

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1420
Judiciary

(Delegate Woorman, *et al.*)

Judicial Proceedings

Registers of Wills - Appointment of Personal Representatives - Noncitizens

This bill repeals a prohibition against letters of administration (which authorize a personal representative to administer an estate) being granted to a person who is not a citizen of the United States unless the person is a permanent resident of the United States and is the spouse, an ancestor, a descendant, or a sibling of the decedent.

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The duties and powers of a personal representative to administer an estate commence on the issuance of the personal representative's letters. Statute establishes a specified order of priority of classes of persons for the court and register of wills to follow in granting letters in administrative or judicial probate, beginning with personal representatives named in a will admitted to probate.

Statute prohibits letters of administration from being granted to a person, who, at the time a determination of priority is made, has filed with the register a declaration in writing that the person renounces the right to administer or is:

- under the age of 18;
- mentally incompetent;

- convicted of a serious crime, unless the person shows good cause for the granting of letters;
- not a citizen of the United States unless the person is a permanent resident of the United States and is the spouse, an ancestor, a descendant, or a sibling of the decedent;
- a full-time judge of a court established under the laws of Maryland or the United States including a judge of an orphans' or probate court, or a clerk of court, or a register, unless the person is the surviving spouse or is related to the decedent within the third degree; or
- a nonresident of the State, unless there is on file with the register an irrevocable designation by the nonresident of an appropriate person who resides in the State on whom service of process may be made in the same manner and with the effect as if it were served personally in the State on the nonresident.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Register of Wills; Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2025
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