
Emancipation

What is minor emancipation?

Emancipation is basically when a child under the age of 18 gets permission to live on their own and be responsible for themselves. Emancipation means that a parent gives up the right to control a child and the child gives up the right to be financially supported by the parent.

Can Minnesota kids be emancipated?

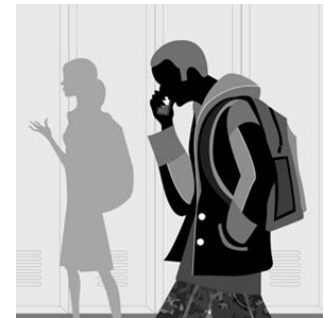
Yes. In Minnesota a child under the age of 18 may be considered emancipated. BUT, since the law doesn't define emancipation or give a procedure to follow to be emancipated, it can be confusing to figure out if you are considered emancipated.

So if there is no procedure, how can kids be emancipated?

It all depends on the parent. In Minnesota you might be considered emancipated if your parents let you live on your own. Permission from your parents might be shown by what they say or write down about letting you live on your own or be emancipated.

Consent may be proven if your parents don't try to get you to come home after running away or being kicked out.

Generally, if you are emancipated, your parents are no longer responsible to provide you a home, support you financially or pay your bills. Instead, you are responsible for your own support.



Will “emancipation” solve my legal problem?

Sometimes, people think that emancipation will solve a problem they have. But often, some other legal option works better. Here are some examples.

1. My step-father abuses me. I want to live with my grandmother but my mom won't let me, so I want to be emancipated.

In this case, the child does not really want to live on her own and be responsible for herself. The child still wants to be parented, but since it is not safe at home she wants to live with her grandmother. She figures that if she is emancipated, she will be able move to her grandmother's house even though her mother says no. But she could not establish emancipation because her mother does not intend to give up her rights to make decisions about the child.

Emancipation is not the answer, but there are other options for a youth trying to find protection from abuse. In this case, the grandmother may be able to go to court for an order for protection or an order giving her custody. The girl would get what she wants: someone to look after her who will not abuse her.

2. My mom kicked me out last week. I need to go to the doctor, but the doctor says she won't see me without my mom's permission. I want to be emancipated so I can see the doctor.

In Minnesota, a minor who is not living with parents or legal guardian can make decisions about their medical care without someone else's permission. The youth may end up being responsible for paying the bill, and the doctor may decide it is in the child's best interests for the parents to be told about the visit, but youth living on their own do not have to be "emancipated" to consent to medical care without parental permission.

On the other hand, some problems may be resolved by showing that you are considered emancipated. For instance, a landlord may refuse to rent to you unless you provide proof that you are emancipated. The landlord may be satisfied by a statement signed by your parent or a letter from a lawyer laying out the facts and the law that lead to a conclusion that you should be considered emancipated.

So if I am considered emancipated, am I an adult?

No. In Minnesota you are an adult when you are 18 years old. Laws based on a person's age will continue to apply to you, even though you live as an emancipated minor. For instance, you will still have to be off the streets by curfew, you will be considered truant if you don't go to school, you will not be able to buy alcohol or cigarettes, and you will not be able to vote.



I still have lots of questions about how this all applies to me.

The law is complicated. It assumes that parents will make decisions that are best for their children. That includes the decision that a child has the maturity to live independently, even though the child is not yet 18 years old. On the other hand, parents are not supposed to abandon their children and laws exist to protect children from abuse and neglect. Children who cannot live with their parents still have the right to a safe place to live, medical and mental health care and an education.

A lawyer can help you understand your legal options and help you achieve your goals. For legal help contact the Youth Law Project at 612-332-1441.

To find other fact sheets, including any mentioned above, go to www.lawhelpmn.org/LASMfactsheets

To find your local legal aid office by county go to www.lawhelpmn.org/resource/legal-aid-offices

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