

Effective 5/5/2021

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 the duty to pay or deliver money or personal property, in amounts not exceeding \$15,000 per annum, by paying or delivering the money or personal property to:
 - (a) the minor if:
 - (i) the minor is married; or
 - (ii) 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)
 - (a) Any person, other than the minor, receiving money or property for a minor:
 - (i) is obligated to apply the money to the support and education of the minor; and
 - (ii) may not pay oneself except by way of reimbursement for out-of-pocket expenses for goods and services necessary for the minor's support.
 - (b) Any excess sums of money under Subsection (3)(a) shall be preserved for future support of the minor.
 - (c) Any balance of money that is not used and any property received for the minor must be turned over to the minor when the minor attains the age of 18.
- (4)
 - (a) If any money under Subsection (1) is the result of a personal injury claim or wrongful death claim, the threshold amount of \$15,000 per annum described in Subsection (1) shall be the amount payable to the minor after the payment of medical bills, attorney fees, and costs of litigation that were incurred by the claim.
 - (b) Any person, other than the minor, receiving money under Subsection (4)(a) for a minor shall hold the money in a trust for the sole benefit of the minor.
 - (c) Any money that is held in a trust for a minor under Subsection (4)(b) shall be turned over to the minor when the minor attains the age of 18.
 - (d) Notwithstanding Subsection (4)(c), a parent or guardian of the minor may petition the court to request the disbursement of the money held in the trust for the minor under Subsection (4)(b) at any time before the minor is 18 years old.
- (5) Any person 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.
- (6) Any person who pays or delivers in accordance with provisions of this section is not responsible for the proper application thereof.

Amended by Chapter 61, 2021 General Session