

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 988

02/09/2017 Authored by Fischer, Omar, Ward, Pinto, Halverson and others
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy

1.1 A bill for an act
1.2 relating to juveniles; safety and placement; providing for the emancipation of
1.3 minors in certain situations; amending Minnesota Statutes 2016, section 518A.39,
1.4 subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 260C.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. 260C.701 EMANCIPATION OF MINORS.

1.7 Subdivision 1. Application. A minor who has reached the age of 16 may petition the
1.8 juvenile court for emancipation in the county in which the minor resides.

1.9 Subd. 2. Petition. (a) A petition for emancipation must be filed with the court in the
1.10 county in which the minor resides and contain:

1.11 (1) the petitioning minor's name, date of birth, and address and the name and date of
1.12 birth of any of the petitioner's minor children;

1.13 (2) the minor's parent's name, date of birth, and address, if known;

1.14 (3) the minor's legal guardian or custodian's name, date of birth, and address, if known;

1.15 (4) the basis for the emancipation;

1.16 (5) whether or not the minor's parent or legal custodian is in support of the emancipation;

1.17 and

1.18 (6) whether the minor is the subject of or a party to any pending judicial proceedings in
1.19 the state of Minnesota or any other jurisdiction.

2.1 (b) At the discretion of the court, the minor's current address may be classified as
2.2 confidential. The petition must be served as required in the Minnesota Rules of Juvenile
2.3 Protection Procedure.

2.4 **Sec. 2. [260C.702] EMANCIPATION OF MINORS; INVESTIGATION AND**
2.5 **HEARING.**

2.6 Subdivision 1. **Investigation; guardian ad litem; appointment of counsel.** The court
2.7 may:

2.8 (1) appoint a neutral third party to investigate the claims in the petition and evaluate the
2.9 need for the emancipation of the minor;

2.10 (2) appoint a guardian ad litem to advise the court on the best interest of the child; and

2.11 (3) appoint counsel for the petitioning minor or the minor's parents.

2.12 The court may require a party to the case to pay the costs associated with the appointment
2.13 of a neutral third party, guardian ad litem, or counsel for the child or parent.

2.14 Subd. 2. **Hearing.** (a) The court shall provide 14 days notice regarding the petition to
2.15 the parents, the minor's legal guardian, the minor, and any other party to the action.

2.16 (b) After a hearing on the petition, the court may enter an order declaring the minor
2.17 emancipated if the court finds:

2.18 (1) the minor does not object to the emancipation;

2.19 (2) the emancipation is in the best interest of the child pursuant to section 260C.511;

2.20 (3) the minor has a plan for stable housing that has been approved by the court;

2.21 (4) the minor has completed high school, is enrolled in and will continue to attend high
2.22 school, or is working toward a general education development diploma;

2.23 (5) the minor has demonstrated to the court a complete understanding of the effects of
2.24 the emancipation; and

2.25 (6) except where domestic abuse has occurred between a parent and the minor under
2.26 section 518B.01, subdivision 2, paragraph (a), a custodial parent of the minor has not raised
2.27 an objection to the emancipation.

3.1 Sec. 3. [260C.703] EMANCIPATION OF MINORS; ORDER AND EFFECT OF
3.2 EMANCIPATION.

3.3 Subdivision 1. Order. (a) The order declaring the minor emancipated must indicate
3.4 which of the rights in paragraph (b) the child is entitled to under the emancipation. The
3.5 court may grant a partial emancipation and does not have to grant all of the rights under
3.6 paragraph (b). Rights not granted to the emancipated minor will require the approval or
3.7 action of the parent or legal guardian of the minor.

3.8 (b) Notwithstanding any law to the contrary, the court may order any of the following
3.9 in the emancipation of a minor:

3.10 (1) the minor may consent to medical care, dental care, psychiatric care, and contract
3.11 for health or dental insurance without the knowledge or consent of the minor's parents;

3.12 (2) the minor may manage the minor's own finances, open a bank account, and enter
3.13 into a binding contract, including a lease agreement or agreement for credit;

3.14 (3) the minor may sue or be sued in the minor's own name;

3.15 (4) the minor is entitled to the minor's own earnings and is free from control by the
3.16 parent or guardian;

3.17 (5) the minor may apply for, and receive in the minor's own name, public assistance,
3.18 Social Security benefits, or other aid and support;

3.19 (6) the minor may establish the minor's own residence, including renting, leasing, or
3.20 purchasing real property;

3.21 (7) the minor may not be the subject of a petition under this chapter or in violation of a
3.22 juvenile curfew ordinance enacted by a local government, except as indicated under
3.23 subdivision 2;

3.24 (8) the minor may enroll in any school or college in the minor's own name and apply
3.25 for financial aid without parental consent;

3.26 (9) the minor may sign releases for the release of confidential information or health care
3.27 information and obtain vital records, including a Minnesota birth certificate;

3.28 (10) the minor may marry without parental, judicial, or other consent; and

3.29 (11) the minor may enlist in the military without the parent's consent.

3.30 (c) The court order must indicate that the parents are no longer the guardians of the
3.31 minor and that the parents are relieved of the obligation (1) to support the minor, (2) to

4.1 require school attendance, or (3) to be civilly liable for the minor's acts when those rights
4.2 have been granted to the emancipated minor.

4.3 Subd. 2. **Exceptions.** An emancipated minor is not considered an adult for the following
4.4 purposes:

4.5 (a) prosecution as an adult under criminal laws, except as provided in chapter 260B and
4.6 other laws applicable to minors who are not emancipated;

4.7 (b) criminal laws of the state when the minor is a victim and the age of the victim is an
4.8 element of the offense; or

4.9 (c) specific constitutional and statutory age requirements regarding voting, consumption
4.10 and purchase of alcoholic beverages, tobacco purchases, driving, possession of firearms,
4.11 gambling, and other health and safety regulations.

4.12 Subd. 3. **Review hearings; termination.** Emancipations granted pursuant to this section
4.13 shall be reviewed by the court every six months. The jurisdiction of the court over the
4.14 minor's emancipation shall terminate on the minor's 18th birthday.

4.15 **Sec. 4. [260C.704] EMANCIPATION OF MINORS; REVOCATION.**

4.16 At any time before the emancipated minor reaches 18 years of age, the emancipated
4.17 minor or an interested third party may petition for a revocation of the emancipation, and
4.18 the court shall revoke the emancipation order if the minor agrees to the revocation or if the
4.19 requirements of section 260C.702, subdivision 2, paragraph (b), are no longer met.

4.20 **Sec. 5. [260C.705] EMANCIPATION OF MINORS; FORMS; CONSTRUCTION**
4.21 **WITH OTHER LAWS.**

4.22 Subdivision 1. **Forms.** The state court administrator shall prepare and each court
4.23 administrator shall make available petition for emancipation forms.

4.24 Subd. 2. **Construction; other laws.** Nothing in this section alters the rights of
4.25 unemancipated minors that are granted under other laws.

4.26 **Sec. 6. Minnesota Statutes 2016, section 518A.39, subdivision 5, is amended to read:**

4.27 **Subd. 5. **Automatic termination of support.**** (a) Unless a court order provides otherwise,
4.28 a child support obligation in a specific amount per child terminates automatically and without
4.29 any action by the obligor to reduce, modify, or terminate the order upon the emancipation
4.30 of the child as provided under section 260C.701 or 518A.26, subdivision 5.

5.1 (b) A child support obligation for two or more children that is not a support obligation
5.2 in a specific amount per child continues in the full amount until the emancipation of the last
5.3 child for whose benefit the order was made, or until further order of the court.

5.4 (c) The obligor may request a modification of the obligor's child support order upon the
5.5 emancipation of a child if there are still minor children under the order. The child support
5.6 obligation shall be determined based on the income of the parties at the time the modification
5.7 is sought.