



Domestic Relations

Class 10

Child Arrangements



FAMILY I

Contracts Formed by Minors

- **General rule:** Minors (usually younger than 18) are incapable of entering into a legally binding agreement
- A contract between a minor and an adult is voidable by the minor but not by the adult.
- **Exceptions:**
 - Contracts to buy necessary items.
 - Contracts that are affirmed after age 18.
 - Contracts that are not repudiated within a reasonable period of time after the minor turns 18.



Contracts Formed by Minors (cont.)

- **Minor's employment contracts:**

- Some states make a minor's employment contracts in industries like entertainment unavoidable.
- However, if the contracts are unfair or if the contract violates child labor laws (which limit how many hours and under what conditions a child may work), they will not be enforced.



The Limits of the Right to Raise One's Child

- The Supreme Court has ruled that the right to raise one's child as one sees fit is a fundamental right.
- Where the parents' moral, religious or personal beliefs conflict with what may be in the best interest of the child, a careful balancing test must take place.
- Examples:
 - *Troxel v. Granville*: Parent has the right to limit grandparent visitation, even in the face of contrary state law.
 - *Wisconsin v. Yoder*: The Supreme Court forced a state to carve out an exception to child schooling rules for Amish parents whose religious beliefs required the children to stop schooling at a certain age.
- However, where a child's life or health is at risk, their well-being usually outweighs parents' interest. Refusing to provide medical care on religious or moral grounds can constitute criminal neglect!





Other Rules Regarding Minor's Interests

- **Gifts to minors or property owned by minors**
 - Uniform gift to minors Act and Uniform Transfers to Minors Act
 - Most Wills and gift instruments allow Executor to hold assets in trust for minors
- **Appointment of guardian in case parent is unavailable**
 - This process can be time consuming and messy and should preferably be done in a Will
- Appointment of *guardian ad litem* to represent minor's interests in court proceedings such as probate proceedings

