



EMANCIPATION

Warning: There are negative consequences of emancipation!

There are many responsibilities and potential drawbacks to becoming emancipated. For instance, there are certain actions that emancipated minors are liable for that unemancipated minors are not. These particular circumstances are described in this packet, and should be considered VERY CAREFULLY before pursuing the emancipation process.

What is emancipation?

Emancipation means that you are legally treated as an adult even though you are less than 18 years old. The term “emancipation” is used to describe the point in time when children are legally separated from parents or guardians, and parents are no longer responsible for their children.

Once emancipation occurs, parents do not have to give permission for anything that their child may want to do, such as where they choose to live or go to school. However, parents also no longer have to provide their child with any support or necessities like food, shelter or medical care.

Most parents however, do continue to support their children after the age of 18. The average age at which young adults move out of their parents’ home is 23. If your parents are divorced or separated, there may very likely be a child support order that requires the non-custodial parent to continue to pay child support up to a set age, usually twenty-one, as long as you are in school either full or part-time. A Juvenile Court emancipation may result in the ending of this child support obligation on your parent’s part.



In Oregon, emancipation occurs automatically under certain circumstances. For example, as soon as a person turns 18 years of age, they legally become an adult, and is emancipated from their parents. In addition, if a minor legally gets married, they become emancipated. Finally, a minor may become emancipated by the Juvenile Court. Information on how to become emancipated, and your rights and responsibilities after you are emancipated is discussed below.

Please Note: Running away from home is not a legitimate means of becoming emancipated. However, parents cannot legally abandon their responsibilities to their children by forcing them out of the home.

What rights do emancipated minors have?

Emancipated minors do not have to obey their parents. They also do not have to obey curfew laws. They can enter into contracts, buy and sell property, maintain an independent residence, and be involved in lawsuits. The minor's parents lose control over the minor's earnings, and instead, the minor must take care of his/her own financial affairs.

Once a minor is emancipated, medical, dental and mental health care can be obtained without parental notification. *Note:* An unemancipated minor can consent to medical and dental treatment once they are fifteen years of age, and mental health treatment once they are fourteen years of age, but the law requires that a parent be notified. Minors of any age are allowed to access birth control-related information and services as well as being tested and treated for sexually transmitted infections (STIs) including HIV without parental consent.



After a minor obtains a decree of emancipation from the juvenile court, (s)he will be instructed to obtain an I.D. card from the Department of Transportation indicating their status as legally emancipated.

Emancipation does not affect the age restrictions for purchasing or consuming alcoholic beverages or tobacco, the requirements for obtaining a marriage license, or the age of voting.

What are the negative aspects of emancipation?

Emancipated minors will go to adult court rather than juvenile court for all criminal offenses committed by them. In many cases, this means the emancipated minor will get a longer or harsher sentence if s/he is found guilty and they will be in a jail or prison with adults rather than other juveniles. Emancipated minors are responsible for their financial debts, can be sued in court, and have wages garnished from work to pay their debts. Emancipated minors DO NOT have the right to continued financial support from parents. Emancipated minors may lose the benefit of child support payments, social security benefits, and veteran's benefits.

There is no provision in the law to become "unemancipated" once emancipation has been granted.

How can I become emancipated?

You may become emancipated by obtaining an emancipation decree from the Juvenile Court in the county where you reside.

What are the criteria the Juvenile Court looks at to determine if I am a good candidate for emancipation?

Emancipation is a privilege, not a right, and is granted only to those minors who can demonstrate that they are prepared to live in the community like adults. A minor wishing to become emancipated should demonstrate an ability to manage his/her affairs in a mature and



responsible manner. For specific information regarding the criteria the court will consider, contact the Juvenile Court in your county.

Will the court grant my request for emancipation even if my parents object?

Although it is not required, parental consent is a factor that a court considers when deciding whether to grant an emancipation decree to a minor. The court can grant emancipation over the objections of a parent if the court believes that the minor meets the other emancipation criteria, and if the judge believes that in light of all the circumstances, emancipation will serve the best interests of the minor.

If possible, you should ask your parent(s) to sign a letter of parental consent to emancipation and provide it to the court during the emancipation hearing.

How do I petition (apply) to become emancipated?

You must be at least 16 years old. You should call the Juvenile Court in your county, and ask to speak to the intake counselor in charge of emancipation. Request an application form from the intake counselor.

Filing Fee

After you receive the application, you will fill it out and take it to the Juvenile Court to be filed with the court clerk. The Oregon statewide uniform filing fee for the application is currently \$240.00, but may be higher in your county. When you first call the intake counselor, you should ask what the fee is, as it may change periodically. The fee is not refundable if the judge denies your application for emancipation. You may want to ask for a waiver of the filing fee.

Notice



You must give notice to your parents that you have filed an emancipation application. You must serve them with a summons and copy of your application for emancipation. The intake counselor should help you with this process.

Preliminary Hearing

Once your application is filed, a preliminary hearing will be held within 10 days. At the preliminary hearing, the court will consider your application and may enter a temporary custody decree or other orders that are appropriate to your case. The court will advise you of the civil rights and liabilities, and criminal rights and liabilities of an emancipated minor.

Final Hearing

A final hearing on your application for emancipation will be held no later than 60 days from the date of filing your application. This hearing can be “waived” (canceled) by you and your parents, or just your parents, so that you do not have to go back to court after the preliminary hearing. This means that the orders, which were made at the preliminary hearing, would continue.

DISCLAIMER

This packet contains advice as well as information. However, this packet is not a complete reference on the laws affecting minors, and should only be used as a guide. This packet is also NOT a



substitute for a lawyer. The best thing to do if you have been arrested, think you have a legal problem, or believe your legal rights have been violated, is to contact a lawyer.