



## 4. *Emancipation*

Emancipation is the legal process by which minors can attain adult status under law before reaching the age normally considered adulthood.

An emancipated minor is released from parental control. But, an emancipated minor is never given the right to vote, drink alcoholic beverages or enjoy other privileges given by law to adults.

### **What is the Emancipation process?**

A minor must file an emancipation petition with the Court of Common Pleas. The minor's petition will be scheduled for a hearing in front of a judge. The judge will consider a minor's:

- Age;
- Marital status and whether or not the minor is a parent;
- Ability to be self-supportive by working, living on their own and/or paying their own bills;
- Desire to live independently from their parents or legal guardians; and
- Reasons for wanting to be emancipated.

The judge will also want to hear the minor's legal guardian's views on whether or not the minor should be emancipated.

## Parental obligations and responsibilities after emancipation

Emancipation frees parents from the legal responsibilities of their child.

- Parents do not have an obligation to provide financial or educational support;
- Parents will no longer be held liable for the actions of their children; and
- Parents do not have any legal control over an emancipated child.

## What are the consequences of a minor moving away from home without parental permission?

A minor may be picked up as a runaway when they move away from home without their parents' or legal guardians' consent.

Children and Youth Services will be called and will meet with the minor's parents or legal guardian.

If Children and Youth determines the parents or legal guardians are not able to properly care for and control their child, Children and Youth may place the minor in foster care or with an adult relative.

## Minors living on their own without emancipation

Parents can allow their children to live on their own or with another adult. **But**, the parents or legal guardian are still responsible for the child's medical, financial and educational needs.

## Emancipation for underage parents

A minor is considered by the law to be emancipated for some purposes and not for others by becoming a parent.

- Minor parents have a right to custody of their child as long as they are able to care for their child;
- Minor parents have the right to make medical, educational, and adoption decisions regarding their child;
- Minor parents also have the right to consent to their own health care, but still require parental consent to obtain an abortion;

- But, a minor parent will not be fully emancipated if the minor cannot support themselves and does not live independently of their parents.

## Emancipation for the purpose of receiving general assistance

A minor is not required to go before a judge to determine whether he/she is emancipated for the purpose of receiving public or general assistance.

Public Assistance offices make the initial determination of whether a minor is emancipated for the purpose of receiving General Assistance or Temporary Assistance to Needy Families (TANF). To be eligible for General Assistance, a person between the ages of sixteen (16) and twenty-one (21) must meet **ONE** of the following criteria:

- 1) The minor must have left the parental household and have established another residence independent of parental control; or
- 2) The minor must be married.

To receive TANF benefits, a minor parent must:

- 1) Live with their parent, guardian or adult relative or caretaker; or
- 2) Be enrolled in school or working.

Although emancipation for the purpose of receiving assistance serves as proof of the child's independent status, it does not mean the minor is emancipated for all purposes.

## Emancipation for the purpose of schooling

Emancipation for the purpose of schooling is requested by minors who are living away from their parents or legal guardians and want to attend school in the area in which they are living.

Students under the age of twenty-one (21) are entitled to attend public school. But students under the age of twenty-one (21) only have a right to attend public school in the district where their parents or legal guardians reside.

Emancipation for this purpose enables minors to attend school in the area where they are living. Emancipation for this reason is for school purposes only and does not carry with it any other rights.

**NOTE: This is a complicated area of law. The court will make its decision on a case-by-case basis. Depending on your county, NPLS may be able to give you general advice. You can call NPLS at 1-877-953-4250 to see what services are available. You will also find helpful information on PALawHELP.org and by contacting your county's bar association.**