

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

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? Sometimes. A court can emancipate the minor for a limited purpose and order the minor’s parents to continue supporting the minor.

When does 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

Does marriage emancipate a minor? Yes.

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 prepare a petition for emancipation. If the minor does not have a lawyer, the minor (the minor’s parent or guardian, or responsible adult) may write the petition. The petition must include:

- the minor’s complete name
- 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: Take the petition 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 petition to the minor’s parents, other relatives named in the petition, or the minor’s guardian (unless they also signed the petition).

STEP 4: The minor should contact the Court Clerk to set a court date. Notice of the court date must be sent to all persons whose name is in the petition.

STEP 5: When the judge looks at the petition, 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?



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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.



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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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EMANCIPATION

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