

SENATE BILL 22

N2, D1

(PRE-FILED)

5lr1283
CF 5lr1552

By: **Senator West**

Requested: October 19, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judicial Proceedings

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; requiring the orphans'
6 courts, circuit courts, registers of wills, and Administrative Office of the Courts to
7 comply with certain requests of the Task Force; and generally relating to the Task
8 Force to Study Fiduciary Adjudication in Maryland.

9 Preamble

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

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

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

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

22 (6) the president of the Maryland Register of Wills Association; and

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

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

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

28 (e) A member of the Task Force:

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

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

1 (f) The Task Force shall:

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

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

6 (3) analyze the efficiency of the procedures for adjudicating contested and
7 uncontested matters in the orphans' courts and circuit courts;

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

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

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

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

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

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

21 (g) The orphans' courts, circuit courts, registers of wills, and Administrative
22 Office of the Courts shall comply with all reasonable requests by the Task Force for
23 information and data the Task Force considers necessary for its work.

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
28 1, 2025. It shall remain effective for a period of 1 year and, at the end of June 30, 2026, this
29 Act, with no further action required by the General Assembly, shall be abrogated and of no
30 further force and effect.