



MARION COUNTY CIRCUIT COURT

EMANCIPATION INFORMATION JUVENILE DEPARTMENT

Oregon law states that the Juvenile Court may, under certain conditions, grant emancipation status to a child. The basic requirements are:

- 1) The person must be at least sixteen (16) years of age,
- 2) The legal residence or domicile of the legal custodial parent must be in Marion County,
- 3) If the child is under the jurisdiction of a Juvenile Court pursuant to ORS 419B.100 or 419C.005, the domicile of that child shall be that of the court having jurisdiction, and,
- 4) The Juvenile Court will set a reasonable filing fee.

The Juvenile Court at its discretion may enter a judgment of emancipation when the applicant qualifies as listed above, and the Court finds that the best interests of the minor will be served by emancipation. In making its determination, the Court shall take into consideration the following factors:

- 1) Whether the parent of the minor consents to the proposed emancipation,
- 2) 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
- 3) 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.

The procedure to follow when requesting emancipation is as follows:

- 1) The youth seeking the emancipation obtains an emancipation application and subpoena form(s) at the courthouse and/or www.courts.oregon.gov/Marion. The youth must complete the application and a separate subpoena for each parent or guardian listed. **THE YOUTH MUST LIST ALL PARENTS AND/OR GUARDIANS ON THE APPLICATION.**
- 2) The youth presents the completed application, subpoena(s) and the fee to the Clerk of the Court, Circuit Court, Marion County Courthouse, 100 High Street NE, Salem, Oregon 97301. The Clerk will provide a court date on the subpoena(s) and return them to the youth for service. The clerk will then forward the application to the Juvenile Court.
- 3) The Juvenile Court shall conduct a preliminary hearing within ten (10) court days of the filing date.

- 4) You must have the subpoenas served to all parents and/or guardians in accordance with ORS 419B.555(3) and ORS 419B.812 to 419B.829, and department policy. A proof of service must be filed with the court for each parent and/or guardian that is served.
- 5) At the hearing, the Court may grant or refuse to grant emancipation.
- 6) Upon entry of a judgment of emancipation by the Court, the applicant shall be given a copy of the judgment. The judgment shall instruct that the applicant obtain an Oregon identification card through the Motor Vehicles Division of the Department of Transportation and that the Motor Vehicles Division make a notation of the minor's emancipated status on the license or identification card.

A judgment of emancipation will serve only to:

- 1) Recognize the minor as an adult for the purposes of contracting and conveying, establishing a residence, suing and being sued, and recognize the minor as an adult for the purposes of the 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 child and parent relationship the provisions of ORS 109.053, 109.100, 419B.373, 419B.400, 419.402, 419B.404, 419B.406, 419B.408, 419C.550, 419C.590, 419C.592, 419C.595, 419C.597, and 419C.600.
- 4) A judgment of emancipation shall not affect any age qualification for purchasing alcoholic liquor, the requirements for obtaining a marriage license, nor the minor's status under ORS 109.510.
- 5) An emancipated minor shall be subject to the jurisdiction of the adult courts for all criminal offenses.

A person making application for emancipation status should consult an attorney. The Juvenile Court will not appoint legal counsel for emancipation proceedings.