

# LEGAL SERVICES

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### MEMORANDUM

April 18, 2022

**SUBJECT:** Emancipated minors and the right to marry (SCS CSHB 62(HSS);  
Work Order No. 32-LS0272I)

**TO:** Senator David Wilson  
Chair of the Senate Health & Social Services Committee  
Attn: Jasmin Martin

**FROM:** Alex Foote   
Legislative Counsel

Please find attached a committee substitute for HB 62. As we briefly discussed, adding a provision permitting minors whose disabilities have been removed for general purposes under AS 09.55.590 to marry under AS 25.05.011 would be unnecessary, as these minors are already permitted to marry. AS 09.55.590(g) states:

Except for specific constitutional and statutory age requirements for voting and use of alcoholic beverages, a minor whose disabilities are removed for general purposes has the power and capacity of an adult, including the right to self-control, the right to be domiciled where one desires, the right to receive and control one's earnings, the right to sue or to be sued, and the capacity to contract.

This statute, coupled with the Alaska Supreme Court's finding that "both married and emancipated minors are considered adults under the law,"<sup>1</sup> supports the assertion that minors whose disabilities have been removed for general purposes under AS 09.55.590 may marry, regardless of AS 25.05.011. Please let me know if you have further questions, or if you would like to amend AS 09.55.590 to include a specific reference to the right to marry.

ATF:lme  
22-183.lme

Attachment

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<sup>1</sup> *Treacy v. Municipality of Anchorage*, 91 P.3d 252, 267 (Alaska 2004).