
In addition, four states, Hawaii, Kentucky, Missouri, and Ohio, emancipate minors for limited purposes.

While New Hampshire has no statutory emancipation procedures of its own, it does recognize valid emancipation decrees from other states.

Thus far in the 2009 legislative session, both Iowa and Nebraska have proposed, but not yet enacted, Bills to provide for the emancipation of minors.

Both proposed state Bills would permit a juvenile, 16 or older, to petition the Juvenile Court for emancipation. In both states, the standard for emancipation would be the best interests of the minor and the minor would bear the burden of proof. In Iowa, the burden would be a preponderance of the evidence. Under the proposed Iowa Bill, a juvenile’s emancipation would not imply trial in the criminal justice system. Under the proposed Nebraska Bill, a juvenile’s emancipation would imply trial in the criminal justice system.

Currently, 11 states statutorily address the issue of whether an emancipated juvenile is tried in juvenile or criminal court.

In the following 4 states, by statute, a juvenile’s emancipation implies automatic adult status and trial in the criminal justice system: North Carolina, Oregon, Vermont, and Wyoming.

In the following 7 states, by statute, a juvenile’s emancipation specifically does not imply automatic adult status: Arkansas, Hawaii, Indiana, Nevada, Utah, Washington, and West Virginia. Statutes in these 7 states say that emancipated juveniles are subject to juvenile court jurisdiction unless they are transferred to criminal court.

Most states that address the issue set an age limit on when a juvenile can petition the court to be emancipated.

Under Missouri law, offenders 12 and older who have been adjudicated adults and are being held in the Department of Corrections are considered emancipated for medical and educational purposes. In Ohio, any minor 14 or older who is convicted as an adult is considered emancipated for consenting to medical treatment while confined in a state correctional institution.

In California, a juvenile must be at least 14 or older before he or she can petition. In Colorado, a juvenile must be at least 15 or older. In Arkansas and Wyoming a juvenile must be at least 17 or older to petition for emancipation.

Alabama, Hawaii, Indiana, Kansas, Kentucky, Mississippi, Oklahoma, and Tennessee set no statutory age limit for juvenile emancipation. A juvenile must be at least 16 or older in most states with juvenile emancipation procedures.

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