

Emancipation Law in New Hampshire

What is "emancipation"?

Emancipation is being set free from the control of someone or something. When people talk about emancipation, they are usually talking about the emancipation of a minor. A minor is a person under 18 years old.

How can I become emancipated?

A minor is emancipated when they become independent from parents or guardians. The law says you are an adult and you are automatically emancipated from your parents or guardians when you turn 18.

You are also emancipated from your parents or guardians when you are under 18 and your parents or guardians give you permission to:

get married, or

join the armed forces or a military academy.

What is the law in New Hampshire?

Until January 1, 2020, New Hampshire did not have a law about emancipation. Now there is a new law that says the Family Court can give and can take away limited emancipation if you are 16 or 17 years old. The court closes the case when you turn 18 because once you are 18 you are automatically an adult.

This new law says that you can ask for emancipation if:

- you show the court that limited emancipation is in your best interest, meaning it is better for you if you are out from under the care of your parents or guardians;
- you desire limited emancipation;
- you have been living separate and apart from your parents or legal guardians for 3 months or longer;

- you have shown that you can be self-sufficient (take care of yourself) in your financial and personal affairs, including proving to the court that you have a job or another way to support yourself financially. You cannot ask for emancipation if the only money you get is from Temporary Assistance to Needy Families (TANF) or municipal general assistance (welfare);
- you graduated from high school, or will continue to keep studying seriously either to graduate from high school or to get a high school equivalency certificate; and
- there is no public interest reason (a reason that would affect the welfare or well-being of the general public) to keep the court from giving you the limited emancipation.

What rights and responsibilities can the court give me?

After you file your petition and have a court hearing, the court will give you a written order. If the court gives you a limited emancipation, the written order will tell you exactly the rights and responsibilities it is giving you.

Some of the possible rights and responsibilities the court can give are:

- the right to live independently;
- the right to live in housing of your choice;
- the right to directly get and spend money you are entitled to;
- the right to manage your own money;
- the right to sign contracts and be responsible for anything you do that results in you owing money;
- the right to allow or agree to medical, psychiatric, education, and social services;
- the right to get a license to operate equipment or perform a service;
- the right to enlist in the military.

This does not mean you will definitely be given all or any of these. Each case is different.

If your written emancipation order gives you the right to live independently, you are considered an adult under New Hampshire's law that protects you from domestic violence (read the law: [RSA 173-B](#))

You may have to:

- participate in periodic counseling with an appropriate advisor that you can choose yourself;
- give periodic reports to the court on how things are going.

The court can take away (revoke) your emancipation if:

- you do something that is against the law;
- you do something that the court's order said you could not do;
- you do not do something that the court's order said you had to do;
or
- the court decides that the emancipation order is no longer in your best interest, meaning it would be better for you to be back under the care of your parents or guardians.

If the court takes away your rights, you are still responsible for any contracts you signed or debts you incurred before that.

Keep in mind that even if you are emancipated by the court, it is a limited emancipation. You will still have to follow the age requirements in the Constitution and the legal requirements that control:

- voting;
- use and possession of tobacco and alcoholic beverages;
- possession of firearms;
- gambling;
- other health and safety regulations that apply to you because of your age.
- purposes of the adult criminal laws except cases transferred to the superior court pursuant to RSA 169-B:24. This part of the law means that if you are emancipated, you will not be automatically treated as an adult, but would still be a juvenile for these purposes unless the criminal case gets transferred by the court.

What papers do I have to file in court?

The court that deals with emancipation is the Circuit Court Family Division. It has a [website](#) with court locations, forms, and rules. Until the court's website is updated with information about the new law, go to the forms section and find "[Juvenile Emancipation](#)" forms. One form is for you to ask (petition) the court to emancipate you. Another form is when your parents or guardians agree (consent) that you should be emancipated.

Will I have to pay a fee to the court?

The court charges a fee to file these forms. If you are not able to pay the fee, you can ask the court to waive the filing fee.

Must I tell my parents or legal guardians?

You must follow the court's rules about serving (getting a copy of the forms to) your parents or legal guardians. The court requires you to make sure the people involved know about the petition.

Where can I get legal help?

If you are thinking about asking the court for Limited Emancipation, call the 603 Legal Aid at 603-224-3333 or [apply online](#).

Where can I read the law?

Emancipation [RSA 461-B](#)

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