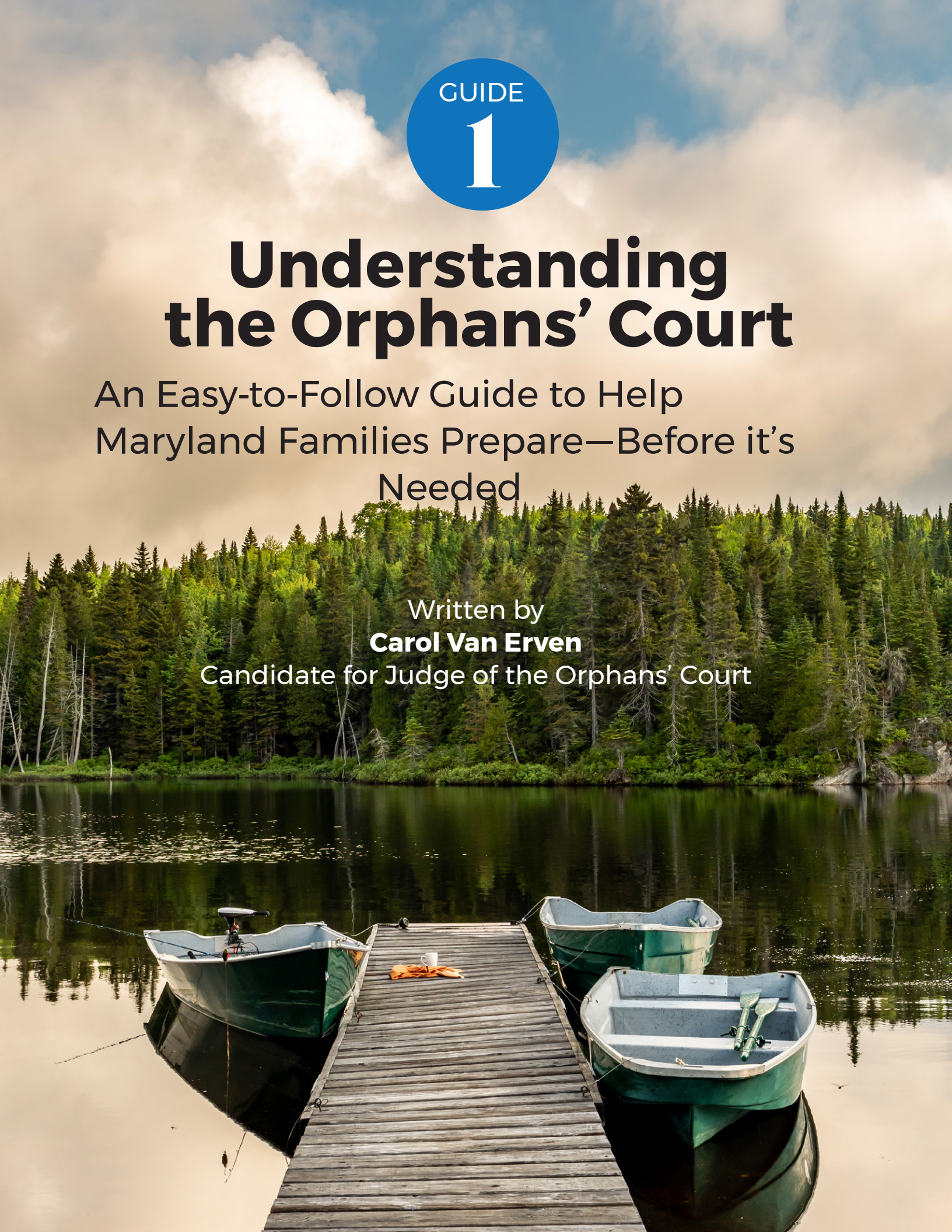




GUIDE

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Understanding the Orphans' Court

An Easy-to-Follow Guide to Help
Maryland Families Prepare—Before it's
Needed

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Candidate for Judge of the Orphans' Court



Build Your Family Library

This guide is part of a growing series designed to help Maryland families understand estate planning, probate, and important decisions—one topic at a time.

- ☒ Understanding the Orphans' Court
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IMPORTANT NOTE

This guide is provided for educational purposes only and is not legal advice. Maryland law may change, and every family's circumstances are unique. Please consult an attorney or other qualified professional regarding your specific situation.



Helping Families Prepare Before it's Needed

For many Maryland families, the first time they hear about the Orphans' Court is after the death of someone they love.

During an already difficult time, they may also encounter unfamiliar terms such as probate, Register of Wills, and Personal Representative. Questions arise quickly, and it can be difficult to know where to begin.

I created this guide to explain the basics before that day comes. It won't answer every question, but it will help you understand the role of the Orphans' Court, the probate process, and the first steps many families take.

Knowledge doesn't eliminate grief, but it can reduce uncertainty.

Inside This Guide

- **What is the Orphans' Court?**
- **The Probate Journey**
- **Who Does What?**
- **Where to Begin**
- **How to Become Better Prepared**



What Is the Orphans' Court?

The Orphans' Court is a Maryland court with responsibilities related to the judicial side of the probate process and certain other matters established by Maryland law.

Its role is to help ensure that estates are administered according to the law and that the rights of everyone involved are protected.

Although many people have heard of the Orphans' Court, few understand what it actually does until someone in their family dies.

Understanding its role before that time can help families know what to expect and make the probate process easier to understand.

Did You Know?



The Register of Wills and the Orphans' Court are not the same.

The Register of Wills – Administrative

- Handles the administrative side of Maryland's probate process.
- Maintains estate records.
- Assists with required probate filings.

The Orphans' Court – Judicial

- Handles the judicial side of Maryland's probate system.
- Hears and decides estate matters that require court action under Maryland law.

The Probate Journey

Every family's circumstances are unique, but many estates follow a similar path.

Step 1 – Locate Important Documents

Gather important documents such as a will, financial records, insurance policies, deeds, beneficiary information, and other records that may be needed to administer the estate.

Step 2 – Contact the Register of Wills

The Register of Wills is generally the first place to turn after someone dies when there are questions about an estate.

The office can help determine whether anything needs to be filed, whether an estate needs to be opened, and what steps, if any, should be taken next.

Did You Know?

An estate does not have to be large to involve the Register of Wills. Even when someone owned very little, the Register of Wills can help determine whether anything needs to be filed and what steps, if any, should be taken.

Step 3 – Establish Legal Authority, If Needed

If an estate needs to be opened, a Personal Representative is appointed through the probate process and receives the legal authority needed to administer the estate.

Being a family member does not automatically give someone authority to access estate accounts, sell estate property, or make other financial decisions on behalf of the estate.

Step 4 – A Personal Representative Administers the Estate

The Personal Representative is responsible for administering the estate according to Maryland law.

Responsibilities may include gathering assets, paying valid debts and taxes, filing required documents, managing estate property, and distributing property when appropriate.

Step 5 – Property Is Distributed

After legal requirements have been completed, the remaining property is distributed according to the will or, if there is no valid will, according to Maryland law.

Who Does What?

Understanding Their Roles

Each person and office has a different role in the probate process.

The Register of Wills

Oversees the probate process, maintains estate records, and assists with the paperwork required during probate.

The Orphans' Court

Hears and decides certain estate matters assigned to it under Maryland law.

The Personal Representative

Responsible for settling the estate according to Maryland law. Responsibilities may include gathering assets, paying valid debts and taxes, filing required documents, and distributing property.

Your Attorney

Provides legal advice based on your family's individual circumstances and can help guide you through the probate process.

Where to Begin

- Gather your important legal and financial documents in one place.
- Tell someone you trust where those documents are kept.
- Schedule a conversation with your family about your wishes.



How to Become Better Prepared

Explore the Complete Family Guide Library

The Family Guide Series provides practical, easy-to-use guidance to help Maryland families prepare, stay organized, and make informed decisions before information is urgently needed.

Visit **CarolVanErven.com** to download the complete Family Guide Library, updated editions, and additional educational resources.

Educational Disclaimer

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