



## LINN COUNTY JUVENILE DEPARTMENT

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### EMANCIPATION INFORMATION

The intention of this guide is to give youths and parents basic information on the procedure of emancipation in Linn County. The laws and procedures may have changed since the time this document was developed. Please check with the Linn County Juvenile Department, Linn County Circuit Court, or an attorney licensed to practice law in Oregon for possible changes.

#### Legal Advice – Youth Problem Solvers:

Oregon lawyers volunteer as Problem Solvers to offer free legal information and advice to youth. Any youth between the ages of 13 and 17 can call to request a referral to this program. Referrals include a thirty minute office visit with a volunteer attorney. Referrals can be obtained by calling: (800) 452-7636.

The Circuit Court at its discretion, may enter a decree of emancipation when the minor applicant qualifies and the Court finds in the best interest of the minor. The Court requires that minors must;

1. Be age 16 or 17 years old.
2. Legal residence or domicile of minor and legal custodial parent must be in Linn County for at least six months. Legal custodial parent must be a resident of the United States.
3. Be able to be self-maintained and self-supported without parental guidance and supervision and gainfully employed earning enough to be self-supported without public assistance, such as welfare, unemployment, etc.
4. Demonstrate to the satisfaction of the Court to be reasonably and sufficiently mature, knowledgeable and responsible to manage their own financial affairs without parental assistance.
5. Have no pending matters before the court.

An interview appointment with a designated juvenile department staff person is required prior to a youth submitting an application for emancipation. Staff will contact the applicant to schedule an interview regarding applicant's suitability, and if appropriate to recommend emancipation to the Circuit Court. If a youth qualifies for emancipation, juvenile department staff will supply the necessary application and information. This application must be completed and submitted to the Juvenile Court prior to a hearing being set in accordance with ORS 419B.552. Parents cannot process or request the emancipation of their child. Parents will be notified of a hearing pursuant to ORS 419B.812 and 419B.839.

There is a Court filing fee of **\$281.00** (non-refundable if emancipation is denied) to the State of Oregon Circuit Court. The Circuit Court shall conduct a preliminary hearing within 10 days of the minor's application. At the preliminary hearing the minor will be advised of civil and criminal rights and liabilities of an emancipated minor. The final court hearing is generally held within 60 days at the discretion of the Court to determine if emancipation is denied or granted. Upon entry of a judgment of emancipation by the Court, the applicant shall be given a copy of the judgment. The judgment shall instruct the applicant to 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.

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A decree of emancipation will **ONLY** serve for the following conditions:

1. Recognize the minor as an adult for the purposes of contracting or conveying, establishing residence, suing and being sued, and making a will, and recognize the minor as an adult for the purposes of criminal laws of this state.
2. Terminate as to the parent and child relationship the provisions of ORS 109.010 until the child reaches the age of majority.
3. Terminate as to the parent and child relationship the provisions of ORS 108.045, 109.100, 419B.373, 419B.400, 419B.402, 419B.404, 419B.406, 419B.408, 419C.550, 419C.590, 419C.592, 419C.595, 419C.597, and 419C.600.

A decree of emancipation **DOES NOT** affect or allow for the following:

1. The requirements for obtaining a marriage license
2. Qualifications for purchasing alcoholic liquor/tobacco/or marijuana
3. Voting
4. Labor laws regarding operation of certain types of equipment

**Please complete and return to the Linn County Juvenile Department**

Applicant Name:		Date of Birth:	Today's Date:
Address:		City:	Phone #:
Employer Name:	Address:		Phone #:
School:			Last Grade Completed: