SUGGESTED AMENDMENT

**CRLJ 17**

**PARTIES PLAINTIFF AND DEFENDANT; CAPACITY**

**(-) Designation of Parties**. [Unchanged.]

**(a) Real Party in Interest**. Every action shall be prosecuted in the name of the real party in interest. An executor, administrator, guardian, bailee, trustee of an express trust, a party with whom or in whose name a contract has been made for the benefit of another, or a party authorized by statute may sue in ~~his~~ their own name without joining with ~~him~~ them the party for whose benefit the action is brought. No action shall be dismissed on the ground that it is not prosecuted in the name of the real party in interest until a reasonable time has been allowed after objection for ratification of commencement of the action by, or joinder or substitution of, the real party in interest; and such ratification, joinder, or substitution shall have the same effect as if the action had been commenced in the name of the real party in interest.

**(b) ~~Infants~~ Minors or ~~Incompetent~~ Incapacitated Persons**.

(1) When ~~an infant~~ a minor is a party ~~he~~ they shall appear by guardian, or if ~~he has~~ they have no guardian, or in the opinion of the court the guardian is an improper person, the court shall appoint a guardian ad litem. The guardian shall be appointed:

(i) when the ~~infant~~ minor is plaintiff, upon the application of the ~~infant~~ minor, if ~~he~~ they be of the age of 14 years, or if under the age, upon the application of a relative or friend of the ~~infant~~ minor;

(ii) when the ~~infant~~ minor is defendant, upon the application of the ~~infant~~ minor, if ~~he~~ they be of the age of 14 years, and ~~applies~~ apply within the time ~~he is~~ they are to appear; if ~~he~~ they be under the age of 14, or ~~neglects~~ neglect to apply, then upon the application of any other party to the action, or of a relative or friend of the ~~infant~~ minor.

(2) When an ~~insane~~ incapacitated person is a party to an action ~~he~~ they shall appear by guardian, or if ~~he has~~ they have no guardian, or in the opinion of the court the guardian is an improper person, the court shall appoint one to act as guardian ad litem. Said guardian shall be appointed:

(i) when the ~~insane~~ incapacitated person is plaintiff, upon the application of a relative or friend of the ~~insane~~ incapacitated person;

(ii) when the ~~insane~~ incapacitated person is defendant, upon the application of a relative or friend of such incapacitated ~~insane~~ person, such application shall be made within the time ~~he is~~ they are to appear. If no such application be made within the time above limited, application may be made by any party to the action.