

EMANCIPATION GUIDE

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Once you reach the age of majority in your state of residence in the USA, you are legally emancipated and your parents are no longer legally responsible to provide for or protect you at law unless they have extended guardianship as a result of your being deemed incompetent at law though you meet the age requirement for automatic emancipation.

If you are still a minor (under 18 or 19 depending on state) and wish to be emancipated at law so your parents/legal guardians are no longer legally responsible to provide for or protect you, you will need to meet the emancipation requirements for your state of residence and petition the family court for emancipation. You can contact legal aid in your state for assistance on what forms you may need and find out where to file your petition. California is one of the states with the lowest age requirement for emancipation which is 14 years of age. The minimum age requirement varies by state. (See <https://www.heal-online.org/teenrights.htm> for age requirements for each state.) All states require that you prove you can be legally responsible to provide for and protect yourself at law before they will grant emancipation to a minor who has not reached age of majority. If you are ready for the freedom of independent living, this guide can help.

If you reach the minimum age requirement and all other requirements of your state of residence for emancipation, focus on filing your petition. If you still want the freedom of independent living, but, are not yet eligible to petition family court for emancipation, focus on establishing you can be responsible to provide for and protect yourself at law (and in life) so you meet all requirements for an emancipation order. Too "grown up" or "scary" or "intimidating" to go through the process of emancipation? Then, that's your answer and you are still a dependent (baby) that needs supervision and are not able to be responsible for yourself so emancipation will have to wait until you reach age of majority and in the meantime, those on whom you depend to provide for and protect you get the privilege of making rules with the responsibility of providing for and protecting you as long as the rules (including penalties) don't violate the law. But, if reading this, you are likely an independent-minded and relatively mature minor (Mature Minor Doctrine) or adult who helps minors so don't require adult supervision.

If you don't currently meet the age requirement (or even if you do meet the minimum age of a minor to petition for emancipation in your state), here's a way to help establish you are sincere in your quest for independence and meet all the other emancipation requirements at law:

1. Start by determining how much money is proportionally spent on you monthly by current providers (i.e. parents/legal guardians). So, if you live in a family home owned by your legal guardians and there is no mortgage because your parents hold the deed, then the only expenses they have are property taxes in regards to shelter. You can do a search for property taxes or ask your parents about the monthly cost and then divide that evenly among all members of your household to get the value of your current benefit to determine what you would need to contribute financially to be more of an equal

roommate than a dependent/ward. You should include all expenses for basic needs including shelter (rent/mortgage/property taxes), food, utilities, and entertainment (i.e. internet access and/or cable television).

2. Once you determine your cost of living with #1, look for legal gainful employment that won't interfere with other legal obligations (i.e. mandatory school attendance to avoid being charged with truancy or your parents being fined by the state and dying in jail in Pennsylvania anyway if they can't pay the fines, see: <https://www.prisonlegalnews.org/news/2016/jul/6/pennsylvania-woman-dies-jail-while-serving-sentence-truancy-fines-and-court-costs/>) that will cover your current cost of living. If you can't find legal gainful employment that will cover your current cost of living, you can reduce your standard of living to align with your current income to prove to the court that you can responsibly live within your means and take full responsibility for yourself.

3. Save all money you do make so you have a nest egg to pay first and last month's rent for when emancipation is granted and you move out and/or contribute your equal share towards covering your current cost of living though it seems good parents would want you to save the money for the nest egg so you can be emancipated as soon as possible.

4. Keep records of your budget, expenses, and savings and provide that as evidence of your ability to provide for and protect yourself at law (and in life) to support your petition for emancipation.

If your parents/legal guardians will not permit you to seek or obtain legal gainful employment to pursue emancipation, that is cruel and something they will pay for in one way or another. If you are ready to pursue independence and emancipation, your parents should support that otherwise they are being unsupportive.

If you are not ready to pursue independence and emancipation, HEAL Mission and COPE may not be the right service provider for you. Dependency comes with some subjugation because the responsibility to provide for and protect at law includes right to reasonably discipline in a manner that does not violate the law. And, if a parent/legal guardian's choice is between boarding school where you can't ever be truant and fines or jail if you choose to be truant outside of that environment, to protect themselves and/or their freedom where you won't (which proves you are incompetent at law which would undermine emancipation efforts), then that may present a reasonable basis for an involuntary court order or Individual Education Plan (IEP) through your school district (in Washington State that still requires a due process hearing on the IEP open to the public/press before a minor is removed from their home/community/public school, that's a HEAL Mission legislative victory on that express due process requirement).

Please choose freedom and independence, the alternatives are horrifying.

For More Info about HEAL Mission and COPE, visit:

<https://www.heal-online.org>

<https://www.cope.church>