

**Effective 9/1/2021**

## **Chapter 7 Emancipation**

### **80-7-102 Definitions.**

As used in this chapter:

- (1) "Emancipation" or "emancipated" means a legal status created by court order that allows a minor to:
  - (a) live independent of the minor's parents or guardian; and
  - (b) exercise the same rights as an adult under Subsection 80-7-105(1).
- (2) "Guardian" has the same meaning as in Section 75-1-201.
- (3) "Minor" means an individual who is 16 years old or older.

Amended by Chapter 426, 2025 General Session

### **80-7-103 Petition for emancipation -- Amending a petition -- Continuance.**

- (1) A minor may petition the juvenile court on the minor's own behalf for a declaration of emancipation.
- (2) The petition under Subsection (1) shall:
  - (a) be on a form provided by the clerk of the juvenile court; and
  - (b) state that the minor is:
    - (i) 16 years old or older;
    - (ii) capable of living independently of the minor's parents or guardian; and
    - (iii) capable of managing the minor's own financial affairs.
- (3) 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 juvenile court determines that service is impractical.
- (4)
  - (a) When it appears in a proceeding under this chapter that evidence presented points to material facts not alleged in the petition described in Subsection (1), the juvenile court may consider the additional or different material facts raised by the evidence if the parties consent.
  - (b) The juvenile court, on a motion from any interested party or on the court's own motion, shall direct that the petition be amended to conform to the evidence.
  - (c) If an amended petition under Subsection (4)(b) results in a substantial departure from the material facts originally alleged, the juvenile court shall grant a continuance as justice may require in accordance with Utah Rules of Juvenile Procedure, Rule 54.

Renumbered and Amended by Chapter 261, 2021 General Session

### **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

**80-7-105 Emancipation.**

- (1) A minor who is emancipated may:
  - (a) enter into contracts;
  - (b) buy and sell property;
  - (c) sue or be sued;
  - (d) retain the minor's own earnings;
  - (e) borrow money for any purpose, including for education; and
  - (f) obtain healthcare without parental consent.
- (2) A minor who is emancipated may not be considered an adult:
  - (a) under the criminal laws of the state, unless the requirements of Chapter 6, Part 5, Minor Tried as an Adult, have been met;
  - (b) under the criminal laws of the state when the minor 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)
  - (a) 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.
  - (b) Nothing in this chapter shall be construed to interfere with the integrity of the family or to minimize the rights of parents or children.

Amended by Chapter 277, 2025 General Session