

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HOUSE BILL 2327

AN ACT

AMENDING SECTION 14-5103, ARIZONA REVISED STATUTES; RELATING TO PROTECTION OF MINORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 14-5103, Arizona Revised Statutes, is amended to
3 read:

4 14-5103. Facility of payment or delivery

5 A. Any person under a duty to pay or deliver money or personal
6 property to a minor, including monies related to the settlement of a civil
7 claim, may perform this duty, in amounts not exceeding ten thousand dollars
8 per annum, by paying or delivering the money or property to any of the
9 following:

10 1. The minor, if the minor is married.

11 2. Any person having the care and custody of the minor and with whom
12 the minor resides.

13 3. The guardian of the minor.

14 4. A financial institution incident to a deposit in a federally
15 insured savings account in the sole name of the minor and giving notice of
16 the deposit to the minor.

17 B. A PERSON DESCRIBED IN SUBSECTION A, PARAGRAPH 1, 2 OR 3 OF THIS
18 SECTION MAY SETTLE A SUIT OR CLAIM BROUGHT ON BEHALF OF A MINOR IF THE NET
19 AMOUNT OF THE SETTLEMENT IS TEN THOUSAND DOLLARS OR LESS. THE COURT MAY
20 REQUIRE THE APPOINTMENT OF A GUARDIAN AD LITEM TO REPRESENT THE MINOR IF THE
21 NET AMOUNT OF THE SETTLEMENT IS MORE THAN TEN THOUSAND DOLLARS OR IF THE
22 COURT BELIEVES THAT THERE IS A POTENTIAL CONFLICT BETWEEN THE INTEREST OF THE
23 MINOR AND THAT OF THE PARENT OR LEGAL GUARDIAN IN CONNECTION WITH ANY
24 SETTLEMENT. THE NET AMOUNT OF THE CLAIM DOES NOT INCLUDE ATTORNEY FEES, COURT
25 COSTS AND OTHER EXPENSES RELATED TO THE CLAIM, INCLUDING MEDICAL EXPENSES.

26 ~~B.~~ C. This section does not apply if the person making payment or
27 delivery has actual knowledge that a conservator has been appointed or
28 proceedings for appointment of a conservator of the estate of the minor are
29 pending.

30 ~~C.~~ D. The persons, other than the minor or any financial institution
31 under subsection A, paragraph 4 OF THIS SECTION, receiving money or property
32 for a minor are obligated to protect and preserve the money and property
33 unless there are not sufficient resources available to provide for the
34 minor's needs. In that event they shall apply funds as are necessary to the
35 support and education of the minor but shall not pay themselves except by way
36 of reimbursement for out-of-pocket expenses for goods and services necessary
37 for the minor's support.

38 ~~D.~~ E. Any balance not used and any property received for the minor
39 shall be turned over to the minor when the minor attains majority. Within
40 three years after the minor attains majority, the person may require an
41 accounting.

42 ~~E.~~ F. Persons who pay or deliver in accordance with this section are
43 not responsible for its proper application.