

## INTRODUCTION

This pamphlet is about when a court will allow a teenager to have some of the same rights that adults have. This is called **emancipation**.

### QUESTIONS AND ANSWERS ABOUT EMANCIPATION

What is an “adult”? Adults are people 18 years old and older. People under age 18 are called minors.

What legal rights do adults have that minors do not? The law has many rules about how people of different ages should be treated. Some laws draw the line at age 18 (the age of adulthood). These laws generally allow adults to do things like

- make contracts
- vote
- get married without a parent’s (guardian’s) consent

But 18 is not always the magic age. For example, 18-year-olds are adults, but they cannot legally buy or drink alcohol until age 21.

Even people over age 18 are not allowed to get married if they are insane or drunk at the time. While minors who are accused of crimes usually go through the juvenile court systems, sometimes they are declared to be adults and go to criminal court as adults. Sometimes the juvenile courts keep control over people older than 18.

What legal duties do adults have that minors do not? In many cases, the law says that a minor has the same legal duties as an adult. For example, if a 16-year-old becomes a parent, that 16-year-old is legally responsible for the financial and physical needs of his or her child.

When a minor is emancipated is the minor treated as being an adult for all purposes? No. An emancipated minor still cannot vote until age 18 or drink alcohol until age 21.

When a minor is emancipated are the minor’s parents still required to take care of the minor? Not usually. However, in rare cases, a court can emancipate the minor for a limited purpose and order the minor’s parents to continue supporting the minor.

When would a minor need emancipation? The main reason for emancipation is usually to allow a minor to sign a contract. For instance, the minor might need to sign a contract to:

- get an apartment
- buy a car
- borrow money

### WHY SOME MINORS HAVE BEEN EMANCIPATED

→ “Mary” was 16 and had a five-month-old baby. Mary and her baby were living with Mary’s parents. When Mary’s father began beating the baby, Mary needed to find another place to live. A judge emancipated her so she could sign a lease for an apartment.

→ “John” was 17. When John was ten, his father died and left John some land. When John was a senior in high school, he started planning to go to college. The only way that he could afford to go to college was to sell the land he had inherited. But, he was not old enough to sign the deed. The court emancipated John, but the emancipation was limited to allowing him to sign a deed to sell the land. For all other purposes, John was still considered a minor.

### WHY SOME MINORS HAVE NOT BEEN EMANCIPATED

\* “Jane” is 16. Her mother is very strict and will not let Jane date, wear makeup or learn to drive. Even though there is an empty guest room in their house, Jane has to share a bedroom with her little sister. Everyone in the family fights all the time. Jane wants to get her own apartment, but she is too young to sign the lease. A judge might feel sorry for Jane, but the judge will probably not emancipate her.

\* “Bob” is 15 and he and “Amy” (his 15-year-old girlfriend) want to move in together with their eight-month-old baby. Bob’s parents do not like Amy, and Amy’s parents do not like Bob. Bob is allowed to see the baby, but he and Amy do not get to spend enough time together. Once again, the judge might feel sorry for them, but the judge will probably not emancipate them.

\* “James” is 16. He has a chance to get a good job, but he needs a car to get to work. He could afford the car payments, but his father would have to take out the loan; and his father refuses. James could get the loan on his own if he could be emancipated. A judge is not likely to emancipate James for this reason.

### HOW TO REQUEST EMANCIPATION

Tennessee law has rules about how a minor may ask a court for emancipation.

**STEP 1:** If the minor has a lawyer, the lawyer will write an application for emancipation. If the minor does not have a lawyer, the minor (or the minor’s parent or guardian) may write the application. The application must tell:

- the minor’s age
- the names of the minor’s parents (or, if the minor has no parents, the names of two of the minor’s closest relatives)
- the addresses of the minor’s parents (or relatives)
- why the minor should be emancipated.

**STEP 2:** Give the application to the Chancery or Circuit Court Clerk in the county where the minor lives. The court will charge a fee for this.

**STEP 3:** The Court Clerk must send a copy of the application to the minor’s parents, other relatives named in the application, or the minor’s guardian (unless they also signed the application).

**STEP 4:** The Court Clerk will schedule a date for the judge to talk to the minor. The Clerk will send notice of the court date to the minor and to anyone who receives a copy of the application.

**STEP 5:** When the judge looks at the application, the judge will ask the minor to explain why he or she needs to be emancipated. Other people (such as relatives or social workers) will also be allowed to express their opinions.

**STEP 6:** The judge will decide if emancipation is in the minor’s best interest.

## WHAT MAKES EMANCIPATION IN A MINOR'S BEST INTEREST

Each judge will have a different approach to deciding whether emancipation is in the minor's best interest. Generally, the judge will want to make sure that emancipation will not make the minor's life worse. Determining factors may include:

- Will the minor graduate from high school or get a GED?
- Where will the minor live?
- How will the minor support himself/herself?
- If the minor has a child, how will he/she support the child?
- If the minor has a child, what kind of child care will be provided while the minor is at work or in school?



## OFFICE HOURS AND LOCATIONS

Legal Aid of East Tennessee offices are open from 8:30 A.M. to 5:00 P.M. Monday through Friday.

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This pamphlet is intended for general information only. The circumstances of every case are different and need to be dealt with on a case-by-case basis. This is not a substitute for the advice of a lawyer. Also, the law may change and may be different from county to county.



JL 7/07



# EMANCIPATION

## The Law Can Declare You To Be An Adult Before You Are 18



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