

TITLE 32
DOMESTIC RELATIONS

CHAPTER 1
PERSONS

32-101. MINORS DEFINED. Minors are:

1. Males under eighteen (18) years of age.
2. Females under eighteen (18) years of age.

3. Provided, that any male or any female who has been married shall be competent to enter a contract, mortgage, deed of trust, bill of sale and conveyance, and sue or be sued thereon.

[(32-101) 1863, p. 515; R.S., sec. 2405; reen. R.C. & C.L., sec. 2601; C.S., sec. 4583; I.C.A., sec. 31-101; am. 1963, ch. 103, sec. 1, p. 323; am. 1972, ch. 117, sec. 1, p. 233.]

32-102. UNBORN CHILD AS EXISTING PERSON. A child conceived, but not yet born, is to be deemed an existing person so far as may be necessary for its interests, in the event of its subsequent birth.

[(32-102) R.S., sec. 2406; reen. R.C. & C.L., sec. 2602; C.S., sec. 4584; I.C.A., sec. 31-102.]

32-103. CONTRACTS OF MINORS -- DISAFFIRMANCE. In all cases other than those specified in the next two (2) sections the contract of a minor, if made whilst he is an unmarried minor may be disaffirmed by the minor himself, either before his majority or within a reasonable time afterwards; or, in case of his death within that period, by his heirs or personal representatives.

[(32-103) R.S. sec. 2407; reen. R.C. & C.L., sec. 2603; C.S., sec. 4585; I.C.A., sec. 31-103; am. 1972, ch. 117, sec. 2, p. 233.]

32-104. CONTRACTS OF MINORS -- NECESSARIES. A minor can not disaffirm a contract otherwise valid, to pay the reasonable value of things necessary for his support, or that of his family, entered into by him when not under the care of a parent or guardian able to provide for him or them.

[(32-104) R.S., sec. 2408; reen. R.C. & C.L., sec. 2604; C.S., sec. 4586; I.C.A., sec. 31-104.]

32-105. CONTRACTS OF MINORS AUTHORIZED BY STATUTE. A minor can not disaffirm an obligation otherwise valid, entered into by him under the express authority or direction of a statute.

[(32-105) R.S., sec. 2409; R.C. & C.L., sec. 2605; C.S., sec. 4587; I.C.A., sec. 31-105.]

32-106. CONTRACTS OF PERSONS WITHOUT UNDERSTANDING. A person entirely without understanding has no power to make a contract of any kind, but he is liable for the reasonable value of things furnished to him necessary for his support or the support of his family.

[32-106, R.S., sec. 2410; reen. R.C. & C.L., sec. 2606; C.S., sec. 4588; I.C.A., sec. 31-106; am. 2010, ch. 235, sec. 10, p. 551.]

32-107. CONTRACTS OF INSANE PERSONS. A conveyance or other contract of a person of unsound mind, but not entirely without understanding, made before his incapacity has been judicially determined, is subject to rescission.

[(32-107) R.S., sec. 2411; reen. R.C. & C.L., sec. 2607; C.S., sec. 4589; I.C.A., sec. 31-107.]

32-108. CONTRACTS OF INSANE PERSONS AFTER ADJUDICATION OF INCAPACITY. After his incapacity has been judicially determined, a person of unsound mind can make no conveyance or other contract, nor delegate any power or waive any right until his restoration to capacity. But a certificate from the medical superintendent or resident physician of the insane asylum to which such person may have been committed, showing that such person had been discharged therefrom cured and restored to reason, shall establish the presumption of legal capacity in such person from the time of such discharge.

[(32-108) R.S., sec. 2412; reen. R.C. & C.L., sec. 2608; C.S., sec. 4590; I.C.A., sec. 31-108.]