

HOUSE BILL 1008

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HB 437/93 - JUD

2003 Regular Session
3lr2215

By: **Delegate Gordon**
Introduced and read first time: February 14, 2003
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

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

23 (name of trustee)

24 Estates and Trusts Article, Annotated Code of Maryland, for
25, minor".
26 (name of minor)

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

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

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

7 (d) If a court appoints a guardian of the property of a minor under subsection
8 (c) of this section and the minor or any other person in whose name a claim in tort is
9 made or judgment in tort obtained on behalf of the minor recovers a net sum of
10 [\$2,000] \$5,000 or more, the person responsible for the payment of the money shall
11 make payment by check made to the order of "....., (name
12 of guardian), guardian under Title 13, Subtitle 2 of the Estates and Trusts Article,
13 Annotated Code of Maryland, for (name of minor), minor".

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

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