

Introduced: 4/9/75
Referred: Judiciary and
Health, Education & Social
Services

1 IN THE HOUSE

BY BEIRNE, BRADLEY AND
GRUENING

2 CS HOUSE BILL NO. 402

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to removal of disabilities of a minor;
7 and amending Rules 3 and 17 of the Rules of Civil
8 Procedure."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 09.55 is amended by adding a new section to read:

11 Sec. 09.55.590. REMOVAL OF DISABILITIES OF MINORITY. (a) A minor
12 who is a resident of this state and is at least 16 years of age, who is
13 living separate and apart from his parents or guardian, who is self-
14 supporting, and who is managing his own financial affairs, may petition
15 the superior court to have the disabilities of minority removed for
16 limited or general purposes.

17 (b) A minor may institute this petition under this section in his
18 own name.

19 (c) The petition for removal of disabilities of minority must
20 state:

- 21 (1) the name, age, and residence address of the petitioner;
22 (2) the name and address of each living parent;
23 (3) the name and address of the guardian of the person and
24 the guardian of the estate, if any;
25 (4) the reasons why removal would be in the best interest of
26 the child; and
27 (5) the purposes for which removal is sought.

28 (d) The petition must be consented to by each living parent of
29 the petitioner, except that if a guardian of the person has been

1 appointed, the petition must be consented to by the person so appointed.
2 If the person who is to consent to the petition is unavailable or his
3 whereabouts are unknown, or if the parent or guardian unreasonably with-
4 holds consent, the court, acting in the best interest of petitioner, may
5 waive this requirement of consent.

6 (e) The court shall appoint a guardian ad litem to represent the
7 interests of the petitioner at the hearing.

8 (f) The court may remove the disabilities of minority as requested
9 in the petition if found to be in the best interest of the petitioner,
10 after a hearing. The removal may be for general purposes or the limited
11 purposes specified in the decree.

12 (g) Except for specific constitutional and statutory age require-
13 ments, a minor whose disabilities are removed for general purposes has
14 the power and capacity of an adult, including the right to control him-
15 self or herself, the right to be domiciled where he or she desires, the
16 right to receive and control his or her earnings, to sue or to be sued,
17 and the capacity to contract.

18 * Sec. 2. Section 1 of this Act amends Rule 3 of the Rules of Civil Pro-
19 cedure by specifying the content of the petition to be filed; and Rule 17, by
20 allowing a minor to institute proceedings in his own name and by requiring
21 appointment of a guardian ad litem. It must receive an affirmative vote of
22 two-thirds of the full membership of each house in order to be effective.
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