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**By: Delegate Finifter**

Introduced and read first time: February 2, 1996

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts - Guardians - Minor's Tort Recovery**

3 FOR the purpose of authorizing a court to appoint a guardian of the property of a minor  
4 on whose behalf a tort recovery is sought or has been obtained if the court  
5 determines that the appointment is in the minor's best interest; allowing the tort  
6 recovery to be paid directly to a guardian; and generally relating to guardians of the  
7 property of minors.

8 BY repealing and reenacting, with amendments,  
9 Article - Estates and Trusts  
10 Section 13-403  
11 Annotated Code of Maryland  
12 (1991 Replacement Volume and 1995 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) If a minor or any other person in whose name a claim in tort is made or  
18 judgment in tort obtained on behalf of a minor recovers a net sum of \$2,000 or more, the  
19 person responsible for the payment of the money shall make payment by check made to  
20 the order of "....., trustee OR GUARDIAN under Title 13 of  
21 (name of trustee OR GUARDIAN)  
22 the Estates and Trusts Article, Annotated Code of Maryland, for  
23 ....., minor."  
24 (name of minor)

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

26 (C) (1) IN ACCORDANCE WITH THE PROCEDURES FOR THE APPOINTMENT  
27 OF A GUARDIAN UNDER SUBTITLE 2 OF THIS TITLE, THE COURT MAY APPOINT A  
28 GUARDIAN OF THE PROPERTY OF A MINOR ON WHOSE BEHALF A RECOVERY IN  
29 TORT IS SOUGHT OR HAS BEEN OBTAINED IF THE COURT DETERMINES THAT THE  
30 APPOINTMENT WOULD BE IN THE MINOR'S BEST INTEREST.

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1                   (2) THE PETITION FOR GUARDIANSHIP MAY BE MADE BY AN  
2 INTERESTED PERSON, THE PERSON RESPONSIBLE FOR THE PAYMENT OF THE  
3 MONEY, OR A TRUSTEE UNDER THIS SUBTITLE.

4                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 1996.