

**RELEASE OF CLAIMS ON BEHALF OF A
MINOR**

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: John Dougall

LONG TITLE

General Description:

This bill allows persons who receive funds on behalf of a minor to release the claim on the minor's behalf upon payment.

Highlighted Provisions:

This bill:

- ▶ allows persons who receive money on a minor's behalf to release the payor from future claims.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

75-5-102, as last amended by Chapter 39, Laws of Utah 1998

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **75-5-102** is amended to read:

75-5-102. Facility of payment or delivery.

(1) Any person under a duty to pay or deliver money or personal property to a minor may perform this duty, in amounts not exceeding \$10,000 per annum, by paying or delivering the money or property to:

(a) the minor, if he is married or if payment to the minor is expressly authorized by

statute;

- (b) any person having the care and custody of the minor with whom the minor resides; or
- (c) a guardian of the minor.

(2) This section does not apply if the person making payment or delivery has actual knowledge that a conservator has been appointed or proceedings for appointment of a conservator of the estate of the minor are pending.

(3) The persons, other than the minor, receiving money or property for a minor~~[;]~~ are obligated to apply the money to the support and education of the minor ~~[but]~~ and may not pay themselves except by way of reimbursement for out-of-pocket expenses for goods and services necessary for the minor's support. Any excess sums shall be preserved for future support of the minor~~[; and any]~~. Any balance not so used and any property received for the minor must be turned over to the minor when he attains majority.

(4) Persons receiving money under this section on behalf of a minor shall have the power to settle and release in whole or in part the claims belonging to the minor giving rise to the duty to pay money to the minor.

(5) Persons who pay or deliver in accordance with provisions of this section are not responsible for the proper application thereof.