

Question: Can a juvenile petition to become emancipated in Ohio?

Answer: No, Ohio law does not provide a process by which a juvenile can apply for emancipation.

The printout below is from the Ohio State Bar Association and describes the issue of emancipation under Ohio law.

~ Judge Jason Aslinger

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Circumstances Say Whether Minors Are "Emancipated"

As a general rule, a child is "emancipated," or freed from parental control, care and custody, upon reaching 18 or upon graduation from high school if the child turns 18 in his or her senior year.

Q: What is a minor?

A: A minor is someone who has not yet reached the age of 18, and as such, is supported by a parent or guardian and who is responsible for his or her actions. A minor has neither the rights nor the responsibilities of an adult. For example, a minor cannot vote, serve on a jury, get credit in his or her own name, or enter into a legal contract. Someone who turns 18 and continues to be enrolled full-time in high school is no longer a minor and has the same legal rights and responsibilities as an adult, but the parent or guardian is still legally obligated to support the person until graduation. The Ohio Revised Code (ORC) does not specifically define the term emancipation, although ORC 3109.10 defines "age of majority" as all persons who have reached the age of 18 and are under no legal disability. Such persons are considered to be of full age for all legal purposes.

Ohio law generally refers to "emancipation" and "age of majority" when referencing child support obligations of parents. A parent must support a child until the child reaches 18, or beyond age 18 if:

- 1) the child continuously attends an accredited high school on a full-time basis;
- 2) the child is mentally or physically disabled and incapable of self-supporting;
- 2) parents agree to support beyond age 18 in a separation agreement or decree.

Further, Ohio law says that a parent's child support obligation may end earlier than age 18 if the child:

- 1) dies;
- 2) marries;
- 3) "emancipates";
- 4) enlists in the armed services; or
- 5) is deported.

Q: I'm 17 years old and I still live with my parents, but I've dropped out of high school and I earn enough money at my job to support myself. Am I emancipated?

A: No. If you are still a minor and have not yet finished high school, your parents must support you and are held responsible for your actions (such as your failure to attend school, or any legal contracts you enter into for a lease or utilities).

Emancipation is defined as the freeing of a minor from parental control. The court must determine emancipation on a case-by-case basis, and you, as the minor party seeking emancipation, must satisfy the court that you can financially support yourself and take on adult responsibilities. Also, emancipation cannot be accomplished by an act of the child alone. Emancipation is generally would be the result of some act or omission of your parents.

If a juvenile or domestic relations court has previously issued a child support order for your financial support, as part of a divorce or custody proceeding, your parents may file a motion asking the court to relieve them of their duty

to support you. However, even if the court grants your parents' request, the order only has to do with severing your parents' financial obligations and does not address other ways in which your parents still may be responsible for you. For instance, if you are not enrolled in school, they may be found liable, and they still must give consent before you can receive most kinds of medical treatment.

Q: If I become pregnant or have a child while I'm still a minor, am I automatically emancipated?

A: No. While getting married generally constitutes emancipation and ends your parents' duty to support you, becoming pregnant and having a child does not. The difference is that, if you marry, it shows that you intend to substitute your parents' support and responsibilities with your spouse's support and responsibility. However, if you become pregnant and have a child but do not marry, your parents continue to be responsible for you and you may continue to rely on their support. Further, you and your baby's father would also have support obligations to the new baby.

Q: When and how does a court become involved in an emancipation issue?

A: You cannot "become emancipated" simply by petitioning the court. Ohio law does not allow for such a request, although some other states do allow minor children to file a petition asking the court find that they are emancipated.

In Ohio, emancipation issues generally arise in the context of child support cases. For example, your parents may ask the court to terminate their support obligations under ORC 3119.88. During this proceeding, the court may issue a finding that you are emancipated. However, unless the court finds that you are emancipated, your parents may be held responsible for your actions even if your parents are no longer obligated to support you.

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Law You Can Use is a weekly consumer legal information column provided by the Ohio State Bar Association. This article was originally prepared by Adrienne J. Roach, associated with the Cincinnati firm of Keating Muething & Klekamp PLL and Patricia McCloud Yeomans, magistrate, Cuyahoga County Juvenile Court. It was updated by Cincinnati attorney Trista Portales Goldberg, who is associated with the firms of Sherri Goren Slovin and Associates and Beth I. Silverman & Associates.

Articles appearing in this column are intended to provide broad, general information about the law. Before applying this information to a specific legal problem, readers are urged to seek advice from an attorney.

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