

Emancipation in New York

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What is emancipation?

- Emancipation is the process of a parent giving up control over a minor child so that the child has control over his own legal decisions and support before he is an adult (age 18). In New York, a parent must financially support his/her child until age 21 unless the child becomes emancipated. Effective October 2021, the right to support in NY might be extended to age 26 for a child who is disabled and still lives with a parent.

How does a child become emancipated?

- A child cannot receive an emancipation order from a court in New York. Instead, during another court case, the court can decide that a child is emancipated. For example, during a child support case, the court can decide that the parent does not have to pay support because the child is emancipated.
- A child is emancipated if he/she
 - is over the age of 16;
 - does not live with either parent (living away from home for college does not count if the plan is to return home between semesters);
 - does not receive money from either parent unless the court ordered child support or if the child receives Social Security benefits;
 - has a job as the main source of income; and
 - is not in foster care or under court supervision;
 - if a child of employable age abandons or rejects contact with the parent without good cause, the child may forfeit the right to support from that parent;

- If a child is in the military or is married, the child is emancipated. A court proceeding may still need to be filed to prove that this has happened.
- A child can be emancipated if he/she left the parent's home without a good reason and refused to obey the reasonable rules of the parent. A child will not be emancipated in this situation if he/she is under age 16. If a child left the parent's home for a good reason such as child abuse, the parent may still have to support the child.

What are the rights of an emancipated child under age 18?

- The child can keep his wages.
- The child can live in his own home.
- The child can go to school in his neighborhood.
- The child can receive some public benefits.
- The child can ask the court for child support if the parent forced him/her to leave home.

Does an emancipated child under age 18 need a parent's permission for anything?

- The child must get a parent's permission to get working papers, a learner's permit or driver's license.
- The child must get a parent's permission to get routine health care unless it is an emergency or for sexually transmitted disease, family planning services, drug treatment or mental health treatment. The child does not need a parent's permission if the child is pregnant, a parent, or married.
- Effective 7/20/2017, a child cannot be married in NY if under age 17. The child will need permission from a parent and from the court to get married if under age 18. Being emancipated does not change this requirement.

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