

26 - Emancipation

What is emancipation?

Emancipation is the legal way a minor (who is under 18) is freed from their parents' control. An emancipated minor has all the rights and responsibilities of adults, except where legal age is required by law, such as voting, and purchasing and/or drinking alcohol.

What do I have to show to become emancipated?

In order to get a Judge to consider to emancipate you, you must show:

- ! That you are at least 16 and a County resident.
- ! Proof of housing (someplace you could live if you become emancipated).
- ! Proof of employment or other means of support **EXCLUDING** support from parents, general assistance (GA), or Aid to Families with Dependent Children (AFDC).

If you do not meet all of these requirements, the court cannot accept your petition.

Where do I pick up the emancipation form?

Forms are available at the Family Division office.

How do I become emancipated?

You must file a petition with the Family Division, which includes the following:

- Your full name, address and length of time at that address, county, birth date, and state of birth.
- Name and address of your parent(s), guardian(s), or custodian(s).
- A written statement that you are able to manage your own personal, social and financial affairs.
- A certified copy of your birth certificate which **will not** be returned to you.
- An affidavit (sworn statement) signed by one of the following people stating why emancipation is in your best interest: doctor, nurse, clergyman, psychologist, family therapist, social worker, school administrator or counselor, teacher, law enforcement officer, or regulated child care provider. They will also be sent a notice of the hearing.

Once you file the petition, you must give a copy of the petition and a summons to appear at the hearing to your parent(s) or guardian(s). You will also be given a printout of the date and time of your hearing.

What happens after I file the petition?

The Court may investigate the reasons you want to become emancipated. An attorney may be appointed to represent you. A lawyer may also be appointed for your parent(s) or guardian(s) if they object to the emancipation and cannot afford to hire an attorney.

If my parent(s) or guardian(s) oppose my emancipation, will my petition be automatically dismissed?

No, but the judge will consider their objection when deciding whether you should be emancipated.

What happens at the Court Hearing?

The judge will ask you why you want to become emancipated and what your plans are for the future. Witnesses

may be able to tell the judge why they think you should become emancipated. Your parent(s) or guardian(s) can explain why they do not want you to become emancipated.

If I become emancipated, what rights do I have?

As an emancipated minor, you can:

- ! Sign contracts
- ! Marry
- ! Sue or be sued
- ! Live in your own home
- ! Earn a living and retain your wages
- ! Authorize health care
- ! Register for school
- ! Make decisions for your minor children
- ! Make a will

Your parents are still obligated to support you, but are not responsible for your debts.

Is it true that once you become 17 you are automatically emancipated?

No. Emancipation occurs automatically only:

- ! when a minor is validly married.
- ! when a person turns 18.
- ! when a minor is on active duty in the U.S. armed forces
- ! for purposes of agreeing to emergency medical treatment if the minor is in law enforcement custody and a parent or guardian cannot be located.