

QUESTIONS & ANSWERS ABOUT EMANCIPATION

Who 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 the age of adulthood, age 18. These laws generally allow adults to do things like

- Enter into contracts
- vote
- get married without a parent’s (guardian’s) consent
- make medical decisions

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. Emancipation is always for a limited purpose.

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? No.

HOW A MINOR CAN BE EMANCIPATED?

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

STEP 1: A minor cannot file court papers (called the “petition”) to be emancipated without an adult. The adult who files the court papers is called the minor’s “next friend.” The papers that are filed with the court 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 to be filed in the county where the minor lives. The court clerk will charge a filing fee for this. However, if you do not have the money for the fee, you can fill out an “Affidavit of Indigency” to be able to file the petition without paying court costs up front. However, you will be responsible for paying the costs when the case is finished.

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 next friend or their lawyer 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. If the judge decides that the emancipation is in the minor’s best interest than an order will be issued removing the disability of minority for a limited purpose only.

WHAT MAKES EMANCIPATION IN A MINOR’S BEST INTEREST?

Each judge will have a different approach to decide 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. F5 03/20

EMANCIPATION

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