

House Bill 847

By: Representatives Butler of the 18th, Oliver of the 83rd, and Smith of the 70th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to
2 juvenile proceedings, so as to establish the conditions for minors to become emancipated by
3 law; to provide for definitions; to provide for the rights and duties of parents; to provide for
4 court proceedings for emancipation; to provide for powers of the court relative to an
5 emancipation proceeding; to provide for rescission and the effect of rescission on obligations,
6 rights, or interests; to provide for the rights and responsibilities of an emancipated minor; to
7 provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile
11 proceedings, is amended by adding a new article to the end of the chapter, to read as follows:

12 "ARTICLE 6

13 15-11-200.

14 As used in this article, the term,

- 15 (1) 'Emancipation' means termination of the rights of the parents to the custody, control,
16 services, and earnings of a minor.
17 (2) 'Minor' means a person under the age of 18 years.
18 (3) 'Parents' has the same meaning as set forth in Code Section 15-11-2.

19 15-11-201.

- 20 (a) Emancipation may occur by operation of law or pursuant to a petition filed by a minor
21 with the juvenile court as provided in this article.
22 (b) An emancipation occurs by operation of law under any of the following circumstances:
23 (1) When a minor is validly married;

- 1 (2) When a person reaches the age of 18 years; or
2 (3) During the period when the minor is on active duty with the armed forces of the
3 United States.

4 (c) An emancipation occurs by court order pursuant to a petition filed by a minor with the
5 juvenile court as provided in Code Sections 15-11-202 through 15-11-206.

6 15-11-202.

7 (a) A minor seeking emancipation shall file a petition for emancipation in the juvenile
8 court in the county where the minor resides. The petition shall be signed and verified by
9 the minor, and shall include all of the following information:

10 (1) The minor's full name and birth date, and the county and state where the minor was
11 born;

12 (2) A certified copy of the minor's birth certificate;

13 (3) The name and last known address of the minor's parents, guardian, or custodian;

14 (4) The minor's present address and length of residency at that address;

15 (5) A declaration by the minor indicating that he or she has demonstrated the ability to
16 manage his or her financial affairs; the minor may include any information he or she
17 considers necessary to support the declaration; and

18 (6) A declaration by the minor indicating that he or she has the ability to manage his or
19 her personal and social affairs; the minor may include any information he or she
20 considers necessary to support the declaration.

21 (b) The petition for emancipation shall include an affidavit by any of the following
22 individuals declaring that the individual has personal knowledge of the minor's
23 circumstances and believes that under those circumstances emancipation is in the best
24 interests of the minor:

25 (1) Physician;

26 (2) Nurse;

27 (3) Member of the clergy;

28 (4) Psychologist;

29 (5) Family therapist;

30 (6) Certified social worker;

31 (7) Social worker;

32 (8) School administrator;

33 (9) School counselor;

34 (10) Teacher; or

35 (11) Law enforcement officer.

1 (c) A copy of the petition for emancipation and a summons to appear at the hearing shall
2 be served on the minor's parents or guardian. A notice of hearing shall be sent to any
3 individual who provided an affidavit as set forth in subsection (b) of this Code section.

4 15-11-203.

5 After a petition for emancipation is filed, the court may:

6 (1) Assign an employee of the court to investigate the allegations of the petition and to
7 file a report containing the results of the investigation with the court;

8 (2) Appoint an attorney for the minor; or

9 (3) Appoint an attorney for the minor's parents or guardian if they are indigent and if
10 they oppose the petition.

11 15-11-204.

12 (a) The hearing shall be before a judge; and the court shall issue an emancipation order if
13 it determines that emancipation is in the best interest of the minor and the minor establishes
14 all of the following:

15 (1) That the minor's parent or guardian does not object to the petition; or if a parent or
16 guardian objects to the petition, that the best interests of the child are served by allowing
17 the emancipation to occur by court order;

18 (2) That the minor is a resident of the state;

19 (3) That the minor has demonstrated the ability to manage his or her financial affairs,
20 including proof of employment or other means of support; 'other means of support' does
21 not include general assistance or aid received from means-tested public assistance
22 programs such as Temporary Assistance for Needy Families or similar programs under
23 Title IV-A of the federal Social Security Act;

24 (4) That the minor has the ability to manage his or her personal and social affairs,
25 including, but not limited to, proof of housing; and

26 (5) That the minor understands his or her rights and responsibilities under this article as
27 an emancipated minor.

28 (b) A minor who petitions the court for emancipation shall have the burden of showing by
29 a preponderance of evidence that emancipation should be ordered.

30 (c) If the court issues an emancipation order, the court shall retain a copy of the order until
31 the emancipated minor becomes 25 years of age.

32 (d) An emancipation obtained by fraud is voidable. Voiding such an order does not affect
33 an obligation, responsibility, right, or interest that arose during the period of time the order
34 was in effect.

1 (e) The minor or a parent or guardian of the minor may appeal the court's grant or denial
2 of an emancipation petition. The appeal shall be filed in the court of appeals.

3 15-11-205.

4 (a) A minor emancipated by court order may petition the juvenile court that issued the
5 emancipation order to rescind such order.

6 (b) A copy of the petition for rescission and a summons shall be served on the minor's
7 parents.

8 (c) The court shall grant the petition and rescind the order of emancipation if it finds any
9 of the following:

10 (1) That the minor is indigent and has no means of support;

11 (2) That the minor and the minor's parents agree that the order should be rescinded; or

12 (3) That there is a resumption of family relations inconsistent with the existing
13 emancipation order.

14 (d) If a petition for rescission is granted, the court shall issue an order rescinding the
15 emancipation order and retain a copy of the order until the minor becomes 25 years of age.

16 (e) Rescission of an emancipation order does not alter any contractual obligations or rights
17 or any property rights or interests that arose during the period of time that the emancipation
18 order was in effect.

19 (f) The minor or a parent of the minor may appeal the court's grant or denial of a petition
20 for rescission of an emancipation order. The appeal shall be filed in the court of appeals.

21 15-11-206.

22 (a) A minor emancipated by operation of law or by court order shall be considered to have
23 the rights and responsibilities of an adult, except for those specific constitutional and
24 statutory age requirements regarding voting, use of alcoholic beverages, and other health
25 and safety regulations relevant to him or her because of his or her age. A minor shall be
26 considered emancipated for the purposes of, but not limited to, all of the following:

27 (1) The right to enter into enforceable contracts, including apartment leases;

28 (2) The right to sue or be sued in his or her own name;

29 (3) The right to retain his or her own earnings;

30 (4) The right to establish a separate domicile;

31 (5) The right to act autonomously, and with the rights and responsibilities of an adult, in
32 all business relationships, including, but not limited to, property transactions and
33 obtaining accounts for utilities, except for those estate or property matters that the court
34 determines may require a conservator or guardian ad litem;

- 1 (6) The right to earn a living, subject only to the health and safety regulations designed
2 to protect those under the age of majority regardless of their legal status;
- 3 (7) The right to authorize his or her own preventive health care, medical care, dental
4 care, and mental health care, without parental knowledge or liability;
- 5 (8) The right to apply for a driver's license or other state licenses for which he or she
6 might be eligible;
- 7 (9) The right to register for school;
- 8 (10) The right to marry;
- 9 (11) The right to apply for medical assistance programs and for other welfare assistance,
10 if needed;
- 11 (12) The right, if a parent, to make decisions and give authority in caring for his or her
12 own minor child; and
- 13 (13) The right to make a will.
- 14 (b) The parents of a minor emancipated by court order are not liable for any debts incurred
15 by the minor during the period of emancipation.

16 15-11-207.

- 17 (a) The duty to provide support for a minor child shall continue until an emancipation
18 order is granted.
- 19 (b) A child who has become emancipated under this article shall not be considered a
20 'deprived child' for purposes of Part 6 of Article 1 of this chapter."

21 **SECTION 2.**

22 All laws and parts of laws in conflict with this Act are repealed.