

# Kansas Legal Services

A non-profit law firm and community education organization helping low and moderate income people in Kansas



[www.kansaslegalservices.org](http://www.kansaslegalservices.org)

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## Emancipation

### **What is Emancipation?**

- Emancipation means you are legally separated from your parents or guardian and do not have to live with them.
  - The law in Kansas emancipates you when you are 18 years old.
  - Having a baby does not make you legally emancipated.
  - Your parents cannot emancipate you so they are no longer legally responsible for financially providing for you.
  - It is possible to become emancipated prior to the age of 18, which is called an Emancipated Minor.
    - If you will be 18 in six months or less, there is not time to complete the emancipation process before you turn 18 and are automatically emancipated.
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### **What changes when you become emancipated?**

If you become emancipated, you will have some of the rights that come with adulthood.

These rights include:

- Handling your own affairs
- Living where you choose
- Signing contracts
- Keeping and spending your money
- Consenting to all of your own medical care
- Getting a work permit without your parents' consent
- Suing someone in your own name
- Staying out as late as you want

Even if you are emancipated, you still must:

- Go to school. You must stay in school until you graduate from high school or reach the age of 18.
- You cannot work as many hours as you want. Your employer still must follow all child labor laws and work permit rules.
- Statutory rape laws still apply to you. If you have sex, your partner can still get in trouble with the law.
- You cannot legally drink alcohol until you are 21.
- You can't vote until you are 18.

#### When you become emancipated:

- You lose your right to have financial support – your basic living expenses and health care – paid by your parents or guardian.
- Your parents or guardian will no longer be legally or financially responsible if you injure someone.
- Being emancipated does not automatically make you eligible for public benefits.

## How can I get emancipated early?

Kansas's law also allows early emancipation in certain circumstances.

1. **If you are 16 or over and married** – but you must have the written consent of parents or guardian and a court order to get married before you are 18.
2. **Enlisting in the military** – but you must have consent of your parents or guardian and permission by the armed services if you are under 18.
3. **By going to court and having the Judge declare you emancipated.** To use this method, you must first satisfy all the following six requirements:
  - You must be at least 14 years of age when you begin to seek legal emancipation.
  - You must not be living with your parents or legal guardian. The court wants to be sure you have made living arrangements where you plan to stay for a long time. Saying you are staying with a friend is not good enough.
  - Your parents or legal guardian must have consented/agreed to your living away from them. One way to do this is if they sign a consent to your Emancipation. If your parents sign this form, it will be easier for you to become emancipated. If your parents will not sign this form, you may be able to show the court that your parents have “acquiesced”. If you are living away from home and your parents know all about this but they are not strongly objecting or trying to bring you back home to live, a judge MAY interpret their lack of action as an agreement to your living arrangements.
  - You must manage your own financial affairs. The court needs to be sure you have income earned only by you and that you make the decision on how that income is spent. You will need to show evidence that you pay your own bills, especially for necessary things like housing, food and clothing. Even if you trade housework for room and board, it is best if you get paid and show that you are actually paying rent. There is no set amount you must

earn, but the Judge will look at your income closely to make certain you can meet your expenses.

- Your source of income must be legal. You cannot earn your money from criminal activities.
  - The emancipation must be in your best interest. This allows the Judge a lot of freedom in deciding if you should be emancipated. Even if you meet the other five requirements, a judge who feels it is not in your best interest to become emancipated can deny your request. In court, your parents or anyone else may object to your emancipation and try to persuade the judge that it is not in your best interest.
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## **Process of emancipation:**

If you decide emancipation is the right decision for you and you meet the requirements, you also must have lived in the county for 12 months to file.

- You will also need to pay a filing fee – around \$111.00 (you may be able to get a waiver not to pay the fees, but that can go against you in front of the judge).
- You may also have to pay a publication fee.
- You need to obtain the necessary forms to fill out to file.

Briefly, the process includes:

1. Obtaining the forms
2. Completing the forms
3. Filing the forms with the Court
4. The petition goes to the Court for review.
  - If there is no hearing, you will be notified by mail.
  - If there is a hearing, the Court will decide who to notify so they can appear at the hearing.
    - Your parents or legal guardian will have a right to receive an official notice of hearing, as well as SRS or the Probation Department, if they are supervising you.
5. If your parents sign waivers, it can speed up this process.
6. The hearing will be set in about four to six weeks. You may have to pay for notification and/or publication.
7. At the hearing, the Judge will listen to you, look at the forms you filled out and listen to anyone who objects.
  - If the Judge feels you have met all the requirements and it is in your best interest, the petition will be approved.

If your emancipation is approved by the Court:

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You can get a Certified Copy of Emancipation from the Clerk, for a fee.

- Take it to the Department of Motor Vehicles to get a new ID card to show you are emancipated.
- You will need this card to prove to a landlord and future employers that you are an emancipated minor.

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## **Additional Resources**

[On Your Own: A Guide For Young Adults](#)

 [Emancipation of Minors CARC flyer.pdf](#)

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<http://www.kansaslegalservices.org/node/2050/emancipation>

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