Bill as Introduced

HB 183 – AS INTRODUCED

2003 SESSION

03-0668
01/09

HOUSE BILL ***183***

AN ACT relative to a distribution from a decedent's estate to a minor.

SPONSORS: Rep. J. Pratt, Ches 24; Rep. Craig, Hills 50; Rep. Rowe, Hills 47; Sen. Foster, Dist 13; Sen. Peterson, Dist 11

COMMITTEE: Judiciary

ANALYSIS

This law clarifies the procedure relative to a distribution from a decedent's estate to a minor.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

03-0668
01/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to a distribution from a decedent's estate to a minor.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Minors Not Under Guardianship. Amend RSA 561:20 to read as follows:

561:20 Minors Not Under Guardianship. Whenever any minor not being under legal guardianship shall be entitled to receive from any administrator or executor any distributive share as heir or next of kin, or any legacy, [~~the full amount of which share or legacy is not more than $5,000, said administrator or executor, upon petition to and approval of the probate court, shall pay said sum to the parents of the minor, if both are living, or to the surviving parent if one parent is deceased, or to the parent or other person having custody of the minor, if the parents are divorced, or to a person standing in loco parentis to the minor, if both parents are deceased. The receipt of the parents or parent or other person shall be filed and accepted by the probate court in discharge of the administrator's or executor's liability therefor in the same manner and effect as though the parents or parent or other person had been legally appointed guardian by the probate court. Publication of notice upon the petition to the probate court shall not be required unless ordered by the court. When considering such a petition the probate court shall determine the best interests of the minor. If such a petition is approved by the probate court, the court may make all necessary orders for protecting the interests of the minor and may require the parents or parent or other person to give bond or to account for all money received on behalf of the minor, or both~~] ***said administrator shall pay said sum to a custodian for the benefit of the minor under RSA 463-A, the Uniform Transfers to Minors Act.***

2 Effective Date. This act shall take effect January 1, 2004.

Amendments

Rep. J. Pratt, Ches 24
January 23, 2003
2003-0049h
01/10

Amendment to HB 183

Amend the bill by replacing all after the enacting clause with the following:

1 Minors Not Under Guardianship. Amend RSA 561:20 to read as follows:

561:20 Minors Not Under Guardianship. Whenever any minor ***whose estate is*** not [~~being~~] under legal guardianship shall be entitled to receive from any administrator [~~or~~], executor***, trustee, or third party payor/custodian,*** any distributive share as heir or next of kin, [~~or~~] any legacy, [~~the full amount of which share or legacy is not more than $5,000, said administrator or executor, upon petition to and approval of the probate court, shall pay said sum to the parents of the minor, if both are living, or to the surviving parent if one parent is deceased, or to the parent or other person having custody of the minor, if the parents are divorced, or to a person standing in loco parentis to the minor, if both parents are deceased. The receipt of the parents or parent or other person shall be filed and accepted by the probate court in discharge of the administrator's or executor's liability therefor in the same manner and effect as though the parents or parent or other person had been legally appointed guardian by the probate court. Publication of notice upon the petition to the probate court shall not be required unless ordered by the court. When considering such a petition the probate court shall determine the best interests of the minor. If such a petition is approved by the probate court, the court may make all necessary orders for protecting the interests of the minor and may require the parents or parent or other person to give bond or to account for all money received on behalf of the minor, or both~~] ***bequest or devise, any monetary distribution, or any ownership interest, said administrator, executor, trustee, or third party payor/custodian shall make such distribution to the person designated as such minor's custodian for the benefit of such minor under either RSA 463-A, the Uniform Transfers to Minors Act, or under another state's Uniform Transfers to Minors Act or similar statute, or absent a designated custodian, to a custodian for the benefit of such minor under RSA 463-A, the Uniform Transfers to Minors Act.***

2 Effective Date. This act shall take effect January 1, 2004.

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 183

BILL TITLE: relative to a distribution from a decedent's estate to a minor.

DATE: Jan. 23, 2003

LOB ROOM: 208 **Time Public Hearing Called to Order:** 10:11 a.m.

Time Adjourned: 10:25 a.m.

(please circle if present)

Committee Members: Reps. Mock, Rowe, Jacobson, Ford, Dudley, Soltani, Woods, Rice, Souza, Desmarais, Haytayan, Mooney, Morris, Sorg, J. Wheeler, Wall, J. Pratt, Craig, Lasky, Potter and Franklin.

Bill Sponsors: Rep. J. Pratt, Rep. Craig, Rep. Rowe, Sen. Foster, Sen. Peterson

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Pratt, prime sponsor- Supports. Bill attempts to clean up the language under RSA 561:20.

Virgina Sheehan, Orr & Reno- Supports. If there is nothing in a document noted otherwise, it would be appropriate to make RSA's more consistent. Explained written testimony.

Judge Maher, Probate Court- Supports.

**Written testimony in file*

Perhaps it would make sense if lines were noted under bill as individual explantions. In most instances there is going to be a guardianship named.

Questions:
Rep. Lasky
Rep. Sorg
Rep. Franklin
Rep. Potter

Pink Cards:

- Ann Meissner Flood, Orr & Reno, PA, Concord, 224-2381, supports.
- Virginia S. Sheehan, Orr & Reno, PA, Concord, 223-9144, supports.
- Sen. Andrew Peterson, supports.
- John P. Maher, Probate Court, supports.

Respectfully Submitted,

Terri C. Dudley

Rep. Terri C. Dudley, Clerk

Testimony

Explanation: Matter added to current law appears in ***bold italics***
Matter removed from current law appears [~~in brackets and strikethrough~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type

FILE

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Two

AN ACT coordinating related statutes regarding a distribution from a decedent's estate to a minor beneficiary

Be it Enacted by the Senate and the House of Representatives in General Court convened:

A. Section 20 of Chapter 561 entitled "Minors Not Under Guardianship" is repealed and reenacted to read as follows:

561:20 Minors Not Under Guardianship. Whenever any minor not being under legal guardianship ***of the minor's estate*** shall be entitled to receive from any administrator, [~~or~~] executor, ***trustee or third party payor/custodian*** any distributive share as heir or next of kin, [~~or~~] any legacy, ***bequest or devise, any monetary distribution or any ownership interest,***[~~the full amount of which share or legacy is not more than $5,000, said administrator or executor, upon petition to and approval of the probate court, shall pay said sum to the parents of the minor, if both are living, or to the surviving parent if one parent is deceased, or to the parent or other person having custody of the minor, if the parents are divorced, or to a person standing in loco parentis to the minor, if both parents are deceased. The receipt of the parents or parent or other person shall be filed and accepted by the probate court in discharge of the administrator's or executor's liability therefor in the same manner and effect as though the parents or parent or other person had been legally appointed guardian by the probate court. Publication of notice upon the petition to the probate court shall not be required unless ordered by the court. When considering such a petition the probate court shall determine the best interests of the minor. If such a petition is approved by the probate court, the court may make all necessary orders for protecting the interests of the minor and may require the parents or parent or other person to give bond or to account for all money received on behalf of the minor, or both~~] ***said administrator, executor, trustee, or third party payor/custodian shall make such distribution to the person designated as such minor's custodian for the benefit of such minor under either RSA 463-A, the Uniform Transfers to Minors Act, or under another state's Uniform Transfers to Minors Act or similar statute, or absent a designated custodian, to a custodian for the benefit of such minor under RSA 463-A, the Uniform Transfers to Minors Act.***

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 183

BILL TITLE: **relative to a distribution from a decedent's estate to a minor.**

DATE: Jan. 23, 2003

LOB ROOM: 208

Amendments:

Sponsor: Rep. John M. Pratt	OLS Document #:	0049h	Adopted
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: (OTP) OTP/A, ITL, Interim Study (Please circle one.) **Amendment**

Moved by Rep. John M. Pratt

Seconded by Rep. James W. Craig

Vote: 16-0 (Please attach record of roll call vote.)

Motions: OTP, (OTP/A), ITL, Interim Study (Please circle one.)

Moved by Rep. John M. Pratt

Seconded by Rep. James W. Craig

Vote: 16-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 16-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Terri C. Dudley, Clerk

OFFICE OF THE HOUSE CLERK 2003 SESSION

JUDICIARY

Bill #: HB183 Title: _____

PH Date: 01/23/03 Exec Session Date: 01/23/03

Motion: OTP Amendment #: 0049h

MEMBER	YEAS	NAYS
Mock, Henry P, Chairman	✓	
Rowe, Robert H, V Chairman	✓	
Jacobson, Alf E		
Ford, Nancy M	✓	
Dudley, Terri C, Clerk	✓	
Soltani, Tony F		
Woods, Phyllis L	✓	
Rice, Thomas E P	✓	
Souza, Kathleen F	✓	
Desmarais, Vivian J	✓	
Haytayan, Harry M		
Mooney, Maureen C		
Morris, Richard W		
Sorg, Gregory M	✓	
Wheeler, James E	✓	
Wall, Janet G	✓	
Pratt, John	✓	
Craig, James W	✓	
Potter, Frances D	✓	
Franklin, Peter E	✓	
Lasky, Bette R	✓	
TOTAL VOTE:	16	0

Printed: 1/16/2003

OFFICE OF THE HOUSE CLERK 2003 SESSION

JUDICIARY

Bill #: HB183 Title: _____

PH Date: 01/23/03 Exec Session Date: 01/23/03

Motion: OTP/A Amendment #: _____

MEMBER	YEAS	NAYS
Mock, Henry P, Chairman	✓	
Rowe, Robert H, V Chairman	✓	
Jacobson, Alf E		
Ford, Nancy M	✓	
Dudley, Terri C, Clerk	✓	
Soltani, Tony F		
Woods, Phyllis L	✓	
Rice, Thomas E P	✓	
Souza, Kathleen F	✓	
Desmarais, Vivian J	✓	
Haytayan, Harry M		
Mooney, Maureen C		
Morris, Richard W		
Sorg, Gregory M	✓	
Wheeler, James E	✓	
Wall, Janet G	✓	
Pratt, John	✓	
Craig, James W	✓	
Potter, Frances D	✓	
Franklin, Peter E	✓	
Lasky, Bette R	✓	
TOTAL VOTE:	16	0

Printed: 1/16/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Judiciary**

BILL NUMBER: **HB 183**

TITLE: relative to a distribution from a decedent's estate to a minor.

DATE: Jan. 23, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

HB 183 requires that any distribution from an estate to a minor who is not under legal guardianship must be made in accordance with the Uniform Transfer to Minors Act.

Vote 16-0.

Rep. John M. Pratt
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Judiciary

HB 183, relative to a distribution from a decedent's estate to a minor. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Pratt for Judiciary: HB 183 requires that any distribution from an estate to a minor who is not under legal guardianship must be made in accordance with the Uniform Transfer to Minors Act. **Vote 16-0.**