

Brief Overview – Maryland Orphans’ Court Judges – Qualifications, Training, and Selection

History of the Orphans’ Court

- The Orphans’ Court is Maryland’s constitutionally established probate court, responsible for overseeing the administration of estates. ([See Maryland Judiciary’s webpage for more information.](#))
- Established in 1777, Orphans’ Courts were created in each county and served by a Register of Wills. Judges were appointed by the governor.
- The 1851 Constitution made Orphans’ Court judges constitutional officers.
- During the 1867 Constitutional Convention, delegates debated abolishing the Orphans’ Court but ultimately chose to retain and reform it, mandating the election of three judges in each county and in Baltimore City — a structure that largely remains today across jurisdictions in Maryland. ([See Maryland Judiciary’s webpage for more information.](#))
- Present constitutional recognition of the Orphans’ Court can be found in [Article IV, §§ 1 and 40 of the Maryland Constitution](#).
- Judges of the Orphans’ Court exercise limited jurisdiction and are charged with [Estates and Trusts Article § 2-102](#):
 - Conducting judicial probate;
 - Directing the conduct of personal representatives;
 - Issuing orders necessary for estate administration;
 - Authority over the guardianship of the property of minors; and
 - In certain counties, the appointment of guardians of minors.
- At the request of an interested person, any issue of fact arising in the Orphans’ Court may be transferred to the Circuit Court for trial.

Jurisdictions

- There are 24 jurisdictions in Maryland — 23 counties and Baltimore City.
- Eighteen jurisdictions:
 - Have three elected orphans’ court judges who are not required to be attorneys; and
 - Generally, require two-three judges to sit together as a panel to hear cases.
- Three jurisdictions - Baltimore City (2010), Baltimore County (2012), and Prince George’s County (2012):
 - Require judges to be members of the Maryland Bar in good standing; and
 - Permit a single judge to preside individually over cases.

- Three jurisdictions — Montgomery County (1964), Harford County (1972), and Howard County (2022):
 - Have no separate Orphans' Court; instead, the circuit court judges sit as an Orphans' Court judge in those counties.

Selection and Qualifications of Orphans' Court Judges

- Elected to four-year terms during the general election.
- Under the Maryland Constitution, orphans' court judges must:
 - Be at least 18 years old;
 - Be a citizen of Maryland; and
 - Have resided in their jurisdiction for at least 12 months prior to election.
- No minimum education requirement (except in Baltimore City, Baltimore and Prince George's counties requires judges to be members of the Maryland Bar).

Training of Orphans' Court Judges

- No formal education is required prior to serving as an Orphans' Court judge.
- Currently, new orphans' court judges must complete a three-phase orientation process before being sworn in, which includes:
 - Introductory meetings;
 - Bench training; and
 - Participation in a formal Orientation Program.
- Judicial training and continuing education are governed by the Administrative Order of the Supreme Court of Maryland dated September 10, 2025, titled: ["Conference of Orphans' Court Judges and Education for Orphans' Court Judges."](#)
- The order establishes:
 - Additional training and orientation sessions for new orphans' court judges beginning January 1, 2026; and
 - Annual continuing education requirements for all orphans' court judges beginning January 1, 2027.

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