



Living Away From Home

The Law

UNDER WHAT CIRCUMSTANCES MAY I MOVE AWAY FROM HOME?

You have no right to live away from home unless you:

- a. have your parent's permission; or
- b. are 18 or older; or
- c. are married; or
- d. are in the armed forces; or
- e. have a court order saying you can live on your own

If your parents give you permission to live on your own, but later change their mind, they can file a missing juvenile form with the police. If your parents are ordering you to return home and you fear that you may be hurt or neglected you can call the police or a county child protection worker for help.

DOES HAVING A BABY MEAN THAT I CAN MOVE OUT FROM MY PARENTS?

No, having a baby does not matter if you are under age 18 unless the above circumstances exist.

WHAT IS EMANCIPATION?

Emancipation is when the parent or guardian surrenders the right to custody and control of the minor. When this happens, whoever has the authority to make decisions for the child gives up that right. Minnesota does not have a statute (written law passed by the legislature) that defines how and when a juvenile is considered emancipated. Instead, judges and lawyers use cases that have already been decided in granting emancipation. If the court decides that your situation warrants emancipation, it can issue a court order declaring you emancipated. Emancipation may be complete, partial or limited.

- a. Complete emancipation occurs if the minor moves out of the house and is able to provide for herself. If the parents are not involved in decisions and they have no intention to provide, the minor will be considered emancipated.
- b. Partial or limited emancipation occurs when the minor is still living at home, but is able to work and provide for her living expenses. If the parents allow the minor to make decisions about her money and how she spends it, she will be considered partially emancipated.



HOW DOES EMANCIPATION OCCUR?

The surrender of authority can be verbal, written or implied from the actions of the child and the child's custodian. The parents can voluntarily consent to termination of their rights by writing a letter to the judge. Parental rights can also be terminated by the courts.

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Questions

1. What are the five things that will determine whether you can live away from home?
2. Does Minnesota have a written law (statute) that defines emancipation?
3. How do judges and lawyers decide whether a juvenile should be emancipated?
4. What is the definition of emancipation according to Minnesota case law?
5. Who makes decisions for the juvenile, once he or she is emancipated?

