



LAWS OF ALASKA

1976

Source

HCSSB 588

Chapter No.

233

AN ACT

Relating to the disabilities of a minor; and amending Rules 3 and 17 of the Rules of Civil Procedure.

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

* Section 1. AS 28.10 is amended by adding a new section to read:

Sec. 28.10.355. PURCHASE OF MOTOR VEHICLE BY MINOR.

(a) An agreement for the purchase of a motor vehicle by a minor who has not been emancipated is void unless a parent or guardian of the minor is also a party to the agreement.

(b) For the purposes of this section "emancipated" means that a minor to whom the term refers is a resident of this state and is at least 16 years of age; is living separate and apart from his parents or guardian; and is capable of self-support and of managing his own financial affairs.

* Sec. 2. AS 09.55 is amended by adding a new section to read:

Sec. 09.55.590. REMOVAL OF DISABILITIES OF MINORITY.

(a) A minor who is a resident of this state and is at least 16 years of age, who is living separate and apart from his parents or guardian, capable of self-support and of managing his own financial affairs, may petition the superior court to have the disabilities of minority removed for limited or general purposes.

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

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

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

(d) The petitioner must obtain the consent of each living parent or guardian having control of the person or property of the petitioner. If the person who is to consent to the petition is unavailable or his whereabouts are unknown, or if a parent or guardian unreasonably withholds consent, the court, acting in the best interest of petitioner, may waive this requirement of consent as to that parent or guardian.

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

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

(g) 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 but not limited to the right to control himself or herself, the right to be domiciled where he or she desires, the right to receive and control his or her earnings, to sue or to be sued, and the capacity to contract.

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