



Emancipation Fact Sheet

Introduction

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 the following without your parent's permission:

- 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
- sign up for housing benefits

If you are emancipated, you will give up the right to be supported by your parents. If you have a legal guardian, all the information in the above section about "parents" also applies to your legal guardian.

Even if you are emancipated:

- 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
- child labor laws and work permit rules must be followed
- you cannot drink alcohol until you are 21
- statutory rape laws still apply

The Three Ways to Get Emancipated

- get married (you need permission from your parents and the court)
- join the military (you need permission from your parents, and the military must accept you)
- go to court and have the judge declare you emancipated by getting a declaration of emancipation from a judge—to get a declaration of emancipation, you must prove all of these:
 - you are at least 17 years old
 - you do not want to live with your parents
 - your parents do not 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

Removal of Disabilities

A removal of disabilities allows any person who has reached their 16th birthday to transact business as if they were someone who has reached 18 years of age. If you have your disabilities removed, you can do some things without your parent's permission:

- sign letters of testamentary, administration, or guardianship
- sell and convey real estate or pursue any interest that you might have in real estate
- enter rental agreements for housing purposes or contracts regarding business

A removal of disabilities is not the same as an emancipation. Specifically, it is much easier to get a removal of disabilities than to get an emancipation, in that you only have to prove that you are sixteen years of age.

To have your disabilities removed, you will need to petition the court for a removal of disabilities:

- give your parents notice of the filing of the petition and the time and place of the hearing at least 20 days before the hearing
- your parents do not have to consent to the removal of disabilities, but you can appear at the hearing to argue as to why you should not be able to contract or conduct business
- at the hearing, you will need to show that you are at least 16 years old and that you are able to conduct or contract business

Other Options

If you do not want to live with your parents, you can also:

- 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
- 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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