

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on **Judiciary** recommends **SB 243** be amended on page 1, in line 6, before "Section" inserting "New";

On page 3, in line 2, after "(d)" by inserting "(1)"; in line 6, by striking "(1)" and inserting "(A)"; following line 9, by inserting:

"(2) Upon the minor's or account holder's death, the balance of such account shall be paid to the payable on death beneficiary in accordance with K.S.A. 9-1215, and amendments thereto, or, in the absence of a named payable on death beneficiary, in accordance with the provisions of the Kansas probate code.";

Also on page 3, following line 28, by inserting:

"(3) A financial institution who in good faith opens a restricted savings or other restricted investment account at the direction of the minor or the minor's representatives who entered into a settlement agreement shall not be liable to the minor or the minor's representatives for any claims arising from the use of such funds.";

Also on page 3, following line 33, by inserting:

"(h) Nothing in this section shall prevent the minor or any person acting on behalf of the minor from filing in an appropriate district court and requesting the district court to approve the settlement agreement, the affidavit or verified statement of the person entering into the settlement agreement, the terms and disposition of the settlement proceeds or any other matter or agreement relating to or arising from the claims encompassed by the settlement agreement. The district court shall award any docket fees required to file the action to the minor or person acting

on behalf of the minor.

Sec. 2. K.S.A. 38-1707 is hereby amended to read as follows: 38-1707. (a) Subject to subsection (c), a personal representative or trustee may make an irrevocable transfer to another adult or trust company as custodian for the benefit of a minor pursuant to K.S.A. 38-1710, and amendments thereto, in the absence of a will or under a will or trust that does not contain an authorization to do so.

(b) Subject to subsection (c), a conservator may make an irrevocable transfer to another adult or trust company as custodian for the benefit of the minor pursuant to K.S.A. 38-1710, and amendments thereto.

(c) A transfer under subsection (a) or (b) may be made only if ~~(i)~~:

(1) The personal representative, trustee, or conservator considers the transfer to be in the best interest of the minor, ~~(ii)~~;

(2) the transfer is not prohibited by or inconsistent with provisions of the applicable will, trust agreement, or other governing instrument, ~~;~~ and ~~(iii)~~

(3) the transfer is authorized by the court if ~~it~~ such transfer exceeds ~~\$10,000~~ \$25,000 in value.

Sec. 3. K.S.A. 59-3053 is hereby amended to read as follows: 59-3053. (a) A natural guardian shall have the right to the custody of the natural guardian's minor child and the right to exercise control over the person of the natural guardian's minor child as provided by law, unless a guardian has been appointed for the minor. The natural guardian of such minor has the right and responsibility to hold in trust and manage such person's estate for such person's benefit all of the personal and real property vested in such minor when the total of such property does not exceed ~~\$10,000~~ \$25,000 in value, unless a guardian or conservator has been appointed for the minor.

(b) Nothing in this act shall be construed to relieve a natural guardian of any obligation imposed by law for the support, maintenance, care, treatment, habilitation or education of that natural guardian's minor child.

Sec. 4. K.S.A. 59-3055 is hereby amended to read as follows: 59-3055. (a) Any court having either control over or possession of any amount of money not exceeding \$100,000, the right to which is vested in a minor, shall have the discretion to authorize, without the appointment of a conservator or the giving of bond, and notwithstanding the authority of a natural guardian as provided for in K.S.A. 59-3053, and amendments thereto, the deposit of the money in a savings account of a bank, credit union, savings and loan association or any other investment account that the court may authorize, payable either to a conservator, if one shall be appointed for the minor, or to the minor upon attaining ~~the age of~~ 18 years of age.

(b) Any court having either control over or possession of any amount of money not exceeding ~~\$10,000~~ \$25,000, the right to which is vested in a minor, shall have the discretion to order the payment of the money to any person, including the natural guardian of the minor, or the minor. If the person is the conservator for the minor, the court may waive or recommend the waiver of the requirement of a bond. If the person is anyone other than the minor, the court shall order that person to hold in trust and manage such person's estate for such person's benefit.

(c) Any court having either control over or possession of any amount of money not exceeding ~~\$10,000~~ \$25,000, the right to which is vested in a person for whom a guardian has been appointed, shall have the discretion to authorize, without the appointment of a conservator or the giving of bond, the deposit of the money in a savings account of a bank, credit union or savings and loan association, payable to the guardian for the benefit of the ward if authorized pursuant to ~~subsection (e)(8)~~ (e)(8) of K.S.A. 59-3075, and amendments thereto, payable to a conservator, if one shall be appointed for the person, or payable to the ward on restoration to

capacity.

Sec. 5. K.S.A. 38-1707, 59-3053 and 59-3055 are hereby repealed.";

And by redesignating sections, subsections, paragraphs, subparagraphs and clauses accordingly;

On page 1, in the title, in line 3, after the second "minor" by inserting "increasing certain related dollar amounts in the Kansas uniform transfers to minors act and the act for obtaining a guardian or a conservator, or both; amending K.S.A. 38-1707, 59-3053 and 59-3055 and repealing the existing sections"; and the bill be passed as amended.

_____ Chairperson