

Emancipation

What is emancipation?

Emancipation is a legal way for children to become adults before they are 18. A child's parents no longer have custody over someone who has been emancipated. If you are emancipated, you can do some things without your parent's permission like:

- Get medical care,
- Apply for a work permit,
- Sign up for school or college,
- Live where you want to,
- Receive your own survivor or disability check, and
- Sign up for housing benefits.

If you are emancipated, you will give up the right to be supported by your parents. Even if you are emancipated, **some things will not change:**

- You must still go to school,
- You cannot get married without your parent's permission,
- You will usually go to juvenile court if you break the law, but you could be tried as an adult in certain cases,
- Child labor laws and work permit rules must be followed,
- You cannot drink alcohol until you are 21, and
- Statutory rape laws still apply.

NOTE: If you have a legal guardian, all of the information in the above section about "parents" also applies to your legal guardian.

How do I get emancipated?

There are 3 ways to get emancipated:

1. **Get married.** You need permission from your parents and the court.
2. **Join the military.** You need permission from your parents, and the military must accept you.
3. **Go to court** and have the judge declare you emancipated by getting a Declaration of Emancipation. To get a Declaration of

Emancipation, you have to prove **ALL** of the following things:

- ✓ You are at least 17 years old.
- ✓ You don't want to live with your parents.
- ✓ Your parents don't mind if you move out.
- ✓ You can handle your own money.
- ✓ You have a legal way to make money.
- ✓ Emancipation would be in your best interest.

Do I need my parents' consent to get emancipated?

If you are under 18 years old, you are considered a minor. Minors need parental consent and a judge's consent to get married. Minors also need their parents' consent to join the military. To be emancipated by a judge, a minor must give his/her parents notice of the court hearing, and the parents may go to court to contest the emancipation.

Do I have other choices?

Yes. If you don't want to live with your parents, you can:

- Get counseling or mediation,
- Go to live with another adult (like an aunt, uncle, grandparent, or family friend),
- Get help from public or private agencies, or
- Make an agreement with your parents to live somewhere else.

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*The information and statements of law in this fact sheet should not be considered legal advice. This fact sheet is provided as a broad guide to help you understand how certain legal matters are handled in general. Courts may interpret the law differently. Before you take action, talk to an attorney and follow his or her advice. **Always do what the court tells you to do.***

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