5-02/170.05 - Procedures for Handling Emancipated Minors

When deputy personnel encounter alleged emancipated minors in field situations, every effort should be made to verify emancipation.

If the issue of emancipation cannot be resolved, and it appears that the minor may be a dependent (300 WIC) or status offender (601 WIC), deputy personnel shall handle the situation as they would if the minor was not emancipated. The investigating detective assigned to the case will resolve the issue of emancipation and make the appropriate disposition.

Emancipated minors of school age are still subject to the provisions of the California Compulsory Education laws; thus, suspected truants may be detained and returned to school officials (48264 and 48265 Ed.C.).

Emancipated minors suspected of committing criminal violations (602 WIC) shall be handled as any other minor. If the investigator determines that an emancipated minor shall be the subject of a nondetained juvenile petition request, the minor shall be released without any requirement for a parent to take custody.

Emancipated minors may apply to the Department of Motor Vehicles for a California Identification Card (or a driver's license if 16 years of age or older), which states the fact of their emancipation. All court-ordered emancipations are routinely indexed into the DMV computer; a query may resolve the issue of emancipation.