6-09/100.00 Emancipated Juveniles

California Family Code Section 7002, defines emancipation and enumerates the rights, liabilities, and privileges thereof.

An emancipated juvenile is any person under the age of 18 years who:

- Enters into a valid marriage
- Is on active military duty
- Has been declared emancipated by the Superior Court pursuant to California Family Code Section 7122

Emancipated juveniles are considered adults for purposes of entering into binding contracts, buying and selling property, and generally controlling their own finances. For law enforcement's concerns, emancipated juveniles:

- May consent to medical, dental, or psychiatric care
- Have no right to parental support
- Are exempt from the provisions of Sections 300 and 601 WIC

Juveniles, 14 years of age or older, may petition the Superior Court for a Declaration of Emancipation. They must be able to show that they are willingly living separate and apart from their parents or guardians with their consent and acquiescence, and managing their own lawful financial affairs.

- Note: Parents or guardians may not petition the court for the emancipation of their minor child.

PROCEDURES FOR HANDLING EMANCIPATED JUVENILES

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

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

Emancipated juveniles 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 juveniles suspected of committing criminal violations (602 WIC) shall be handled as any other juvenile.

If the investigator determines that an emancipated juvenile shall be the subject of a non-detained juvenile petition request, the juvenile shall be released without any requirement for a parent to take custody. Emancipated juveniles may apply to the Department of Motor Vehicles (DMV) 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.

- Note: Emancipated juveniles shall not be housed with adult inmates.