

§ 13-22-101. Competence of persons eighteen years of age or older

(1) Notwithstanding any other provision of law enacted or any judicial decision made prior to July 1, 1973, every person, otherwise competent, shall be deemed to be of full age at the age of eighteen years or older for the following specific purposes:

(a) To enter into any legal contractual obligation and to be legally bound thereby to the full extent as any other adult person; but such obligation shall not be considered a family expense of the parents of the person who entered into the contract, under section 14-6-110, C.R.S.;

(b) To manage his estate in the same manner as any other adult person. This section shall not apply to custodial property given or held under the terms of the "Colorado Uniform Transfers to Minors Act", article 50 of title 11, C.R.S., or property held for a protected person under the "Colorado Probate Code", article 14 of title 15, C.R.S., unless otherwise permitted in said articles;

(c) To sue and be sued in any action to the full extent as any other adult person in any of the courts of this state, without the necessity for a guardian ad litem or someone acting in his behalf;

(d) To make decisions in regard to his own body and the body of his issue, whether natural or adopted by such person, to the full extent allowed to any other adult person.

(L. 73: p. 543, §§ 1, 2. C.R.S. 1963: § 41-4-1. L. 84: (1)(b) amended, p. 394, § 5, effective July 1. L. 91: (1)(b) amended, p. 1442, § 2, effective July 1.)

ANNOTATION

Law reviews. For article, "Age Requirements in Colorado: A Guide for Estate Planners", see 34 Colo. Law. 87 (Aug. 2005). For article, "JDF 999 Collection of Personal Property by Affidavit Pursuant to CRS §§15-12-1201 and -1202", see 42 Colo. Law. 49 (June 2013).

Legislative intent. The title of this section and the relevant language of subsection (1)(c) do not suggest that the general assembly intended to change the age of majority for bringing actions on contract but not for personal actions. *McKinney v. Armco Recreational Prods., Inc.*, 419 F. Supp. 464 (D. Colo. 1976).

The context of §19-3-602(3) requires that "minor" be defined as a person 18 years of age or older. Defining "minor" in §19-3-602(3) as a person under the age of 21 would be inconsistent with this section and the

definitions of "child" and "adult" in the Colorado Children's Code. People ex rel. L.A.C., 97 P.3d 363 (Colo. App. 2004).

The definition of a "minor" in §2-4-401(6) is not applicable in §19-3-602(3) because "the context otherwise requires". People ex rel. L.A.C., 97 P.3d 363 (Colo. App. 2004).

Contract entered into by minor is not void but only voidable by the minor, and on reaching the age of 18 one is required either to disaffirm a contract made during minority within a reasonable time, or be bound thereby. Jones v. Dressel, 40 Colo. App. 459, 582 P.2d 1057 (1978), aff'd, 623 P.2d 370 (Colo. 1981).

As matter of public policy, courts have protected minors from improvident and imprudent contractual commitments by declaring that the contract of a minor is voidable at the election of the minor after he attains his majority. Jones v. Dressel, 623 P.2d 370 (Colo. 1981).

Parent's duty to support not abrogated. There is no general mandate in this section or §§19-1-103(3) or 19-7-101(2) (now §19-6-101(2)) which abrogates the duty of support a parent has toward his minor child until the age of 21 or emancipation. In re Weaver, 39 Colo. App. 523, 571 P.2d 307 (1977).

The "disability" of minority of a plaintiff in an employment discrimination action was prospectively removed on July 1, 1973, the effective date of this section, at which time he was 20 years old, and not May 5, 1974, when he turned 21. McKinney v. Armco Recreational Prods., Inc., 419 F. Supp. 464 (D. Colo. 1976).

Industrial commission not a court. A claimant before the industrial commission does not have to be regarded as an adult in determining benefits because the commission is a tribunal of the executive branch of government. Casa Bonita Restaurant v. Indus. Comm'n, 677 P.2d 344 (Colo. App. 1983) (decided prior to the abolition of the industrial commission in 1986).

Because child was not represented by guardian ad litem in initial paternity proceeding, she was not a party to the action for purposes of determining whether doctrine of res judicata and collateral estoppel barred a present paternity hearing. People in Interest of M.C., 895 P.2d 1098 (Colo. App. 1994), aff'd, 914 P.2d 355 (Colo. 1996).

There is no conflict between the provisions of this section and §13-81-103. This section addresses how a suit may be brought while the

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other section addresses how the statute of limitations applies to a suit. *Elgin v. Bartlett*, 994 P.2d 411 (Colo. 1999).

Applied in *In re A.W.*, 637 P.2d 366 (Colo. 1981); *Hesseltine v. United States*, 538 F. Supp. 1003 (D. Colo. 1982).