

## ***What is Emancipation?***

*Emancipation is the act by which a minor, who had limited legal rights and additional legal privileges, gains all the rights and responsibilities of an adult.*

*In Florida, emancipation occurs automatically when you reach 18 years old or you are married. But, when we talk about emancipation, we usually mean a legal court order that changes the status of a minor who would not otherwise be emancipated.*

*An emancipated minor has the legal capacity to act as an adult. This means the minor is no longer treated differently under the law and is free of the legal control and custody of her parents.*

*However, an emancipated minor is no longer entitled to the benefits of being a minor, either. His parents no longer have a legal responsibility to support him and the Department of Children and Families will not intervene to protect his welfare as they would that of an unemancipated minor.*

*Emancipation does not change the effect of laws which restrict behavior by a minimum age. For example, an emancipated minor can not drink until she is 21 years old or vote until she is 18 years old.*

The material in this pamphlet represents general legal information. It is always best to consult with an attorney about your legal rights and responsibilities in your particular case. Further, this pamphlet is based on Florida law and does not apply to any other state.

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### **Need to talk to an attorney?**

**Call the Legal Aid Society of the  
Orange County Bar Association.**

**(407) 841-8310**

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This pamphlet was prepared in June 2003. Since the law is continually changing, some of the information in this pamphlet may be out of date.



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# **Emancipation**



Basic information  
every teenager should  
know about being a  
minor in Florida

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## Who is a minor?

Anyone who is:

1. Under 18 years old;
2. has never been married; and
3. has not been emancipated by the court.

## How does the law treat minors differently?

A minor must have a legal guardian that makes sure he is cared for, takes responsibility for the minor's property and takes all legal actions on behalf of the minor. The guardian has the right to set the rules, make decisions on behalf of the minor and control the minor's earnings. A minor has the right to protection and care from his guardians.

A minor can't be held to most contracts. Therefore, most businesses will not enter in to a contract with a minor. A minor can be held to a contract that is authorized by law (i.e. emergency medical care); required for the performance of a legal duty (i.e. purchase car insurance); or for the purchase of a necessity (i.e. food).

A minor can not bring a legal action on her own behalf, make a will or serve as a juror.

### Exceptions:

- A minor may consent to treatment for a sexually transmitted disease.
- A minor may consent to rehabilitative or medical treatment for drug abuse.
- In an emergency, a minor may consent to his own medical treatment if the delay to obtain parental consent would endanger the minor's health or well-being.
- Anyone 16 or older may contract to borrow money for college, but the interest rate may not exceed that in the Federal Guaranteed Student Loan Program.

## Teen Parents

**You are not emancipated merely because you have had a child.**

However a minor parent, by statutory exception, may:

- Maintain a child support proceeding for the benefit of her child;
- Consent to medical care for his child;
- Consent to medical care or services related to her pregnancy; and
- Consent to the adoption of his child.

## Emancipation

Early emancipation usually occurs by court order. To obtain a court order:

1. The minor must be at least 16 years old.
2. A petition must be filed by the minor's parent, guardian or guardian ad litem.
3. The petition must show the judge that the minor is independent and able to support himself and his child, if he is parenting.
  - He must either be supporting himself or have a specific plan.
  - He can not be dependent on public benefits.
4. The petition must give the Judge reasons why the minor needs to be emancipated.

You are also emancipated when you marry. However:

- A minor can not get married without parental consent.
- A minor under 16 years old can not get married even with parental consent.
- A court can allow marriage with parental consent if you're under 16 years old but have (or are expecting) a child together.
- A court can allow marriage with parental consent if the male is over 18 and the minor female is pregnant.