

FIRST REGULAR SESSION

HOUSE BILL NO. 491

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VAN SCHOIACK.

0701H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 431.055, 431.056, and 507.115, RSMo, and to enact in lieu thereof three new sections relating to legally married minors.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 431.055, 431.056, and 507.115, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 431.055, 431.056, and 507.115,
3 to read as follows:

431.055. The legal age at which a person becomes competent to contract in Missouri
2 is eighteen years, **or sixteen or seventeen years if the person is legally married**, and any
3 rule or provision of the common law to the contrary is hereby abrogated.

431.056. 1. A minor shall be qualified and competent to contract for housing,
2 employment, purchase of an automobile, receipt of a student loan, admission to high school
3 or postsecondary school, obtaining medical and mental health care, establishing a bank
4 account, admission to a shelter for victims of domestic violence[~~;~~] as that phrase is used in
5 sections 455.200 to 455.220, a rape crisis center[~~;~~] as defined in section 455.003, or a
6 homeless shelter, and receipt of services as a victim of domestic violence or sexual assault[~~;~~]
7 as such terms are defined in section 455.010, including, but not limited to, counseling, court
8 advocacy, financial assistance, and other advocacy services, if:

9 (1) The minor is sixteen or seventeen years of age; and

10 (2) The minor is homeless, as defined in subsection 1 of section 167.020, or a victim
11 of domestic violence, as defined in section 455.010, unless the child is under the supervision
12 of the children's division or the jurisdiction of the juvenile court; and

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 (3) The minor is self-supporting, such that the minor is without the physical or
14 financial support of a parent or legal guardian; and

15 (4) The minor's parent or legal guardian has consented to the minor living
16 independent of the parents' or guardians' control. Consent may be expressed or implied, such
17 that:

18 (a) Expressed consent is any ~~verbal~~ **oral** or written statement made by the parents or
19 guardian of the minor displaying approval or agreement that the minor may live
20 independently of the parent's or guardian's control;

21 (b) a. Implied consent is any action made by the parent or guardian of the minor that
22 indicates the parent or guardian is unwilling or unable to adequately care for the minor. Such
23 actions may include, but are not limited to:

24 (i) Barring the minor from the home or otherwise indicating that the minor is not
25 welcome to stay;

26 (ii) Refusing to provide any or all financial support for the minor; or

27 (iii) Abusing or neglecting the minor, as defined in section 210.110, or committing an
28 act or acts of domestic violence against the minor, as defined in section 455.010.

29 b. Implied consent, in addition to the actions described in subparagraph a. of this
30 paragraph, may also be demonstrated by a letter signed by the following persons verifying
31 that the minor is an unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6):

32 (i) A director or designee of a governmental or nonprofit agency that receives public
33 or private funding to provide services to homeless persons;

34 (ii) A local education agency liaison for homeless children and youth designated
35 under 42 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker or counselor; or

36 (iii) A licensed attorney representing the minor in any legal matter.

37 **2. A minor who is sixteen or seventeen years of age and legally married shall be**
38 **qualified and competent to contract for housing, employment, purchase of an**
39 **automobile, receipt of a student loan, admission to high school or postsecondary**
40 **school, obtaining medical and mental health care, establishing a bank account,**
41 **admission to a shelter for victims of domestic violence as that phrase is used in sections**
42 **455.200 to 455.220, a rape crisis center as defined in section 455.003, or a homeless**
43 **shelter, and receipt of services as a victim of domestic violence or sexual assault as such**
44 **terms are defined in section 455.010, including, but not limited to, counseling, court**
45 **advocacy, financial assistance, and other advocacy services.**

46 **3. A minor who is sixteen years of age or older and who is in the legal custody of the**
47 **children's division pursuant to an order of a court of competent jurisdiction shall be qualified**
48 **and competent to contract for the purchase of automobile insurance with the consent of the**
49 **children's division or the juvenile court. The minor shall be responsible for paying the costs**

50 of the insurance premiums and shall be liable for damages caused by his or her negligent
51 operation of a motor vehicle. No state department, foster parent, or entity providing case
52 management of children on behalf of a department shall be responsible for paying any
53 insurance premiums nor liable for any damages of any kind as a result of the operation of a
54 motor vehicle by the minor.

55 ~~[3-]~~ 4. A minor who is sixteen years of age or older and who is in the legal custody of
56 the children's division pursuant to an order of a court of competent jurisdiction shall be
57 qualified and competent to contract for the opening of a checking or savings bank account
58 with the consent of the children's division or the juvenile court. The minor shall be
59 responsible for paying all banking-related costs associated with the checking or savings
60 account and shall be liable for any and all penalties should he or she violate a banking
61 agreement. No state department, foster parent, or entity providing case management of
62 children on behalf of a department shall be responsible for paying any bank fees nor liable for
63 any and all penalties related to violation of a banking agreement.

64 ~~[4-]~~ 5. Any legally constituted entity or licensed provider who contracts with a minor
65 under subsection 1 **or 2** of this section shall be immune from any civil or criminal liability
66 based on the entity's or provider's determination to contract with the minor; provided that, if
67 an entity's or provider's determination of compliance with subsection 1 **or 2** of this section, or
68 conduct in contracting with the minor, is the result of the entity's or provider's gross
69 negligence or willful or wanton acts or omissions, then the entity or provider may be held
70 liable for their gross negligence or willful or wanton acts or omissions. Consent given under
71 this section shall not be subject to later disaffirmance by reason of the minor's age.

507.115. As used in sections 507.110 to 507.220, the term "infant" means any person
2 who has not attained the age of eighteen years. ~~[All persons of the age of]~~ **Any person**
3 **eighteen years of age or older or a person sixteen or seventeen years of age who is legally**
4 **married, if not otherwise disqualified, may commence, prosecute, or defend any action in his**
5 **or her own name as the real party in interest.**

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