

Original sponsor: H. Beirne, Bradley
and Gruening

Offered: 5/14/75
Referred: Health, Education
& Social Services

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

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CS FOR HOUSE BILL NO. 402

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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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."

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

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

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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, capable of self
14 support and of managing his own financial affairs, may petition the
15 superior court to have the disabilities of minority removed for limited
16 or general purposes.

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

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

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(1) the name, age, and residence address of the petitioner;

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(2) the name and address of each living parent;

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(3) the name and address of the guardian of the person and

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the guardian of the estate, if any;

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(4) the reasons why removal would be in the best interest of

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the child; and

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(5) the purposes for which removal is sought.

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(d) The petitioner must obtain the consent of each living parent

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or guardian having control of the person or property of the petitioner.

1 If the person who is to consent to the petition is unavailable or his
2 whereabouts are unknown, or if a parent or guardian unreasonably with-
3 holds consent, the court, acting in the best interest of petitioner, may
4 waive this requirement of consent as to that parent or guardian.

5 (e) The court may appoint an attorney or a guardian ad litem to
6 represent the interests of the petitioner at the hearing.

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

11 (g) Except for specific constitutional and statutory age require-
12 ments for voting and use of alcoholic beverages, a minor whose dis-
13 abilities are removed for general purposes has the power and capacity of
14 an adult, including but not limited to the right to control himself or
15 herself, the right to be domiciled where he or she desires, the right to
16 receive and control his or her earnings, to sue or to be sued, and the
17 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 permitting
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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