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*** CURRENT THROUGH THE 2011 REGULAR SESSION ***
*** ANNOTATIONS CURRENT THROUGH FEBRUARY 6, 2012 FOR THE TENNESSEE SUPREME COURT ***
*** THROUGH JANUARY 25, 2012 FOR THE TENNESSEE COURT OF APPEALS ***
*** THROUGH JANUARY 24, 2012 FOR THE TENNESSEE COURT OF CRIMINAL APPEALS ***

Title 29 Remedies And Special Proceedings
Chapter 31 Removal of Disability of Minors

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Tenn. Code Ann. § 29-31-101 (2012)

29-31-101. Power to remove.

(a) The chancery court of a county in which a minor resides or the chancellor in vacation may remove the disabilities of minority; and the chancery court of any county, or the chancellor of such court in vacation, may remove the disabilities of minority of a nonresident minor of the state of Tennessee who owns, or has an interest in, any real or personal property located in the state of Tennessee, so as to enable the minor to sell and convey such real or personal property, or any interest therein, or to do any other act in respect thereof; all as fully and effectively as if the minor was eighteen (18) years of age.

(b) In all cases where a minor petitions for the removal of disabilities of minority in a county other than the county in which property is located, petition must show that no application has been previously made in the county where the property is located.

(c) The circuit court and the judge thereof shall have concurrent jurisdiction with the chancery court and chancellor to remove the disabilities of minority.

HISTORY: Acts 1915, ch. 162, § 1; Shan., § 6106a3; mod. Code 1932, § 10370; Acts 1941, ch. 60, § 1; C. Supp. 1950, § 10370; Acts 1957, ch. 195, § 1; 1961, ch. 142, § 1; 1967, ch. 354, § 1; 1968, ch. 453, § 1; 1971, ch. 162, § 2; T.C.A. (orig. ed.), § 23-1201; modified.

NOTES: Cross-References.

Infants, *Tenn. R. Civ. P. 17.03*.

Judicial sale of minor's property, § 34-1-116.

Section to Section References.

This chapter is referred to in § 50-5-204.

This section is referred to in § 16-15-501.

Textbooks.

Gibson's Suits in Chancery (7th ed., Inman), § 7.

Law Reviews.

- Negligence -- Subsequent Emancipation -- Effect on Family Immunity, *29 Tenn. L. Rev.* 595.
- Recent Developments in Tennessee and Federal Procedure (Donald F. Paine), *36 Tenn. L. Rev.* 276.
- Special Legislation Removing Disabilities of Infancy (Seymour Samuels, Jr.), *15 Tenn. L. Rev.* 655.
- The Tennessee Court System (Frederic S. Le Clercq), *8 Mem. St. U.L. Rev.* 189.
- The Tennessee Court System -- Chancery Court (Frederic S. Le Clercq), *8 Mem. St. U.L. Rev.* 281.
- The Tennessee Court System -- Circuit Court (Frederic S. Le Clercq), *8 Mem. St. U.L. Rev.* 241.
- To Be or Not To Be in Tennessee: Deciding Surrogate Issues, *34 U. Mem. L. Rev.* 333 (2004).
- Torts -- 1962 Tennessee Survey (Dix W. Noel), *16 Vand. L. Rev.* 88.

Attorney General Opinions.

Jurisdiction and procedures for emancipation proceedings, OAG 96-064 (4/8/96).

A married minor is fully emancipated from parental control and thus, like other emancipated minors, is not subject to compulsory school attendance laws, OAG 02-100 (9/16/02).

Comparative Legislation.

Removing disabilities of minors:

Ala. Code § 26-13-1 et seq.

Ark. Code § 9-26-104.

Miss. Code Ann. § 93-19-1 et seq.

Mo. Rev. Stat. § 442.100.

Cited:

Parker v. Parker, 497 S.W.2d 572, 1973 Tenn. LEXIS 466 (Tenn. 1973); *Crawford v. Gilpatrick*, 646 S.W.2d 433, 1983 Tenn. LEXIS 608 (Tenn. 1983).

NOTES TO DECISIONS

1. Legal Responsibility Act Valid.

1. Legal Responsibility Act Valid.

The Legal Responsibility Act of 1971 (amending §§ 28-1-106, 29-31-101, 39-1003 (now § 39-15-404), 39-3706 (now § 39-13-505), 57-3-210) is not unconstitutional as being retrospective. *Arnold v. Davis*, 503 S.W.2d 100, 1973 Tenn. LEXIS 433 (Tenn. 1973).

The Legal Responsibility Act of 1971 (amending §§ 28-1-106, 29-31-101, 39-1003 (now § 39-15-404), 39-3706 (now § 39-13-505), 57-3-210) is not a statute of limitations, although its effect shortens the time minors have to commence actions. *Arnold v. Davis*, 503 S.W.2d 100, 1973 Tenn. LEXIS 433 (Tenn. 1973).

Collateral References.

42 *Am. Jur. 2d Infants* §§ 3-6.

43 C.J.S. *Infants* §§ 108, 109, 115-119.

Burden of proof of defendant's age, in prosecution where attainment of particular age is statutory requisite of guilt. 49 *A.L.R.3d* 526.

Minor's entry into home of parent as sufficient to sustain burglary charge. 17 *A.L.R.5th* 111.

Infants 11.

HIERARCHY NOTES:

Tit. 29 Note