

HOUSE BILL 315

N2, D1

5lr1552
CF SB 22

By: **Delegate Cardin**

Introduced and read first time: January 10, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Task Force to Study Fiduciary Adjudication in Maryland**

3 FOR the purpose of establishing the Task Force to Study Fiduciary Adjudication in
4 Maryland to examine and analyze the efficiency, uniformity, and quality of fiduciary
5 adjudication in Maryland and make recommendations; and generally relating to the
6 Task Force to Study Fiduciary Adjudication in Maryland.

7 Preamble

8 WHEREAS, In 2022, the Task Force to Study the Maryland Orphans' Courts issued
9 a report identifying certain inefficiencies and other problems with the selection of judges
10 for, and adjudication of matters before, the orphans' courts; and

11 WHEREAS, More recent developments have further illustrated those problems,
12 including the lack of uniformity in probate adjudication across Maryland's jurisdictions;
13 and

14 WHEREAS, The adjudication of other fiduciary matters, including those relating to
15 trusts and adult guardianships, involve overlapping issues with probate matters and can
16 be more efficient; and

17 WHEREAS, Maryland created the orphans' courts in 1777 in order to assist families
18 with the transmission of wealth on a member's death; and

19 WHEREAS, In the ensuing 248 years, methods for holding and transmitting wealth
20 have changed significantly, and probate and fiduciary legal issues have become
21 substantially more complex; and

22 WHEREAS, The General Assembly recognizes the value that a specialized court
23 brings to families in times of transition; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



WHEREAS, The General Assembly also recognizes the need for further changes to fiduciary adjudication in Maryland in order to provide a uniform and efficient system for its citizens; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That:

(a) There is a Task Force to Study Fiduciary Adjudication in Maryland.

(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) two members who are judges of an orphans' court, at least one of whom serves in a jurisdiction where orphans' court judges are required to be attorneys, appointed by the chair of the Conference of Orphans' Court Judges;

(4) one member who is a judge of the circuit court in a jurisdiction where the circuit court sits as the orphans' court, appointed by the Chief Justice of the Supreme Court of Maryland;

(5) two members of the Maryland State Bar Association, designated by the Estate and Trust Law Section Council, at least one of whom is a fiduciary litigator;

(6) the chair of the Maryland Register of Wills Association; and

(7) one member with expertise in budgeting and personnel matters, appointed by the Governor.

(c) The Governor shall designate the chair of the Task Force from among the members appointed by the President of the Senate or the Speaker of the House.

(d) The Administrative Office of the Courts shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

1 (1) examine the qualifications, training, and methods of selection of judges
2 hearing probate and other fiduciary matters in Maryland;

3 (2) examine the jurisdictions of the orphans' courts and circuit courts with
4 respect to fiduciary matters;

5 (3) analyze the efficiency of the procedures for adjudicating fiduciary
6 matters in the orphans' courts and circuit courts;

7 (4) analyze the effect of the different qualifications of orphans' court judges
8 and related litigation procedures on the uniform application of justice in Maryland;

9 (5) analyze and compare the laws and practices of other states relating to
10 the adjudication of fiduciary matters, including the selection, qualification, and training of
11 judges hearing those matters;

12 (6) seek guidance from appropriate witnesses with experience or expertise
13 in the area of fiduciary adjudication;

14 (7) examine any other research, analysis, or guidance related to the best
15 practices for adjudicating fiduciary matters;

16 (8) offer one or more opportunities for members of the public and other
17 interested parties to give their opinions on the subjects considered by the Task Force; and

18 (9) make recommendations to improve efficiency, uniformity, and quality
19 of fiduciary adjudication in Maryland.

20 (g) On or before January 1, 2026, the Task Force shall report its findings and
21 recommendations to the Governor and, in accordance with § 2-1257 of the State
22 Government Article, the General Assembly.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
24 1, 2025. It shall remain effective for a period of 1 year and, at the end of June 30, 2026, this
25 Act, with no further action required by the General Assembly, shall be abrogated and of no
26 further force and effect.