

Effective 9/1/2021

80-7-104 Procedure for emancipation.

- (1)
 - (a) Upon the filing of a petition in accordance with Section 80-7-103, the juvenile court shall review the petition for completeness and whether the petitioner meets the age requirement for filing the petition.
 - (b) If the petition is incomplete or the petitioner does not meet the age requirement, the juvenile court may dismiss the action immediately.
 - (c) If the petition is complete and the petitioner meets the age requirement, the juvenile court shall schedule a pretrial hearing on the matter within 30 days.
- (2) The juvenile court may appoint an attorney guardian ad litem in accordance with Section 78A-2-803 to represent the minor.
- (3) At the hearing, the juvenile court shall consider the best interests of the minor according to:
 - (a) whether the minor is capable of assuming adult responsibilities;
 - (b) whether the minor is capable of living independently of the minor's parents, guardian, or custodian;
 - (c) opinions and recommendations from the attorney 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 juvenile court determines, by clear and convincing evidence, that emancipation is in the best interests of the minor, the juvenile court shall issue a declaration of emancipation for the minor.
- (5) A juvenile court may modify or set aside any order or decree made by the court in accordance with Section 78A-6-357.

Renumbered and Amended by Chapter 261, 2021 General Session