

QUESTION 3: CONSTITUTIONAL AMENDMENT

Baltimore City – Orphans’ Court Judges – Qualifications

Chapter 481 of 2010 (House Bill 417)

Summary

This constitutional amendment would require that, in addition to the current eligibility requirements, each of the three judges of the Orphans’ Court for Baltimore City be a member in good standing of the Maryland Bar who is admitted to practice law in Maryland.

An orphans’ court hears all contested matters regarding a decedent’s estate, including validity of wills and legal questions involving transfers of property. The orphans’ court also supervises estates that are probated judicially; approves accounts, awards of personal representatives’ commissions, and attorney’s fees in all estates; and has concurrent jurisdiction with the circuit courts in the guardianship of minors and their property.

Currently, the Maryland Constitution provides that, in Baltimore City and in each county (except Harford and Montgomery counties) three orphans’ court judges be elected. The only requirements to qualify for election as an orphans’ court judge are that an individual be a citizen of the Maryland and reside for the prior 12 months in the jurisdiction from which the individual is elected.

Currently, in Harford and Montgomery counties only, the circuit court for the county also serves as the orphans’ court for the county. Because circuit court judges must be attorneys, only in Harford and Montgomery counties are the judges who sit as orphans’ court judges currently required to be attorneys.

For this constitutional amendment to be implemented, it must be approved by both a majority of the statewide voters and a majority of the voters in Baltimore City.