

Emancipation

ORS 419B.550 – 419B.558

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1. Filing

A. Application

No particular form is mandated by statute. For practical purposes, many courts maintain their own forms.

B. Filing fee

A filing fee under ORS 21.135 is required. ORS 419B.555(6).

C. Notice

Notice of the proceeding to the parents is required pursuant to ORS 419B.812 to 419B.839. ORS 419B.555(3).

D. Domicile

If the juvenile court already has jurisdiction under ORS 419B.100 or 419C.005, domicile is in the same court that already has jurisdiction. Otherwise, domicile is the legal residence or domicile of the custodial parent or guardian. ORS 419B.550(1) and (5).

2. Preliminary hearing

A. Required within 10 days

The hearing must be held within 10 days of the date an application for emancipation is filed, unless waived. ORS 419B.555(1); *see State ex rel. Juvenile Department of Columbia County v. Adams*, 114 Or App 133 (1992) (permitting waiver where the objectives of the hearing have already been satisfied).

B. Must advise minor of rights and liabilities

The court is required to advise the minor of the civil and criminal liabilities of an emancipated minor. ORS 419B.555(4). Note that this information must also be recited in the judgment. *See also, Effect of Judgment*, Section 3(D)(III) below.

C. Temporary orders

The court may issue a temporary custody order, stay any pending proceedings or enter any other temporary order appropriate to the circumstances. ORS 419B.555(1)

3. Final hearing

A. Must be held within 60 days

The final hearing must be held no later than 60 days from the date on which the application was filed. ORS 419B.555(2).

B. Waiver

The child and parent or parents may waive the hearing. ORS 419B.555(5).

C. Required findings: ORS 419B.558(1)

The court may enter a judgment of emancipation when the minor is at least 16 years old *and* the court finds that the best interests of the minor will be served by emancipation. In making this determination, the court shall take into consideration:

- Whether the parent of the minor consents to the proposed emancipation;
- Whether the minor has been living away from the family home and is substantially able to be self-maintained and self-supported without parental guidance and supervision; and
- Whether the minor can demonstrate to the satisfaction of the court that the minor is sufficiently mature and knowledgeable to manage the minor's affairs without parental assistance.

D. Judgment of Emancipation

I. Requirements

The judgment must contain:

- An instruction that the applicant obtain an Oregon driver's license or an Oregon identification card through the Department of Transportation and that the Department of Transportation make a notation of the minor's emancipated status on the license or identification card. ORS 419B.558(2).
- The recitation of the civil and criminal liabilities provided by the judge at the preliminary hearing. ORS 419B.555(4)

II. Copy to applicant

The court must provide a copy of the judgment to the applicant. ORS 419B.558(2)

III. Effect of judgment

a. The minor is recognized as an adult for purposes of:

- contracting and conveying,
- establishing a residence,
- suing and being sued, and
- being subject to the jurisdiction of the adult courts for all criminal offenses. ORS 419B.552(1)(a).

○ Note that in some circumstances, unemancipated minors can contract for a dwelling unit and utilities without parental consent. ORS 109.697.

b. Otherwise, the minor isn't considered to have reached the age of majority.

The minor is still subject to age qualifications for purchasing alcoholic liquor and obtaining a marriage license. ORS 419B.552(2); ORS 109.510 (age of majority); ORS 109.060 (consent to marriage when child under age 18).

c. Parent, child legal relationship.

The following aspects of the parent, child legal relationships are terminated:

- ORS 108.045 (stepparent liability for educational expenses);
- ORS 109.100; ORS 419B.400 – 408; ORS 419C.550 – 600 (parent duty of support);
- ORS 419B.373 (duties of legal custodian when child is ward);
- ORS 109.010 (parent and child duty of mutual support terminated until child reaches age of majority).

ORS 419B.552 (b) – (c).