
By: **Delegate Gordon**
Introduced and read first time: February 14, 2003
Assigned to: Rules and Executive Nominations
Re-referred to: Judiciary, February 27, 2003

Committee Report: Favorable
House action: Adopted
Read second time: March 20, 2003

CHAPTER _____

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.