

## What is emancipation?

Emancipation is a way for minors to be treated like legal adults before they turn 18. When you are emancipated, you are free to act on your own. You cannot be emancipated unless you are 16 or older.

## What rights will I get from emancipation?

If you are emancipated, you can do some things without your parent's permission, like:

- Get medical care;
- Apply for a license to operate equipment or perform a service;
- Keep your own earnings;
- Enter into contracts and incur debt; and
- Live where you want to.

**Important:** If you are emancipated, your parents no longer have to support you.

Emancipation also comes with many limits. Even if you are emancipated:

- You must go to school or work towards your GED;
- You have to follow many of the child labor laws and work permit rules;
- You cannot vote until you turn 18; and
- You cannot drink alcohol until you turn 21.

**Note:** If you have a legal guardian, all of the information in this section about "parents" applies to the legal guardian and your case, too.

If you are emancipated you will be solely responsible for any contracts you enter.

Emancipation does not qualify you as an independent student for purposes of applying for federal student aid for school. But your emancipation may help prove that you need more aid.

## How do I get emancipated?

A formal emancipation in Montana is called a "Limited Emancipation." A judge must order that you are emancipated. To become emancipated formally, you have to prove ALL of these things:

- You are at least 16 years old;
- You want to live on your own;
- You are responsible enough to live on your own, and understand your rights as an adult;
- You can afford to live on your own;
- Emancipation would be best for you; and
- You have graduated or will graduate or get a GED, or have a **very convincing** reason to not be in school.

Also, the court may assign you counseling. You must check in with the court on a regular schedule. This is to let the court know your emancipation is going well. If you do not check in when you're supposed to, the court can take away your emancipation status.

## Do I need my parents' consent to get emancipated?

No. But they can tell the judge why they think it would not be in your best interest to be emancipated, if they want.

## Can my parents emancipate me against my will?

No. Emancipation is meant to be a positive step for a minor. Parents can not use it to get out of their parental responsibilities.

## Is emancipation permanent?

Usually, yes. But the court can take it away if you're not careful. You will lose your adult status if:

- You break the law;
- You break any of the rules of your emancipation;
- You can no longer support yourself;
- Or, the court finds any reason that living on your own is against your best interests.

## Do I have other choices?

Yes. If you don't want to live with your parents you can:

- Get counseling or mediation with your parents to help make things better;
- Go to live with another adult (like an aunt, uncle, grandparent, or family friend);
- Get help from public or private agencies; or
- Make an agreement with your parents to live somewhere else.

## How do I get more help?

Montana Legal Services Association (MLSA) provides free civil legal help to low-income people. Contact us to see if you qualify:

- Apply anytime online at [mtlsa.org](http://mtlsa.org);
- Call our Helpline at 1-800-666-6899 (Helpline hours are limited).

## What help can I find at MLSA?

- Legal advice and representation;
- Referrals to volunteer attorneys and other providers;
- Self-help clinics and materials.

## [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org)

Need legal information or forms? Visit [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org).

Can't find what you want? Use LiveHelp. Click on the LiveHelp picture and get help finding the information you need.

## [www.MTLSA.org](http://www.MTLSA.org)

Find copies of all our brochures online. They are all available for free download!

This pamphlet is meant to give basic legal information, not legal advice about your problem. The law changes often and each case is different. We recommend you talk to an attorney about your legal problem.

# Montana Legal Services Association

## Families and Kids:

## Emancipation



*Providing, protecting, and enhancing access to justice.*

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