

N2

7lr0255

(PRE-FILED)

HB 980/96 - JUD

By: Delegate Finifter

Requested: August 26, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: February 18, 1997

CHAPTER ____

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; providing for the
6 application of this Act; and generally relating to appointment of guardians of the
7 property of minors who make a tort 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~~ UNLESS A COURT APPOINTS A GUARDIAN OF THE PROPERTY OF A
18 MINOR UNDER SUBSECTION (C) OF THIS SECTION, IF a minor or any other person in
19 whose name a claim in tort is made or judgment in tort obtained on behalf of a minor
20 recovers a net sum of \$2,000 or more, the person responsible for the payment of the
21 money shall make payment by check made to the order of
22 "....., trustee ~~OR GUARDIAN~~ under Title 13 of
23 name of trustee ~~OR GUARDIAN~~)

2

1 the Estates and Trusts Article, Annotated Code of Maryland, for
2 ~~minor.~~ MINOR.
3 (name of minor)

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

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

10 (2) THE PETITION FOR GUARDIANSHIP MAY BE MADE BY AN
11 INTERESTED PERSON OR A TRUSTEE UNDER THIS SUBTITLE.

12 (D) IF A COURT APPOINTS A GUARDIAN OF THE PROPERTY OF A MINOR
13 UNDER SUBSECTION (C) OF THIS SECTION AND THE MINOR OR ANY OTHER PERSON
14 IN WHOSE NAME A CLAIM IN TORT IS MADE OR JUDGMENT IN TORT OBTAINED ON
15 BEHALF OF THE MINOR RECOVERS A NET SUM OF \$2,000 OR MORE, THE PERSON
16 RESPONSIBLE FOR THE PAYMENT OF THE MONEY SHALL MAKE PAYMENT BY CHECK
17 MADE TO THE ORDER OF "..... (NAME OF GUARDIAN),
18 GUARDIAN UNDER TITLE 13, SUBTITLE 2 OF THE ESTATES AND TRUSTS ARTICLE,
19 ANNOTATED CODE OF MARYLAND, FOR (NAME OF MINOR),
20 MINOR".

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to any
22 recovery in tort under § 13-404 of the Estates and Trusts Article on or after the effective
23 date of this Act and to any trust under § 13-404 of the Estates and Trusts Article that is
24 in existence on or after the effective date of this Act for which a petition for guardianship
25 of the property of a minor is filed.

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