

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1172

By: Representatives Todd and Wagner

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 9-26-104 TO REQUIRE NOTICE TO THE PARENTS OR LEGAL GUARDIAN OF A MINOR WHO IS THE SUBJECT OF A PROCEEDING TO REMOVE THE DISABILITY OF THE MINOR; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 9-26-104 is hereby amended to read as follows:

"9-26-104. Removal of disability of minority.

(a) The circuit courts and the chancery courts of this state or the respective judges thereof in vacation shall have the power to authorize any person who is a resident of the county and who has reached his sixteenth birthday to transact business in general and any particular business specified in like manner and with the same effect as if such act or thing were done by a person who had attained majority. Every act done by a person so authorized shall have the same force and effect in law and equity as if done by a person of full age.

(b) Letters testamentary, of administration, or of guardianship may be granted to any such person, if otherwise entitled by law to have or hold such fiduciary trust, with like effect as if granted to a person over the age of majority.

(c) The order of removal of disabilities may be made by the courts, or the respective judges thereof, in term time or in vacation.

(d) (1) The circuit and chancery courts of any county in which a nonresident minor of the State of Arkansas owns real estate, or any interest in real estate, shall have concurrent jurisdiction to remove the disabilities of minority of such minor where the person has reached sixteen (16) years of age, as to such real estate. This may be done to enable the minor to sell and convey the real estate, or any interest therein, which may be owned by the

minor or to mortgage or otherwise dispose of the real estate, as fully and effectually as if the minor was of full age.

(2) The order of removal of disabilities may be made by the courts, or the respective judges thereof in term time or in vacation, and, if made in vacation, shall be entered at large upon the records of the court.

(e) After the filing of a petition to remove the disability of a minor, the court shall fix a time and place for hearing the petition. At least twenty (20 days before the date of the hearing, notice of the filing of the petition and of the time and place of the hearing, shall be given by the petitioner to any parent or legal guardian of the minor who has not joined in the petition. The notice shall be given in the same manner as provided for summons under the Arkansas Rules of Civil Procedure."

SECTION 2. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.