

By: Delegate Finifter

Requested: August 26, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts - Guardian of Property - 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; and generally
6 relating to appointment of guardians of the property of minors who make a tort
7 recovery under certain circumstances.

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 1996 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 OR A TRUSTEE UNDER THIS SUBTITLE.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 1997.