

State Emancipation Law Survey Results

Alabama: Age 18. Emancipation is governed by statute and may only occur once a minor reaches age 18. A decision is based on the best interest of the minor, and no specific guidelines will control every case. *See Anderson v. Loper*, 689 So. 2d 118, 120-21 (Ala. Civ. App. 1996). A court order would show emancipation (the several juvenile courts of the State are authorized to relieve minors over 18 from disabilities of nonage; or a court order in a child support action might find the child emancipated). *See Ala. Code § 26-13-1.*

Alaska: Age 16. A minor can be emancipated through judicial decree starting at age 16. Alaska Code Sec. 09.55.590. Proof of emancipation would be the court order.

American Samoa: Age 14 prior to September 5, 2018. American Samoa does not set forth a statutory process for becoming an emancipated minor. In *Pasesa v. Laumatia*, 28 A.S.R. 2d 37 (1995) the court noted that a minor's disability ceases when she reaches the age of majority or is otherwise earlier emancipated through marriage. In the published version of the American Samoa Annotated Code, it states that the legal age of marriage for women is 14, and for men is 18. A.S.C.A. § 42.0101. Therefore, age 14 is the youngest a married woman can be emancipated in American Samoa. However, on September 5, 2018, House Bill 35-28 was signed into law, amending § 42.0101 to make the legal age of marriage for women age 18. Therefore, under the new law, there is no process for emancipation prior to the age of majority for men or women. Proof of emancipation would be a marriage certificate if the marriage occurred prior to September 5, 2018. After September 5, 2018, American Samoa law does not allow a minor to emancipate by marriage or otherwise.

Arizona: Age 16. A minor who is at least 16 years of age can petition a court for emancipation. *See Ariz. Rev. Stat. § 12-2451.* Arizona also specifically notes that it will recognize a minor as an emancipated minor from another jurisdiction of the United States only if the minor is at least 16 years old. *Ariz. Rev. Stat. Ann. § 12-2455.* Proof of emancipation would be a court decree of emancipation.

Arkansas: Age 17. Arkansas statutory law provides for the "emancipation of juveniles" of a minor who is at least 17 years old through the filing of a petition with a court and entry of a court order in specific cases of dependency-neglect, dependence, family in need of service, or delinquency cases. *See Ark. Code Ann. § 9-27-362.* Such an order of emancipation makes the juvenile's parents no longer legally responsible for the juvenile and includes the right to enter into contracts, the right to obtain and consent to all medical care, and the right to enroll himself or herself in school. *Ark. Code Ann. § 9-27-362(e).* Arkansas law also appears to recognize emancipation of a minor who enters into a valid marriage. *See Guthrie v. Guthrie*, 455 S.W.3d 839, 844 (Ark. Ct. App. 2015) (noting that Ark. Code Ann. § 9-14-237 as to the expiration of child support obligations "sets forth the *general* rule that parental support automatically ceases when a child reaches the milestones that traditionally signal emancipation," which include when the child reaches age 18 or age 19 if still in high school, emancipated by a court order, marries, or dies); *Ark. Admin. Code § 016.14.3-4210* (for purposes of the Arkansas Social Services Block Grant Program, regulations define an "emancipated minor" as "an individual who has been given

the right by a court to manage his own affairs or one who has acquired emancipation by common law. A common law emancipated minor is one upon whom has been conferred the right to his own earnings and whose parents' legal duty to support him has been terminated. This emancipation may be expressed by a voluntary agreement of parent and child or by the marriage of the minor.”). Males, age 17, and females, age 17, can marry but must present evidence of parental consent or a court order to support the marriage license. Ark. Code Ann. § 9-11-102, 9-11-103 (as amended by 2019 Arkansas Laws Act 849, H.G. 1708). Proof of emancipation would be a court order emancipating a juvenile or a marriage document.

Arkansas law also authorizes a court action to remove the disabilities of minority specifically for contracting and transacting business for a minor who is at least 16 years old. Ark. Code Ann. § 9-26-104(a). However, as this type of order would not appear to fully emancipate a child from his or her parent's control, it may not qualify as “emancipation” for SSA's representative payee purposes, which define an emancipated child as one who is “no longer subject to parental control.” POMS GN 00501.010.B.3.

California: No minimum age provided by law. A person under the age of 18 years is an emancipated minor if that person has entered into a valid marriage. Cal. Fam. Code § 7002(a). There is no minimum age for when a minor may enter a valid marriage in California. Cal. Fam. Code § 300-304. However, a minor must obtain a court order granting permission to the underage person or persons to marry. Cal. Fam. Code § 302. Additionally, a minor who is at least 14 years of age may petition a court for a declaration of emancipation. Cal. Fam. Code § 7120. Proof of emancipation would be a court decree of emancipation or a marriage certificate.

Colorado: Generally age 15. Upon valid marriage, active duty military service, or reaching 15 years old, a minor can petition the court for emancipation. Colo. Rev. Stat. Ann. § 19-1-103 (45). The age of consent to marry in Colorado, is 16. Colo. Rev. Stat. Ann. § 14-2-106; 14-2-108. With parental consent and judicial approval, the court may grant a minor under the age of 16 a marriage license. Colo. Rev. Stat. Ann. § 14-2-108. Proof of emancipation would be a marriage certificate, proof of active duty in the military, or a court order or decree confirming emancipation.

Connecticut: Age 16. Emancipation is through petition for emancipation. Proof of emancipation would be an order of the State Superior Court for Juveniles Matters granting the petition for emancipation. Conn. Gen. Stat. Ann. § 46b-150

Delaware: There is a presumption against emancipation prior to the age of majority. The youngest age of emancipation, according to case law, was 16 years old. *See, Christenson v. Tanner*, 980 A.2d 1059, 1062 (Del. Fam. Ct. 2009) (the marriage of a 16-year-old minor resulted in her being emancipated due to getting married with the consent of her father).

District of Columbia: Emancipation is effective by court order. The case law reflects that the youngest minor declared emancipated in the District of Columbia was 16 years old. *See Duley v. Duley*, 151 A.2d 255, 258 (D.C. 1959) (a 16-year-old minor showed evidence of emancipation when he left his parents' home to live with an uncle, stopped attending school, supported himself by working, secured an apartment, and got married).

Florida: Age 16. A circuit court has jurisdiction to remove the disabilities of nonage of a minor age 16 or older upon petition filed by the minor's natural or legal guardian or, if there is none, by a guardian ad litem. Fla. Stat. Ann. § 743.015(1). A minor at least 17 years old (with parental/guardian permission) may get married, and marriage emancipates the minor. Fla. Stat. Ann. § 743.01. A court order or marriage license/certificate would be proof of emancipation.

Georgia: Age 16. Emancipation may occur pursuant to a petition with the court by a minor who is at least 16 years of age. Ga. Code Ann. § 15-11-721. Emancipation occurs by operation of law when a child is validly married, reaches age 18 or when a child is on active duty with armed forces of the United States. Ga. Code Ann. § 15-11-720. Proof of emancipation would be a court order, marriage license, or documents showing the minor is on active duty with armed forces of the United States.

Guam: Age 16. Guam does not have a general statutory process for becoming an emancipated minor. The territory defines "emancipated minor" as "any person under eighteen years of age who is or has been married, or who has been legally emancipated." Guam Code Ann. Tit. 19 § 4A101(e). The minimum age to marry is 16. Guam Code Ann. Tit. 19 § 3102. Proof of emancipation would be a court decree of emancipation or a marriage certificate.

Hawaii: Age 15. Hawaii does not have a general statutory process for becoming an emancipated minor, but it does recognize that minors who marry shall become emancipated. Haw. Rev. Stat. § 577-25. The minimum age to marry is 15. Haw. Rev. Stat. § 572-1. Proof of emancipation would be a marriage certificate.

Idaho: No minimum age provided by law. Idaho does not have an emancipation statute. A minor who is married is emancipated. Idaho Code Sec. 32-101. There is no minimum age for marriage in Idaho. Idaho Code Sec. 32-202. Proof of emancipation would be a marriage certificate.

Illinois: Age 16. A minor at least 16 years old may be emancipated if deemed "mature." 750 Ill. Comp. Stat. 30/3-2, 30/4 (2018). Marriage and enlistment in the armed forces do not automatically result in emancipation in Illinois. *In re Marriage of Baumgartner*, 930 N.E.2d 1024, 1031-32 (Ill. 2010). Proof of emancipation would be the court order of emancipation.

Indiana: Age 15. For purposes of termination of child support, married children and those on active duty in the United States armed services are emancipated upon court order. Ind. Code § 31-16-6-6(b)(2) (2018); *see also* Ind. Code § 31-11-1-6(b)(1) (minimum age for marriage in Indiana is 15 in the case of pregnancy and with parental consent); 10 U.S.C. § 505(a) (minimum age for enlistment in the armed services is 17 with parental consent). Other Indiana statutes recognize emancipation in the context of a child in need of services and emancipation in the context of juvenile delinquency proceedings. Ind. Code §§ 31-34-20-6, 31-37-19-27 (2018). All three emancipation statutes also recognize that a minor may be emancipated if not under or needing the care or control of his parents. Ind. Code §§ 31-16-6-6(b)(3), 31-34-20-6(a)(1), 31-37-19-27(a)(1) (2018). Proof of emancipation would be a court order of emancipation.

Iowa: Probably age 16, no less than age 14. A child 16 years of age or older may petition a court for an order of emancipation. IOWA CODE §232C.1(1). Emancipation may also be achieved through marriage. IOWA CODE § 599.1 (“The period of minority extends to the age of eighteen years, but all minors attain their majority by marriage.”) The minimum age for obtaining a marriage license is 16. IOWA CODE §595.2(4). Courts may also apply common-law principles to evaluate emancipation in child support cases and other litigation involving determinations about a parent’s rights and responsibilities toward a child. Case law does not set formal requirements or minimum ages for recognizing emancipation in these cases. However, Iowa law prohibits employment of children under 14 years old in most professions. IOWA CODE § 92.3. Because children under 14 would find it difficult to secure employment needed to show self-sufficiency, it is unlikely that an Iowa court would recognize emancipation of a child younger than 14. Proof of emancipation would be the court order or decree recognizing emancipation or rights of majority, or a marriage certificate.

Kansas: Probably age 14. Emancipation can be achieved by petition to a court. KAN. STAT. ANN. § 38-109. The statute does not list a minimum age. Secondary sources indicate that a child must be at least 14 to file a successful petition. Also, children under age 14 are generally barred from employment in Kansas and, thus, cannot establish financial self-sufficiency. KAN. STAT. ANN. § 38-601. Thus, it is unlikely a Kansas court would recognize emancipation of a child under age 14. Kansas law also permits emancipation through marriage if the minor is at least 16 years old. *See* Kan. Stat. Ann. § 38-101. Proof of emancipation would be a court order or decree recognizing emancipation or rights of majority, or a marriage certificate.

Kentucky: No minimum age provided by law. In determining whether emancipation has occurred, it is the intention of the parent that governs, and it can be expressed either in writing or orally or may be implied. *See Carricato v. Carricato*, 384 S.W.2d 85, 88 (Ky. Ct. App. 1964). Further, Kentucky law holds that emancipation does not remove all disabilities of infancy, for example, it does not affect or enlarge the minor’s capacity to contract. *See State Automobile Ins. Co. v. Reynolds*, 32 S.W.2d 508, 511 (Ky. Ct. App. 2000). Thus, emancipation might not qualify as emancipation for SSA’s representative payee selection purposes, which define an emancipated child as one who is “no longer subject to parental control.” POMS GN 00501.010B.3. A court order would show a minor had been emancipated.

Louisiana: Age 16, possibly younger if by marriage. Louisiana law provides for full or limited emancipation by court order for a minor 16 years old or older. Full emancipation confers all effects of majority on the person emancipated, unless otherwise provided by law. Limited judicial emancipation confers the effects of majority specified in the judgment of limited emancipation, unless otherwise provided by law.” La. Civ. Code Ann. art. 366. A court may modify or terminate its judgment of emancipation for good cause, and a termination of judicial emancipation places the minor under the same authority he was subject to prior to emancipation unless otherwise ordered by the court. *See* La. Civ. Code Ann. art. 370. Limited emancipation might not qualify as emancipation for SSA’s representative payee selection purposes, which define an emancipated child as one who is “no longer subject to parental control.” POMS GN 00501.010B.3. A minor is also fully emancipated by marriage, and the emancipation may not be modified or terminated even by termination of the marriage. La. Civ. Code Ann. art. 367. Emancipation by marriage is effective upon marriage. *Id.* at art. 369. Minors age 16 and 17 are

allowed to marry with written consent, but if under age 16, the minor must have a court's authorization. *See* La. Civ. Code. art. 87; La. Child. Code Ann. arts. 1543, 1545. Proof of emancipation would be a court order of judicial emancipation or a marriage document.

Louisiana law also provides for limited emancipation of a minor by authentic act, which gives a minor age 16 or older the capacity to make the specified juridical acts unless otherwise provided by law. All other effects of minority continue. La. Civ. Code Ann. art. 368; *see also* La. Civ. Code Ann. art. 1833 (describing an "authentic act"). However, as a limited emancipation by authentic act would not fully emancipate a child from his or her parent's control, it may not qualify as "emancipation" for SSA's representative payee selection purposes, which define an emancipated child as one who is "no longer subject to parental control." POMS GN 00501.010.B.3.

Maine: Age 16. Emancipation is through petition for emancipation. Proof of emancipation would be an order of the State District Court granting the petition for emancipation. Me. Rev. Stat. tit. 15, § 3506-A.

Maryland: Emancipation may be found for limited purposes. Limited emancipation might not qualify as emancipation for SSA's representative payee selection purposes, which define an emancipated child as one who is "no longer subject to parental control." POMS GN 00501.010B.3. *See In re Smith*, 295 A2d 238, 245 (Md. 1972) (a 16-year-old minor was found emancipated solely for the purpose of making medical decisions regarding her pregnancy). Emancipation during the age of minority may be either expressed or implied and may be either partial or complete. *See Holly v. Maryland Auto. Ins. Fund*, 349 A.2d 670, 675 (Md. 1975) (emancipation may not be achieved by the voluntary action of the child but may result from abandonment or mistreatment by the parent or from a voluntary relinquishment of parental rights); *Bradford v. Futrell*, 171 A.2d 493, 497 (Md. 1961) (emancipation in a given case is a factual question; a dependent minor child who enters into the military was not emancipated).

Massachusetts: No specific age provided by law. A minor can file an action in State court to seek emancipation prior to attainment of age 18. Massachusetts has no statutory mechanism for early emancipation, and early emancipation is disfavored by common law. Proof of emancipation would be an order of the State Probate and Family Court granting the petition for emancipation. Mass. Gen. Laws Ann. ch. 231, § 85P.

Michigan: Age 16. A minor is emancipated by operation of law: during the period when he or she is on active duty with the armed forces, or when he or she is validly married. Mich. Comp. Laws § 722.4(2); *see also Ortman v. Miller*, 190 N.W.2d 242, 247 (Mich. Ct. App. 1971); 10 U.S.C. § 505(a) (minimum age for enlistment in the armed services is 17 with parental consent); Mich. Comp. Laws §§ 551.51, 551.103(1) (minimum age for marriage in Michigan is 16 with parental consent). A minor seeking emancipation via court order must be at least 16 years of age. Mich. Comp. Laws §§ 722.4a-722.4d. A minor's emancipated status is revocable before reaching majority. Specifically, upon the filing of a petition by the parent or the emancipated minor, the court may rescind the emancipation order. Mich. Comp. Laws § 722.4d. Proof of emancipation would be an emancipation order issued by the Family Division of the Circuit

Court. The court may issue its order on a standardized “PC101 form.” See Michigan Courts, *Index of SCAO-Approved Forms for Use in Emancipation of a Minor*, <https://courts.michigan.gov/Administration/SCAO/Forms/Pages/Emancipation.aspx> (last visited May 11, 2019). A minor could also present a marriage license or valid documentation of being on active duty with the armed forces.

Minnesota: No minimum age provided by law. Minnesota does not have a specific statute addressing the emancipation of minors. Under Minnesota common law, a married minor child is considered emancipated. See *State v. Lowell*, 80 N.W. 877, 878 (1899); see also Minn. Stat. § 517.02 (minimum age for marriage in Minnesota is 16 with parental consent). Otherwise, a court may determine that an emancipation has occurred by weighing the factors developed under common law. See *Cummins v. Redman*, 251 N.W.2d 343, 345 (Minn. 1977) (stating factors for emancipation). Proof of emancipation would be the court order of emancipation or a marriage license.

Mississippi: Possibly age 15, although no minimum age provided by law. See Miss. Code Ann. § 93-5-23, 93-11-65(8). Emancipation occurs when a child reaches the age of 21, marries, joins the military and serves on a full-time basis, or is convicted of a felony and is sentenced to incarceration of two or more years. Miss. Code Ann. § 93-11-65(8)(a). The minimum age for marriage is 15 years old, which suggests that 15 years old may be the youngest emancipation age allowed in Mississippi. See Miss. Code Ann. § 93-1-5(1). A court may determine that emancipation has occurred when the minor discontinues full-time school (having attained age 18); voluntarily moves from the home of custodial parent, establishes independent living arrangements, obtains full-time employment, and discontinues school prior to age 21; or cohabits with another person without the approval of the parent obligated to pay support. Miss. Code Ann. § 93-11-65(8)(b). There may also be other situations that establish emancipation such as having a baby out of wedlock or moving out of a parent’s home to live with a boyfriend/girlfriend. See *Rennie v. Rennie*, 718 So.2d 1091, 1093-94 (Miss. 1998). A court order, marriage certificate, or documentation of full-time military service would show emancipation.

Missouri: No specific age provided by law, but probably no less than age 14. There is no statutory framework for seeking emancipation by petition, but child support statutes acknowledge that a parent’s support obligations end when a child marries, enters the military, or “becomes self-supporting, provided that the custodial parent has relinquished the child from parental control by express or implied consent.” MO. REV. STAT. § 452.340(3). These circumstances appear to be based on factors that could show emancipation at common law. See *Scruggs v. Scruggs*, 161 S.W.3d 383, 390 (Mo. Ct. App. 2005). Missouri courts might permit a child to petition for emancipation under Missouri common law, and the court would likely consider the same factors listed in the child support statutes. The minimum age for a marriage license is 16. MO. REV. STAT. § 451.090(1). State law also prohibits employment of children under age 14 in most professions. MO. REV. STAT. § 294.021. Thus, it is unlikely that a Missouri court would recognize emancipation of a child under age 14. Proof of emancipation would be a court order or decree recognizing emancipation or rights of majority, or a marriage certificate.

Montana: Age 16. Mont. Code Ann. § 41-1-501(1). The court order granting emancipation must specify the rights and responsibilities conferred upon the youth. *Id.* The youth is then entitled to exercise some but not all of the rights and responsibilities of a person 18 years or older. Mont. Code Ann. § 41-3-102. Proof of emancipation would be a court order granting emancipation. However, because emancipation does not allow the minor to exercise all of the rights and responsibilities of a person 18 years or older, it might not qualify as emancipation for SSA's representative payee selection purposes, which define an emancipated child as one who is "no longer subject to parental control." POMS GN 00501.010B.3.

Nebraska: Probably age 16, no less than age 14. Effective July 19, 2018, Nebraska law permits a child who is at least 16 years old to petition the district court for a judgment of emancipation. NEB. REV. STAT. § 43-4802. The child must be married or living apart from his/her parents or legal guardian. *Id.* Children must be at least 17 years old to marry in Nebraska. See NEB. REV. STAT. § 42-102. Nebraska child-labor laws restrict employment of children under age 14. NEB. REV. STAT. §§ 48-302, 48-304. Thus, it is unlikely that a Nebraska court would recognize emancipation of a child younger than 14. Proof of emancipation would be a court order or decree recognizing emancipation or rights of majority, or a marriage certificate.

Nevada: Age 16. A minor who is at least 16 years of age can petition the court for emancipation. See Nev. Rev. Stat. § 129.080. Under Nevada common law, "marriage is generally sufficient to constitute emancipation." *Kirkpatrick v. Eight Judicial District Court*, 119 Nev. 66, 69 n. 3 (Nev. 2003). Nevada does not allow individuals under the age of 16 to marry except in extraordinary circumstances. Nev. Rev. Stat., § 122.020, 025. Proof of emancipation would be a court decree of emancipation or a marriage certificate.

New Hampshire: Age 16 if married (no petition required). An unmarried minor can file an action in State court to seek emancipation prior to attainment of age 18. New Hampshire has no statutory mechanism for early emancipation, and early emancipation is disfavored by common law. A minor who joins the armed forces is also emancipated in New Hampshire (minimum age in the four major service branches is 17, and parental consent is required). Proof of emancipation would be proof of marriage, proof of armed forces service, or an order of the State Circuit Court granting the petition for emancipation. N.H. Rev. Stat. Ann. § 21-B:1; N.H. Rev. Stat. Ann. § 21-B:3; N.H. Rev. Stat. Ann. § 457:4.

New Jersey: Probably not younger than age 18. Courts continue to recognize the possibility of emancipation before age 18 (a rebuttable presumption against emancipation exists prior to attaining the age of majority, *i.e.*, age 18), for example, in case of marriage (but note that, as of 2018, a marriage license is not available to those under the age of 18), or joining the military (at least 17 years old). However, we could find no recent cases where a court made such a finding. As this is not a statutorily defined process, there is no formal documentation that results. Although evidence of current military service (e.g. appointment to and enrollment in West Point as a cadet) could be sufficient, New Jersey courts may also consider other factors, as "[t]he issue is fact sensitive and requires a critical evaluation of then prevailing circumstances as they are presented in each case." *Bishop v. Bishop*, 287 N.J. Super. 593, 646 (1995); see *Querry v. Querry*, No. A-4771-16T1, 2018 WL 6033679 (N.J. Super. Ct., App. Div., 2018); See *A.E.C. v.*

P.S.C., 179 A.3d 424, 429, 453 N.J. Super. 19, 28 (2018); *Ort v. Ort*, 52 A.3d 1072, 428 N.J. Super. 290 (2012); N.J. Stat. Ann. 9:17B-3; N.J. Stat. Ann. 37:1-6.

New Mexico: Age 16. A minor at least 16 years old is emancipated by entering into a valid marriage (termination of the marriage does not affect the emancipation) or receiving a declaration of emancipation under the Emancipation of Minors Act. N.M. Stat. Ann. § 32A-21-3. A minor is also emancipated if on active duty with any of the United States armed forces. An individual must be at least 17 years of age to enlist in any of the five branches of the U.S. military. See <https://www.usa.gov/join-military> (last visited May 7, 2019). Proof of emancipation would be a court declaration of emancipation, a marriage document, or a document establishing active duty in the U.S. military.

New York: Age 16. New York does not have statutorily-defined process by which a child can “request” emancipation. Rather, a court can find a child – generally in the context of a support proceeding – to be emancipated or constructively emancipated after an event such as abandoning the home at an “employable age” (which is effectively at least 16 years old). Emancipation also occurs upon legally marrying (at least 17 years old), or entry into military service (also at least 17 years old, and only if full-time, which would include serving as a military academy cadet, and would not include participating in a college ROTC program). Because there is no statutorily defined process, there is no formal documentation that results. However, the minor may be able to produce a court order documenting emancipation or may be able to show proof of current legal marriage or military service. Note that a minor may later become unemancipated if circumstances change (for example, the minor returns home or changes employment, or the minor is no longer married or in military service). See *J.M. v. T.A.*, ---N.Y.S.3d---, 2019 WL 2017922 (N.Y. Fam. Ct., May 3, 2019); *Monti v. DiBedendetto*, 151 A.D.3d 864, 865, 56 N.Y.S.3d 544, 547 (2d Dept. 2017); *Zuckerman v. Zuckerman*, 154 A.D.2d 666, 546 N.Y.S.2d 666 (2d Dept. 1989); *Henry v. Boyd*, 99 A.D.2d 382, 473 N.Y.S.2d 892 (4th Dept. 1984); N.Y. Dom. Rel. Law §§ 15-15-a; N.Y. Labor Law § 132.

North Carolina: Age 16. A juvenile at least 16 years may petition the court for a decree of emancipation. N.C. Gen. Stat. Ann. § 7B-3500. A juvenile may also be emancipated by marriage. See N.C. Gen. Stat. Ann. § 7B-3509. Proof of emancipation would be a court order declaring emancipation or a marriage certificate.

North Dakota: Age 16. It appears that the only way to become an emancipated minor is through marriage, consented to by the minor’s parents, when the minor is 16-18 years old. N.D.C.C. § 14-03-02 (Lawful age for marriage); see also, N.D.C.C. § 50-25.2-01 (Vulnerable Adult Protection Services, Definitions: “‘Adult’ includes a minor emancipated by marriage.”). Proof of emancipation would be a marriage license.

Northern Mariana Islands: No minimum age provided by law. The Northern Mariana Islands does not have a general statutory process for becoming an emancipated minor. The age of majority is 18 years old. Commonwealth Code, Tit. 8 § 1106. However, “child” means any adopted or natural child under the age of 16 years who has not been emancipated by court order. Commonwealth Code, Tit. 8 § 1603. Proof of emancipation would be a court decree of emancipation.

Ohio: No minimum age provided by law. Ohio does not have a specific statute addressing the emancipation of minors. Under Ohio common law, the marriage of a minor accomplishes his emancipation. *See Perry v. Perry*, 1936 WL 2052, at *2 (Ohio Ct. App. 1936); *see also* Ohio Rev. Code Ann. § 3101.02 (minimum age for marriage in Ohio is 17). Otherwise, whether a child has been emancipated appears to be determined by looking at the circumstances of each case. *See Schirtzinger v. Schirtzinger*, 117 N.E.2d 42, 44 (Ohio Ct. App. 1952) (emancipation is primarily governed by act or omission of parent); *Guarnieri v. Guarnieri*, 1987 WL 17218 (Ohio Ct. App. 1987) (emancipation depends on “the totality of the circumstances”). Proof of emancipation would be a court order of emancipation or a marriage license.

Oklahoma: No minimum age provided by law, but might be limited in scope. Oklahoma law provides for emancipation by court order with no minimum age requirement, but the emancipation is only for contracting and transacting business. Okla. Stat. Ann. tit. 10, §§ 91-94. Proof of emancipation would be the court order, but, because of the limitation, such emancipation might not qualify as “emancipation” for SSA’s representative payee selection purposes, which define an emancipated child as one who is “no longer subject to parental control.” POMS GN 00501.010.B.3. Current Oklahoma statutory law does not identify marriage as a method of emancipation (an old statutory provision was repealed in 2009), but case law indicates that even in the absence of a current express statutory provision, Oklahoma courts would continue to find marriage a manner of emancipation of a minor. A minor age 16 or 17 may marry with parental consent. Okla. Stat. Ann. tit. 43, § 3(B)(1), (2). It appears that under certain circumstances, a court can authorize a minor younger than age 16 to marry. However, emancipation by marriage may be limited. *See Daubert v. Mosley*, 487 P.2d 353, 355-356 (Okla. 1971) (“upon marriage minors are emancipated by parental control” and “[u]nder this circumstance, the question then concerns whether emancipation extends to usual, ordinary, or normal business relationships, or is confined only to matters of parental custody and control over earnings”). Proof of emancipation would be a marriage document, but, due to the limited scope, emancipation by marriage might not qualify as “emancipation” for SSA’s representative payee selection purposes, which define an emancipated child as one who is “no longer subject to parental control.” POMS GN 00501.010.B.3.

Oregon: Age 16. A minor can be emancipated through judicial decree starting at age 16. Or. Rev. Stat. Sec. 419B.558. Proof of emancipation would be a court order.

Pennsylvania: Emancipation requires a case-by-case analysis. *See Berks County Children and Youth Services v. Rowan*, 631 A.2d 615, 618 (Pa. 1993) (A 15-year-old minor who was married, but separated from her husband at age 18, had no place to live, and was truant, was not emancipated. The marriage was not a conclusive factor in determining whether the minor was emancipated but was a factor to consider with the totality of the circumstances). Notably, emancipation is not necessarily a permanent status and the fact that a minor was once emancipated does not foreclose the divestiture of emancipation when circumstances change. *Maurer v. Maurer*, 555 A.2d 1294, 1299 (Pa. 1988) (a 19 year-old who was released from his commitment to the Army and enrolled in vocational school was found not to be emancipated because he was dependent on his parents for support).

Puerto Rico: Age 14. A minor as young as 18 may petition for emancipation by court order, or by formal declaration of one or both parents. A minor also becomes emancipated of right by marriage, and marriage could be legal – under limited circumstances – where a female is as young as 14 years old, or male is as young as 16; the documentation proving such emancipation would be the proof of legal marriage. *See* 31 P.R. Laws Ann. §§ 232, 242, 901-971.

Rhode Island: A minor can file an action in state court to seek emancipation prior to attainment of age 18. Rhode Island has no statutory mechanism for early emancipation. Proof of emancipation would be an order of the State Family Court granting the petition for emancipation. 15 R.I. Gen. Laws Ann. § 15-12-1

South Carolina: Possibly 16, but no minimum age provided by law. Emancipation is effected primarily by agreement of the parent and it depends on the facts and circumstances of each case. *Purdy v. Purdy*, 578 S.E.2d 30, 31-32 (S.C. Ct. App. 2003). Marriage will also emancipate a minor. *See, e.g.*, Code of Laws of S.C. § 59-112-10.F (emancipated minor in context of education tuition means minor whose parents have entirely surrendered right to care, custody and earnings of such minor and are no longer under any legal obligation to support or maintain such minor); § 44-41-10(n) (emancipated minor in context of obtaining an abortion means a minor who is or has been married or has by court order been freed from care, custody and control of her parents). A marriage license may not be issued to anyone under 16 years old. S.C. Code Ann. § 20-1-250. Proof of emancipation would be a court order making a determination of emancipation or a marriage certificate.

South Dakota: Age 16. S.D. Codified Laws § 25-5-26. An emancipated minor is either a party to a valid marriage, an active duty member of the armed forces, or has received a decree of emancipation from the court. S.D. Codified Laws § 25-5-24. A minor can marry in South Dakota, with parental consent, at age 16 or 17. S.D. Codified Laws § 25-1-9. A minor who is at least 16 years old can petition the court for emancipation. S.D. Codified Laws § 25-5-26. Proof of emancipation would be a valid marriage certificate, proof of active duty in the armed forces, or a court declaration of emancipation.

Tennessee: No minimum age provided by law. A minor may be emancipated by marriage (with or without parent consent). *See Morgan v. Morgan*, No. C.A. #20, 1988 WL 130340, at *2-3 (Ct. App. Tenn. Dec. 7, 1988). Age of emancipation rests in the parent's discretion. Emancipation may be express or implied. *See Morgan v. Morgan*, No. C.A. #20, 1988 WL 130340, at *2-3 (Ct. App. Tenn. Dec. 7, 1988). Emancipation may result from an agreement. Proof of emancipation would be a marriage certificate or a court order. A minor could also show evidence of a voluntary agreement by the parent showing facts that imply consent/agreement or a written acknowledgement by the parent.

Texas: Age 16. A minor at least age 16 can obtain emancipation by court order, but the order can be for limited or general purposes. Tex. Fam. Code Ann. §§ 31.001 - 31.008. A court order removing the disabilities for minority for general purposes would seem to qualify as an emancipation for SSA's purposes, but a court order removing the disabilities for minority for limited purposes might not qualify as "emancipation" for SSA's representative payee selection purposes, which define an emancipated child as one who is "no longer subject to parental

control.” POMS GN 00501.010.B.3. Under current Texas law, a minor may no longer marry without first obtaining an order removing the disabilities of minority for general purposes. *See* Tex. Fam. Code Ann. §§ 2.003, 2.101. Consequently, marriage no longer serves as a separate method for a minor’s emancipation. Proof of emancipation would be a court order removing the disabilities of minority for general purposes.

U.S. Virgin Islands: Age 14. A minor as young as 16 may petition for emancipation by court order. A minor also becomes emancipated of right by marriage, and the age of consent for marriage is 14 for females and 16 for males. The documentation proving such emancipation would be either a court order or proof of legal marriage. *See* 16 V.I. Code §§ 2, 221-261.

Utah: Age 16. A minor who is at least 16 years old can petition the court for emancipation. Utah Code Ann. § 78A-6-803. Proof of emancipation would be the court’s declaration of emancipation.

Vermont: Age 16. Emancipation is through petition for emancipation. Proof of emancipation would be an order of the State Probate Court granting the petition for emancipation. Vt. Stat. Ann. tit. 12, §§ 7151-7156

Virginia: Age 16. A minor who is 16 years old may petition the juvenile and domestic relations district court. *See* VA St § 16.1-331. The court may enter an order finding the minor emancipated if, after a hearing, it is determined that the minor entered into a valid marriage; is on active duty with any of the United States of America armed forces; willingly lives separate and apart from her parents or guardian, with consent, and is able to manage her own financial affairs; or desires to enter into a valid marriage. *See* VA St § 16.1-333. The minor may apply for an identification card issued by the Department of Motor Vehicles to serve as proof of her emancipation. *See* VA St. § 16.1-334.1. The identification card will contain the minor’s photograph, a statement that the minor is emancipated, and a listing of all the effects of the emancipation order. *Id.*

Washington: Age 16. A minor can be emancipated through judicial decree starting at age 16. Wash. Rev. Code. Sec. 13.64.010. Proof of emancipation would be a court order.

West Virginia: A minor over the age of 16 may petition the court to be declared emancipated. *See* W. Va. Code § 49-4-115. A court order would serve as documentation of the emancipated status. A minor over the age of 16 and married is declared emancipated by operation of law. *Id.* Marriage automatically emancipates a minor, and a petition to the court is not required. *See* W. Va. Code § 49-4-115. Note that a West Virginia state court found that a child who was under the statutory age of 16 was automatically emancipated when she married and did not become unemancipated when she divorced before turning 18 years old. *See State ex rel. Dept. of Health and Human Resources, Bureau of Child Support Enforcement v. Farmer*, 523 S.E.2d 840, 842-43 (W.Va. 1999) (a 13-year-old minor was automatically emancipated when she married and did not become unemancipated when she divorced prior to turning 18 years old). The *Farmer* court held that a minor who is under the age of 16 and marries with consent of a parent is also emancipated by operation of law finding that West Virginia Legislature did not intend to assert that married minors under the age of 16 remain under the

control and care of their parents. *Id.* at 844; *See also, State v. Austin*, 234 S.E.2d 657, 663 (W.Va. 1977) (a 15-year-old minor who had lawfully entered into marriage had the right to live with her husband and leave her parents' home). Neither the West Virginia code nor case law specify what documentation/identification other than a court order is provided to an emancipated minor.

Wisconsin: No minimum age provided by law. Wisconsin does not have a specific statute addressing the emancipation of minors. Under Wisconsin common law, married children and those who have enlisted in the armed services are considered emancipated. *Niesen v. Niesen*, 157 N.W.2d 660, 662 (Wis. 1968); *see also* Wis. Stat. § 765.02(2) (minimum age for marriage in Wisconsin is 16, with parental consent); 10 U.S.C. § 505(a) (minimum age for enlistment in the armed services is 17 with parental consent). Otherwise, emancipation may be achieved through civil action and is determined largely on the facts and circumstances of each case. *See Wadoz v. United Nat. Indem. Co.*, 80 N.W.2d 262, 265 (Wis. 1957); *Niesen*, 157 N.W.2d at 662. Proof of emancipation would be a marriage certificate, proof of enlistment in the armed services, or a court order of emancipation.

Wyoming: Age 17. A minor who is at least 17 years old can petition the court for emancipation. Wy. St. § 14-1-203(a). Proof of emancipation would be the court's decree.