

**CHAPTER 207**

Original Senate File No. 207

**EMANCIPATION OF MINORS**

AN ACT to create W.S. 14-1-201 through 14-1-206; and to amend W.S. 14-1-101(b)(iv) and by creating a new paragraph (v) relating to children; authorizing emancipation of minors under specified conditions; providing definitions; providing for application to the district court; specifying the effect of emancipation; providing for hearing on the application; specifying conditions for emancipation; providing for filing of emancipation decree; providing for application by third parties; providing for indication of emancipation on driver's license or identification card; subjecting emancipated minor to adult criminal jurisdictions; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 14-1-201 through 14-1-206 are created to read:

**ARTICLE 2**

**EMANCIPATION OF MINORS**

**14-1-201. Definitions.**

(a) As used in this article:

(i) "Emancipation" means conferral of certain rights of majority upon a minor as provided under this article and includes a minor who:

(A) Is or was married;

(B) Is in the military service of the United States; or

(C) Has received a declaration of emancipation pursuant to W.S. 14-1-205.

(ii) "Minor" means an individual under the age of majority defined by W.S. 14-1-101(a);

(iii) "Parent" means the legal guardian or custodian of the minor, his natural parent or if the minor has been legally adopted, the adoptive parent;

(iv) "This act" means W.S. 14-1-201 through 14-1-206.

**14-1-202. Application for emancipation decree; effect of decree.**

(a) Upon written application of a minor under jurisdiction of the court and notwithstanding any other provision of law, a district court may enter a decree of emancipation in accordance with this act. In addition to W.S. 14-1-101(b), the decree shall only:

- (i) Recognize the minor as an adult for purposes of:
  - (A) Entering into a binding contract;
  - (B) Suing and being sued;
  - (C) Buying or selling real property;
  - (D) Establishing a residence;
  - (E) The criminal laws of this state.
- (ii) Terminate parental support and control of the child and their rights to his income;
- (iii) Terminate parental tort liability for the minor.

**14-1-203. Application for emancipation decree; hearing; notice; advise of rights and liabilities of emancipated minor; conditions for issuance of decree; filing of decree; copy to applicant.**

(a) Upon written application of a minor subject to personal jurisdiction of the court, a district court may enter a decree of emancipation in accordance with this act. The application shall be verified and shall set forth with specificity all of the following facts:

- (i) That he is at least seventeen (17) years of age;
- (ii) That he willingly lives separate and apart from his parents;
- (iii) That his parents consent to or acquiesce in the separate living arrangement;
- (iv) That he is managing his own financial affairs; and
- (v) That the source of his income is not derived from means declared unlawful under state or federal law.

(b) The district court shall conduct a hearing on the minor's application for emancipation within sixty (60) days after the date of filing. Notice of the hearing shall be given to the minor and his parents by certified mail at least ten (10) days before the date set for hearing.

(c) At the hearing, the court shall advise the minor of the effect of emancipation pursuant to W.S. 14-1-202. These rights and liabilities shall be stated in the emancipation decree.

(d) The court may enter a decree of emancipation if the minor is at least seventeen (17) years of age and the court finds emancipation is in the best interests of the minor. In making a determination, the court shall consider if the:

- (i) Minor's parents consent to the proposed emancipation;
- (ii) Minor is living or is willing to live apart from his parents and is substantially able to provide self-maintenance and support without parental guidance and supervision;
- (iii) Minor demonstrates he is sufficiently mature and knowledgeable to manage his personal affairs without parental assistance; and

(iv) Source of the minor's income is not derived from means declared unlawful under state or federal law.

(e) Upon entry of a decree of emancipation, the court shall file the decree with the county clerk of the county in which the child resides. A copy of the decree shall be issued to the minor.

(f) A declaration of emancipation shall be conclusive evidence that the minor is emancipated, but emancipation may also be proved by other evidence like any other fact.

**14-1-204. Third party application; procedure.**

(a) Any interested third party having dealings with an apparently emancipated minor may apply to the district court where that minor is domiciled or may be found for a declaration of emancipation.

(b) The application under this section shall be made in conformity with W.S. 14-1-203(a).

(c) Proceedings under this section shall be conducted in conformity with the requirements of W.S. 14-1-203.

**14-1-205. Application to motor vehicle division for indication of emancipated status on driver's license or identification card; fee.**

(a) Upon application of an emancipated minor, the division of motor vehicles, department of revenue and taxation, shall indicate the minor's emancipated status on his Wyoming driver's license or if under eighteen (18) years of age or without a driver's license, on the minor's Wyoming identification card issued under W.S. 31-8-101.

(b) An applicant under this section shall pay two dollars (\$2.00) to the division. The state treasurer shall deposit the fees in the manner prescribed by law for driver's license and identification card fees.

**14-1-206. Emancipated minor subject to adult criminal jurisdiction.**

An emancipated minor is subject to jurisdiction of adult courts for all criminal offenses.

**Section 2.** W.S. 14-1-101(b)(iv) and by creating a new paragraph (v) is amended to read:

**14-1-101. Age of majority; rights on emancipation.**

(b) A minor may consent to health care treatment to the same extent as if he were an adult when:

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(iv) The minor is living apart from his parents or guardian and is managing his own affairs regardless of his source of income; or

(v) The minor is emancipated under W.S. 14-1-201 through 14-1-206.

**Section 3.** This act is effective June 8, 1989.

Approved March 7, 1989.