



Emancipation

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What is emancipation?

If you are at least 16 years old and want to live on your own away from your parents, a law in Maine may help you. This law allows minors (people under 18 years of age) to become emancipated. This means you are no longer subject to the control of your parents and can be treated as an adult by others. As you will read below, the courts follow strict standards to determine if you have plan in place that will allow you to live independently.

Does emancipation give me all of the rights and duties of an adult?

No. For example, you would **not** have to register for military service. You would still **not** be allowed to do other things that have legal age limits, like drinking alcohol, smoking, and voting. The juvenile court still hears any juvenile cases you're involved in, just as before you were emancipated.

These adult rights and obligations will not take affect until you turn 18 or, as to drinking alcohol, until you turn 21.

Am I automatically emancipated if I have a baby?

No. Although some girls believe that having a baby makes them legally emancipated, it does not.

If I am emancipated, where can I attend school?

You can go to school in the district where you live. Your parent's place of residence is no longer relevant to this decision.

How does emancipation work?

You are at least 16 years old and refuse to live in the home of your parents, guardian or custodian. You may ask the District Court (where your parents, guardian or custodian live) to appoint you a free lawyer. That lawyer is assigned to help you petition for emancipation.

Once you or the lawyer files the petition, the judge may tell you to go to mediation. At mediation, you sit down with your parents, guardian or custodian. A court-appointed mediator helps you to see if you can reach an agreement before going to court. The agreement might state, for example, that you will live with another relative for the rest of the school year, then return home. Or it could say that your parents agree to your emancipation. If you agree, it will be written down and everyone will sign it. It will then be sent to the judge for approval.

What if we still disagree?

If you can't agree, the court will set up a hearing for you. Your parents, guardian or custodian will be notified of the hearing date. If you do not want the public to watch your court hearing, you can ask to have the hearing



closed to the public. Your parents, guardian or custodian must agree to the closed hearing.

What happens at the court hearing?

At the hearing, you must show the judge that you are mature enough to take care of yourself. You must have a plan for a place to stay, health care and education or a job.

The plan should include:

- ✓ where and with whom you plan to live. Bring a note from your landlord or friend you will live with.
- ✓ information about your job, such as the name of your employer, your rate of pay, etc. A recent wage stub would help show this.
- ✓ information about any benefits you will get, such as TANF, MaineCare, Social Security, financial aid, etc.
- ✓ your plans for education or vocational training.

- ✓ your plans for other needs, such as clothing, health care and recreation.
- ✓ information about any agencies, such as DHHS, which will be working with you when you are on your own.

If your petition is denied, the judge may recommend that the Department of Health and Human Services provide services and counseling to you and your family while you are living together.

What if the Court denies my petition?

You have the right to appeal a decision you don't agree with, if you think that the judge made an "error of law." The law isn't totally clear on what the appeal procedure is. To be safe, you should file any **appeal to the Superior Court within 5 business days**. Talk to your court-appointed lawyer right away.

Notice



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