EMANCIPATED MINOR STATUS:

WHAT ARE YOUR RIGHTS?

What is emancipation?

The dictionary definition of emancipation is “to free from restraint, control, or the power of another.” New York law recognizes the emancipated status of a minor in certain situations in which a parent has renounced his legal obligations towards his or her child or where the child has assumed a status that is not consistent with parental control.

How do I become emancipated?

In New York, there is no such thing as a court declaration of emancipation. There is also no procedure where a minor can get an official document or card stating that he or she is an emancipated minor. As a result, government agencies, schools, hospitals, and other institutions are often unfamiliar with the emancipated minor status of individuals.
However, a young person who meets certain criteria can be considered to be an emancipated minor under the law. Any service provider can evaluate whether a young person meets the criteria for emancipation.

Am I already emancipated?

An emancipated minor is a young person who satisfies the following four criteria:

• you are living separate and apart from your parents or guardians without intent of going home (you may be emancipated if you're living at home and paying rent);

• you are not dependent on a parent or guardian for money, food, shelter, clothing, etc. (you may be emancipated if these things are provided by friends, relatives or public assistance), and;

• you know how to manage your own financial affairs, i.e. paying rent, having enough food, buying clothes...etc.

Young people who are married or in the armed services may be considered emancipated regardless of whether they meet the criteria listed above.

Are there additional requirements?

If you want to be considered an emancipated minor for purposes of having your own public assistance case you must also:

• have completed the compulsory education requirement, and;

• not be receiving or be in need of foster care services.

What are the benefits of being an emancipated minor?

As an emancipated minor you can:

• receive public assistance (if you are eligible);
• establish your own residence (and attend public school in the district in which you live);

• consent to medical care without parental consent;

• keep money earned;

• and obtain other rights as well!!

What rights don’t you have as an emancipated minor?

As an emancipated minor you do not have the same rights as an adult (someone 18 or over). For example:

• you cannot bring a lawsuit on your own against someone else;

• you cannot marry without parental consent;

• you will probably still have a difficult time leasing an apartment (or entering into other contracts) because contracts cannot be enforced against a minor in court;

• you cannot vote;

• you must obtain an employment certificate before working and need parental consent;

• you may lose your right to financial support from your parents (child support),

Questions?

If you are between the ages of 12 and 21, you can contact:

The Door’s Legal Services Center
555 Broome Street
New York, NY 10013
(212) 941-9090, ext. 3280