

REMOVAL OF MINORITY

Actions for removal of minority are governed by Tenn. Code Ann. §§ 29-31-101 through 29-31-105.

Jurisdiction. Concurrent jurisdiction for actions for removal of minority lies in Circuit and Chancery Courts.

Petition. The petition should be brought for the minor by his or her next friend. Reference to the minor's parent's or next of kin is required in the body of the petition. If the next of kin join in the petition, or if the minor has no kin within the third degree, or the place of residence of such kindred is unknown to the minor or the next friend, it is not necessary to make any person a defendant other than the minor's guardian, if any. The court is permitted but not required to appoint a guardian ad litem for a minor.

Scope of Removal. The decree may be for the partial removal of the disability of the minor so as to enable the minor to do a particular act, or it may be general and empower the minor to do all acts which an adult may perform. It may impose such restrictions and qualifications as the judge or chancellor may deem proper.

Criminal Violations. An emancipated minor should be charged in juvenile court for commission of unlawful acts committed prior to the person's eighteenth birthday.