

Part 8 Emancipation

78A-6-801 Purpose.

- (1) The purpose of this part is to provide a means by which a minor who has demonstrated the ability and capacity to manage his or her own affairs and to live independent of his or her parents or guardian, may obtain the legal status of an emancipated person with the power to enter into valid legal contracts.
- (2) This part is not intended to interfere with the integrity of the family or to minimize the rights of parents or children. As provided in Section 62A-4a-201, a parent possesses a fundamental liberty interest in the care, custody, and management of their children.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-6-802 Definitions.

As used in this part:

- (1) "Guardian" has the same meaning as in Section 75-1-201.
- (2) "Minor" means a person 16 years of age or older.
- (3) "Parent" means a natural parent as defined in Section 78A-6-105.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-6-803 Petition for emancipation.

- (1) A minor may petition the juvenile court on his or her own behalf in the district in which he or she resides for a declaration of emancipation. The petition shall be on a form provided by the clerk of the court, and state that the minor is:
 - (a) 16 years of age or older;
 - (b) capable of living independently of his or her parents or guardian; and
 - (c) capable of managing his or her own financial affairs.
- (2) Notice of the petition shall be served on the minor's parents, guardian, any other person or agency with custody of the minor, and the Child and Family Support Division of the Office of the Attorney General, unless the court determines that service is impractical.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-6-804 Court procedure.

- (1) Upon the filing of a petition in accordance with Section 78A-6-803, the court shall review the petition for completeness and whether the petitioner meets the age requirement for filing the petition.
 - (a) If the petition is incomplete or the petitioner does not meet the age requirement, the court may dismiss the action immediately.
 - (b) If the petition is complete and the petitioner meets the age requirement, the court shall schedule a pretrial hearing on the matter within 30 days.
- (2) The court may appoint a guardian ad litem in accordance with Section 78A-6-902 to represent the minor.
- (3) At the hearing, the court shall consider the best interests of the minor according to the following:

- (a) whether the minor is capable of assuming adult responsibilities;
 - (b) whether the minor is capable of living independently of his or her parents, guardian, or custodian;
 - (c) opinions and recommendations from the guardian ad litem, parents, guardian, or custodian, and any other evidence; and
 - (d) whether emancipation will create a risk of harm to the minor.
- (4) If the court determines by clear and convincing evidence that emancipation is in the best interests of the minor, it shall issue a declaration of emancipation.

Amended by Chapter 259, 2010 General Session

78A-6-805 Emancipation.

- (1) An emancipated minor may:
- (a) enter into contracts;
 - (b) buy and sell property;
 - (c) sue or be sued;
 - (d) retain his or her own earnings;
 - (e) borrow money for any purpose, including for education; and
 - (f) obtain healthcare without parental consent.
- (2) An emancipated minor may not be considered an adult:
- (a) under the criminal laws of the state unless the requirements of Part 7, Transfer of Jurisdiction, have been met;
 - (b) under the criminal laws of the state when he or she is a victim and the age of the victim is an element of the offense; and
 - (c) for specific constitutional and statutory age requirements regarding voting, use of alcoholic beverages, possession of tobacco or firearms, and other health and safety regulations relevant to the minor because of the minor's age.
- (3) An order of emancipation prospectively terminates parental responsibilities that accrue based on the minor's status as a minor under the custody and control of a parent, guardian, or custodian, including parental tort liability for the acts of the minor.

Renumbered and Amended by Chapter 3, 2008 General Session