

Alaska Statutes Excerpts from the Alaska Uniform Transfers to Minors Act

§13.46.085. Native corporations; custodians.

(a) The stock or membership in a corporation organized under the law of this state under the Alaska Native Claims Settlement Act (43 U.S.C. §§1601-1642) that a minor is entitled to receive under that Act shall be held by a custodian.

(b) A person making a transfer of stock, whether by gift, devise, or other method, may nominate a custodian. In the absence of a nomination, the custodian shall be determined under the order of priority set out below. The appointment becomes effective upon the corporation's receipt of the custodian's written consent to the appointment. The order of priority is:

- (1) the legal guardian, if any, of the minor;
- (2) a parent, if any, of the minor, as selected by the parents;
- (3) an adult member of the minor's family; in this paragraph, "member of the minor's family" has the meaning given in AS 13.46.990, and also includes members of a family with whom the minor has customarily lived.

(c) For good cause, a district court or the superior court may vary the order of priority set out in (b) of this section or appoint another suitable person as custodian.

(d) The custodianship is governed by this chapter, as modified by the following:

- (1) *[Repealed, § 12 ch 60 SLA 1992]*.
- (2) under AS 13.46.150, a third person is responsible for determining whether stock is inalienable under the Act;
- (3) the custodian shall give an appropriate receipt for property received for the minor;
- (4) the custodian may not alienate inalienable property except within the limits provided by law;
- (5) the form of registration or title shall be "as custodian for _____(name of minor) under the Alaska Native Claims Settlement Act";
- (6) a custodian may not receive compensation except, upon application to and approval by the superior court, for unusual and extraordinary services;
- (7) custodial property includes securities, money, and other real and personal property under supervision as a consequence of the Act.

(e) Notwithstanding AS 13.46.190, the stock shall be transferred to the minor when the minor reaches 18 years of age, or to the minor's heirs if the minor dies before reaching 18 years of age.

(f) In this section,

- (1) "Act" means the Alaska Native Claims Settlement Act (43 U.S.C. §§1601-1642);
- (2) "minor" means an individual who is less than 18 years of age;
- (3) "stock" means the stock or membership in a corporation that is organized under the law of this state under the Act and that a minor is entitled to receive under the Act, whether by gift, devise, or other method; "stock" includes inchoate rights to stock. (§ 2 ch 11 SLA 1990; am §§ 8 – 12 ch 60 SLA 1992)

§13.46.110. Care of custodial property.

(a) A custodian shall

- (1) take control of custodial property;
- (2) register or record title to custodial property if appropriate; and
- (3) collect, hold, manage, invest, and reinvest custodial property.

(b) In dealing with custodial property, a custodian shall observe the standard of care that would be observed by a prudent person dealing with property of another and is not limited by any other statute, except AS 13.90.010, restricting investments by fiduciaries. If a custodian has a special skill or expertise or is named custodian on the basis of representations of a special skill or expertise, the custodian shall use that skill or expertise. However, a custodian, in the custodian's discretion and without liability to the minor or the minor's estate, may retain custodial property received from a transferor.

(c) A custodian may invest in or pay premiums on life insurance or endowment policies on

- (1) the life of the minor only if the minor or the minor's estate is the sole beneficiary; or
- (2) the life of another person in whom the minor has an insurable interest only to the extent that the minor, the minor's estate, or the custodian in the capacity of custodian, is the irrevocable beneficiary.

(d) A custodian at all times shall keep custodial property separate and distinct from all other property in a manner sufficient to identify it clearly as custodial property of the minor. Custodial property consisting of an undivided interest is so identified if the minor's interest is held as a tenant in common and is fixed. Custodial property subject to recordation is so identified if it is recorded, and custodial property subject to registration is so identified if it is either registered, or held in an account designated, in the name of the custodian, followed in substance by the words: "as a custodian for _____(name of minor) under the Alaska Uniform Transfers to Minors Act."

(e) A custodian shall keep records of all transactions with respect to custodial property, including information necessary for the preparation of the minor's tax returns and shall make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor if the minor has attained the age of 14 years. (§ 2 ch 11 SLA 1990; am § 2 ch 10 SLA 1996)

Current through 1999 1st Reg. Sess. and 2nd Sp. Sess. Amended by Laws 1996, c. 10 § 2, eff. July 3, 1996.

NOTE: To be sure the statutory information is up-to-date and complete, custodians should consult the entire Alaska Uniform Transfer to Minors Act, AS 13.46.010-.999.

This page is provided for the custodian's information and convenience. It does not need to be returned.