heirs. Assets are at risk of being diverted away from Spouse B’s children or heirs and into a secondary estate to the heirs of Spouse A, who is also deceased. This may trigger a redundant double probate, wasting the court’s time, and draining estates with back to back fees. This situation forces heirs to litigate the exact second of death through expensive expert testimony. A forensic technicality risks disinheriting a person's own children, diverting a lifetime of assets to a different family tree entirely.

This is a critical issue for Maryland families. Two thirds of divorced Americans remarry and only 30-40% of Americans have a will. Without the 120 hour legal circuit breaker in the USDA, any family tragedy becomes a forensic race. We should not be litigating tragedies by the minute, we should be ensuring the assets of an estate are transferred equitably and according to a natural line of succession.

SB 250 ensures that Maryland law honors the presumed intent of the deceased and the natural line of succession while streamlining probate procedures. It clarifies the 120 hour standard, one which 44 other states have already implemented through the USDA, Uniform Probate Code or their own independent state laws.

Please support Senate Bill 250 to ensure that a few minutes in the aftermath of a tragedy do not result in prolonged legal and financial stress for descendents and the courts. Thank you.