

BILL NUMBER: HB0596 Testimony

POSITION: Favorable

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Good afternoon Chairperson and members of the Committee. My name is Julia Cage, a constituent of Anne Arundel County and I am in strong support of House Bill 596.

Maryland is currently an outlier in estate law. By adopting the 120 hour survival rule included in the USDA, we will join many 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While my friend, Joanna Bloom, shares the personal toll this outdated law has taken on her family after a tragic fire in Annapolis, her story highlights a systemic vulnerability for all Marylanders.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 disinheritance of a person's own children, diverting a lifetime of assets to a different family tree entirely.

This is a critical issue for Maryland families. Whether someone is married without children, divorced and remarried, in the absence of a will, whether it’s lost due to tragedy or negligence, 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.

HB 596 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 almost all other states have already implemented through the USDA, Uniform Probate Code or their own independent state laws.

Please support House Bill 596 to ensure that a few minutes in the aftermath of a tragedy do not result in prolonged legal and financial stress for descendants and the courts. Thank you.