

Foundational Information for Task Force Mandates (1) and (2)ⁱ

“The Task Force shall:

(1) Examine the composition and purpose of the orphans’ courts in Maryland;

Composition of MD Orphans’ Courts

- 3 judges in each jurisdiction, except Harford and Montgomery. In Harford County and Montgomery County, judges on the respective circuit courts rotate to hear orphans’ court matters.

<https://www.mdcourts.gov/sites/default/files/import/orphanscourt/pdfs/ocjudgesregisters.pdf>

- NOTE: Per, The Judiciary Human Resources Department (JHRD), the vacancy in Kent County has been filled by the Hon. Susan W. Pritchett (per a letter from Governor Hogan dated April 20, 2021).
- Attempts were made to collect demographic information on the judges of the orphans’ courts in Maryland. However, this data is not reliably available as JHRD does not have demographic information for the Judges. We are aware however, through interactions with Orphans’ Court judges that diversity in the Court exists.

Purpose

“Orphans' Court

The Orphans’ Court is Maryland’s probate court and presides over the administration of estates. In simpler terms, the main job of the Orphans’ Court is to supervise the management of estates of people who have died – with or without a Will – while owning property in their sole name. It has authority to direct the conduct of personal representatives, has jurisdiction over the guardianship of the property of minors and in some counties, appoints guardians of minors. “

Source: <https://mdcourts.gov/orphanscourt>

Maryland Constitution Article IV, § 40--Judges

- (a) “The qualified voters of the several Counties, except Montgomery County and Harford County, shall elect three Judges of the Orphans' Courts of Counties who shall be citizens of the State and residents, for the twelve months preceding, in the County for which they may be elected.
- (b) The qualified voters of the City of Baltimore shall elect three Judges of the Orphans' Court for Baltimore City who shall be citizens of the State and residents, for the twelve months preceding, in Baltimore City and who have been admitted to practice law in this State and are members in good standing of the Maryland Bar.
- (c) The qualified voters of Prince George's County shall elect three Judges of the Orphans' Court for Prince George's County who shall be citizens of the State and residents, for the twelve months preceding, in Prince George's County and who have been admitted to practice law in this State and are members in good standing of the Maryland Bar.
- (d) The qualified voters of Baltimore County shall elect three Judges of the Orphans' Court for Baltimore County who shall be citizens of the State and residents, for the twelve months preceding, in Baltimore County and who have been admitted to practice law in this State and are members in good standing of the Maryland Bar.
- (e) The Judges shall have all the powers now vested in the Orphans' Courts of the State, subject to such changes as the Legislature may prescribe.
- (f) Each of the Judges shall be paid such compensation as may be regulated by Law, to be paid by the City or Counties, respectively.
- (g) In case of a vacancy in the office of Judge of the Orphans' Court, the Governor shall appoint, subject to confirmation or rejection by the Senate, some suitable person to fill the vacancy for the residue of the term.

(2) Review and compare the orphans’ courts in each local jurisdiction in Maryland;”

- Two jurisdictions with Orphans’ Courts meet to hear cases 3 or more times a week
- 20 jurisdictions with Orphans’ Courts meet to hear cases less than 3 times a week
- 20 jurisdictions with Orphans’ Courts meet to hear cases on Tuesdays

<u>Jurisdiction</u>	<u># of Judges</u>	<u>Judge must be an Attorney</u>	<u>Cases heard by</u>	<u>How often hear cases</u>	<u>When cases are heard</u>
Allegany County	3	No	Panel	2x a week	Tuesdays & Fridays
Anne Arundel County	3	No	Panel	2x a week	Tuesdays & Thursdays
Baltimore City	3	Yes	Individual	5x a week	Monday-Friday
Baltimore County	3	Yes	Individual	5x a week	Monday-Friday
Calvert County	3	No	Panel	1x a week	Every Tuesday
Caroline County	3	No	Panel	1x a week	Every Tuesday
Carroll County	3	No	Panel	2x a week	Mondays & Tuesdays
Cecil County	3	No	Panel	1x a week	Tuesdays (approx. 8:30a-1pm)
Charles County	3	No	Panel	1x a week	Tuesdays
Dorchester County	3	No	Panel	1x a week	Tuesdays (from 2-4pm)
Frederick County	3	No	Panel	2x a week	Tuesdays & Thursdays

<u>Jurisdiction</u>	<u># of Judges</u>	<u>Judge must be an Attorney</u>	<u>Cases heard by</u>	<u>How often hear cases</u>	<u>When cases are heard</u>
Garrett County	3	No	Panel	1x a week	Tuesdays (from 10am-12pm)
*Harford County	Circuit Court Judges rotate	Circuit Court Judge	Individual	Docket held 1x a week	Thursdays
Howard County	3	No	Panel	1x a week	Wednesdays
Kent County	3	No	Panel	1x a week	Tuesdays
*Montgomery County	Circuit Court Judges rotate	Circuit Court Judge;	Individual; (Judge assigned civil motions that week handles the docket)	Docket held 4x a week	Tuesdays-Fridays;
Prince George's County	3	Yes	Individual	3x-5x a week	Tuesdays, Wednesday & Thursdays (standing days) Monday & Friday (for cases that require multiple days)
Queen Anne's County	3	No	Panel	1x a week	Tuesdays
St. Mary's County	3	No	Panel	1x a week (pre-COVID 2x a week) every 2 nd & 4 th Tuesday)	Fridays (pre-COVID every 2 nd & 4 th Tuesday)
Somerset County	3	No	Panel	1x a week	Tuesdays
Talbot County	3	No	Panel	1x a week	Tuesdays
Washington County	3	No	Panel	1x a week	Tuesdays

Wicomico County	3	No	Panel	1x a week	Tuesdays
Worcester County	3	No	Panel	1x a week	Tuesdays

**MD Constitution Art. IV §20(b) “The judges of the Circuit Courts for Montgomery and Harford Counties shall each, alternately and in rotation and on schedules to be established by those judges, sit as an Orphans’ Court for their County, and shall have and exercise all the power, authority and jurisdiction which the present Orphans’ Courts now have and exercise, or which may hereafter be provided by law”.*

ⁱ All information in this document is as of September 2021.