

HOUSE BILL 1008

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HB 437/93 - JUD

2003 Regular Session  
3lr2215

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By: **Delegate Gordon**

Introduced and read first time: February 14, 2003

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, February 27, 2003

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Committee Report: Favorable

House action: Adopted

Read second time: March 20, 2003

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CHAPTER 52

1 AN ACT concerning

2 **Estates and Trusts - Recovery by Minor in Tort - Appointment of Trustee**

3 FOR the purpose of altering the amount of net recovery to a minor, in a claim in tort,  
4 above which appointment of a trustee for the minor shall be made by issuing a  
5 check made payable to the order of the trustee; providing for the application of  
6 this Act; and generally relating to the appointment of a trustee for a minor who  
7 receives a judgment of money.

8 BY repealing and reenacting, with amendments,  
9 Article - Estates and Trusts  
10 Section 13-403  
11 Annotated Code of Maryland  
12 (2001 Replacement Volume and 2002 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Estates and Trusts**

16 13-403.

17 (a) Unless a court appoints a guardian of the property of a minor under  
18 subsection (c) of this section, if a minor or any other person in whose name a claim in  
19 tort is made or judgment in tort obtained on behalf of a minor recovers a net sum of  
20 [\$2,000] \$5,000 or more, the person responsible for the payment of the money shall  
21 make payment by check made to the order of

1 "....., trustee under Title 13 of the

2 (name of trustee)

3 Estates and Trusts Article, Annotated Code of Maryland, for

4 ....., minor".

5 (name of minor)

6 (b) No other act is necessary to constitute the person named a trustee.

7 (c) (1) In accordance with the procedures for the appointment of a guardian  
8 under Subtitle 2 of this title, the court may appoint a guardian of the property of a  
9 minor on whose behalf a recovery in tort is sought or has been obtained if the court  
10 determines that the appointment would be in the minor's best interest.

11 (2) The petition for guardianship may be made by an interested person  
12 or a trustee under this subtitle.

13 (d) If a court appoints a guardian of the property of a minor under subsection  
14 (c) of this section and the minor or any other person in whose name a claim in tort is  
15 made or judgment in tort obtained on behalf of the minor recovers a net sum of  
16 [\$2,000] \$5,000 or more, the person responsible for the payment of the money shall  
17 make payment by check made to the order of "....., (name  
18 of guardian), guardian under Title 13, Subtitle 2 of the Estates and Trusts Article,  
19 Annotated Code of Maryland, for ..... (name of minor), minor".

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
21 construed to apply to any recovery in tort under § 13-403 of the Estates and Trusts  
22 Article on or after October 1, 2003, and to any trust under § 13-403 of the Estates and  
23 Trusts Article that is in existence on or after October 1, 2003, for which a petition for  
24 guardianship of the property of a minor is filed.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2003.