CHAPTER 14-10
MINORS

14-10-00.1. Presumption of age.

1. In determining an individual's age for purposes of this chapter, the individual's date of birth as provided by any of the following is presumed to be the individual's legal date of birth:
   a. A state government in the form of a birth certificate, other state-issued identification, or a certified copy of a birth certificate that includes the individual's date of birth;
   b. The United States government in the form of a tribal identification document, military identification, passport, passport card, permanent resident card, certificate of United States citizenship, certificate of naturalization, border crossing card, visa, or other entry document that includes the individual's date of birth; or
   c. A foreign government in the form of a passport, driver's license, or other foreign government-issued identity document that includes the individual's date of birth. If there is a conflict between government issued forms, a government issued birth certificate or a certified copy of a birth certificate takes precedence.
2. The presumption in subsection 1 may be rebutted by clear and convincing evidence to the contrary.

14-10-01. Minors defined.

Minors are persons under eighteen years of age. In this code, unless otherwise specified, the term "child" means "minor". Age must be calculated from the first minute of the day on which persons are born to the same minute of the corresponding day completing the period of minority.

14-10-02. Adults defined.

All persons eighteen years of age and over are adults.

14-10-03. Minor or person of unsound mind liable for wrongs.

A minor or a person of unsound mind of whatever degree is liable civilly for a wrong done by the minor or person of unsound mind in like manner as any other person.

14-10-04. Minor's rights of action.

A minor may enforce the minor's rights by civil action or other legal proceedings in the same manner as an adult, except that a guardian ad litem must be appointed to conduct the same.

14-10-05. Assignment of children prohibited - Penalty.

No person, other than the parents, may assume the permanent care and custody of a child, unless authorized so to do by an order or decree of a court having jurisdiction, except that a parent, upon giving written notice to the department of health and human services and human service zone, may place that person's own child in the home of the child's grandparent, uncle, or aunt for adoption or guardianship by the person receiving the child. The child must be considered abandoned if proceedings for the adoption or guardianship of the child are not initiated by such relative within one year following the date of notice of placement. No parent may assign or otherwise transfer the parent's rights or duties with respect to the care and custody of the parent's child. Any such transfer or assignment, written or otherwise, is void. This section does not affect the right of the parent to consent in writing to the legal adoption of the parent's child, but such written consent does not operate to transfer any right in the child in the absence of a decree by a court having jurisdiction. Any person who violates the provisions of this section is guilty of a class A misdemeanor.

14-10-06. Unlawful to encourage or contribute to the delinquency of minor or the conditions of a child in need of protection - Penalty.

1. Any individual who by any act willfully encourages, causes, or contributes to the delinquency of a minor or the condition of a child in need of protection as defined in section 27-20.2-01 is guilty of a class A misdemeanor.
2. Any individual who by any act willfully encourages, causes, or contributes to the conditions of a child in need of protection of a child less than sixteen years of age by causing that child to engage in sexual conduct as defined under section 12.1-27.2-01, in any play, motion picture, photograph, dance, or other visual representation is guilty of a class C felony.
3. If an individual is convicted of this section for encouraging, causing, or contributing to the consumption or possession of alcoholic beverages by a minor, the court shall consider the following in mitigation:
   a. After consuming the alcohol, the underage individual was in need of medical assistance as a result of consuming alcohol; and
   b. Within twelve hours after the underage individual consumed the alcohol, the defendant contacted law enforcement or emergency medical personnel to report that the underage individual was in need of medical assistance as a result of consuming alcohol.

14-10-07. Marriage of minors under supervision of juvenile court may be annulled - Penalty.

A minor, while under the supervision or custody of the juvenile court or the superintendent of the North Dakota youth correctional center, may not marry without the order of the juvenile court or of the superintendent of the North Dakota youth correctional center, as the case may be. Any such marriage made without such order is subject to annulment in a proceeding brought in district court by the state's attorney or by any person authorized by law to bring such annulment action. A person knowingly aiding, abetting, or encouraging such marriage is guilty of a class A misdemeanor.

14-10-08. Person to whom child confided substituting other child - Penalty.

Every person to whom an infant has been confided for nursing, education, or any other purpose, who, with intent to deceive any parent or guardian of such child, substitutes or produces to such parent or guardian another child in the place of the one so confided, is guilty of a class C felony.

14-10-09. Minor's disability to delegate power and to contract relating to real property.

A minor cannot give a delegation of power. A person under the age of eighteen may not make a contract relating to real property or any interest therein or relating to any personal property not in that person's immediate possession or control.

14-10-10. Contracts of minor.

Unless otherwise provided by the laws of this state, a minor may make any contract other than contracts specified in section 14-10-09 in the same manner as an adult, subject only to the minor's power of disaffirmance.

14-10-11. Minor's contracts - Disaffirmation.

In all cases other than those specified in sections 14-10-12 and 14-10-13, the contract of a minor may be disaffirmed by the minor personally, either before the minor's majority or within one year's time afterwards, or in case of the minor's death within that period, by the minor's heirs or personal representatives.

14-10-12. Minor cannot disaffirm contracts for necessaries.

A minor cannot disaffirm a contract, otherwise valid, to pay the reasonable value of things necessary for the minor's support or that of the minor's family, if such contract is entered into by

the minor when not under the care of a parent, guardian, or conservator able to provide for such minor or the minor's family.

14-10-13. Minor may not disaffirm statutory contracts.

A minor cannot disaffirm an obligation, otherwise valid, entered into by the minor under the express authority or direction of a statute.

14-10-14. Undertaking by minors for release on bail.

A minor is capable of entering a binding undertaking for the purpose of securing the minor's release on bail in the same manner and with the same effect as if the minor were an adult.

14-10-15. Unborn child - When deemed existing person.

A child conceived but not born is to be deemed an existing person so far as may be necessary for its interests in the event of its subsequent birth.

14-10-16. Identification cards - Application - Misrepresentation of age - Falsifying cards - Penalty.

Repealed by S.L. 1977, ch. 342, § 2.

14-10-17. Minors - Treatment for sexually transmitted disease - Substance use disorder.

Any person of the age of fourteen years or older may contract for and receive examination, care, or treatment for sexually transmitted disease or substance use disorder without permission, authority, or consent of a parent or guardian.

14-10-17.1. Minor's emergency care.

1. A minor may contract for and receive emergency examination, care, or treatment in a life-threatening situation without the consent of the minor's parent or guardian. If a minor has an emergency medical condition or the potential for an emergency medical condition, consent to emergency examination, care, or treatment of the minor is implied if reasonable steps to contact the minor's parent or guardian are unsuccessful. This subsection does not authorize a minor to withhold consent to emergency examination, care, or treatment.
2. A physician or other health care provider may provide emergency medical care or forensic services to a minor who is a victim of sexual assault without the consent of the minor's parent or guardian. Reasonable steps must be made to notify the minor's parent or guardian of the care provided.

14-10-18. Blood donations by minors.

Repealed by S.L. 1983, ch. 82, § 154.

14-10-18.1. Blood donation - Minors.

An individual who is at least sixteen years of age may donate blood on a voluntary and noncompensatory basis without obtaining the consent of the individual's parent or guardian. Any notification of a medical condition must be mailed to the donor and the donor's parent or guardian.

14-10-19. Minor's consent for prenatal care and other pregnancy care services.

1. a. A physician or other health care provider may provide pregnancy testing and pain management related to pregnancy to a minor without the consent of a parent or guardian.
   b. A physician or other health care provider may provide prenatal care to a pregnant minor in the first trimester of pregnancy or may provide a single prenatal care visit in the second or third trimester of pregnancy without the consent of a parent or guardian.

c. A physician or other health care provider may provide prenatal care beyond the first trimester of pregnancy or in addition to the single prenatal care visit in the second or third trimester if, after a good-faith effort, the physician or other health care provider is unable to contact the minor's parent or guardian.
d. The costs incurred by the physician or other health care provider for performing services under this section may not be submitted to a third-party payer without the consent of the minor's parent or guardian.
e. This section does not authorize a minor to consent to abortion or otherwise supersede the requirements of chapter 14-02.1.

2. If a minor requests confidential services pursuant to subsection 1, the physician or other health care professional shall encourage the minor to involve her parents or guardian. Notwithstanding subsection 1, a physician or other health care professional or a health care facility may not be compelled against their best judgment to treat a minor based on the minor's own consent.
3. A physician or other health care professional who, pursuant to subsection 1, provides pregnancy care services to a minor may inform the parent or guardian of the minor of any pregnancy care services given or needed if the physician or other health care professional discusses with the minor the reasons for informing the parent or guardian prior to the disclosure and, in the judgment of the physician or other health care professional:
   a. Failure to inform the parent or guardian would seriously jeopardize the health of the minor or her unborn child;
   b. Surgery or hospitalization is needed; or
   c. Informing the parent or guardian would benefit the health of the minor or her unborn child.

14-10-20. Unaccompanied homeless minor's consent for health care.

1. As used in this section, "unaccompanied homeless minor" means a minor fourteen years of age or older living in one of the situations described in 42 U.S.C. 11434a(2) and who is not in the care and physical custody of a parent or legal guardian.
2. An unaccompanied homeless minor may consent to, contract for, and receive medical, dental, or behavioral health examinations, care, or treatment without permission, authority, or consent of a parent or guardian. Acceptable documentation demonstrating an individual is an unaccompanied homeless minor includes:
   a. A statement documenting such status, signed by a director or designee of a governmental or nonprofit entity that receives public or private funding to provide services to individuals who are homeless;
   b. A statement documenting such status, signed by a local educational agency liaison for homeless children and youth designated pursuant to 42 U.S.C. 11432(g)(1)(J)(ii), a local educational agency foster care point of contact designated pursuant to 20 U.S.C. 6312(c)(5)(A), or a school social worker or counselor;
   c. A statement documenting such status, signed by an attorney representing the individual in any legal matter; or
   d. A statement documenting such status, signed by the individual and two adults with knowledge of the individual's actual circumstances.
3. This section does not authorize an unaccompanied homeless minor to consent to an abortion or otherwise supersede the requirements of chapter 14-02.1.
4. An unaccompanied homeless minor who is a parent may consent to, contract for, and receive medical, dental, and behavioral health examinations, care, or treatment for the minor's child.
5. A physician or other qualified professional licensed to practice in this state who provides medical, dental, or behavioral health examinations, care, or treatment to an unaccompanied homeless minor under this section may not be held liable in any civil or criminal action for providing such services without having obtained permission from the minor's parent or guardian. This section does not relieve the physician or other

qualified professional from liability for negligence in the diagnosis or treatment of an unaccompanied homeless minor.

6. Identification of an individual as an unaccompanied homeless minor automatically does not mean the individual is a neglected child as defined in section 50-25.1-02.
7. This section does not supersede the mandatory reporting requirements of section 50-25.1-03.