



**Hundredth Legislature - First Session - 2007  
Committee Statement  
LB 112**

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**Hearing Date:** March 20, 2007  
**Committee On:** Judiciary

**Introducer(s):** (Erdman)  
**Title:** Provide for the judicial emancipation of minors

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**Roll Call Vote – Final Committee Action:**

- X Advanced to General File
  - Advanced to General File with Amendments
  - Indefinitely Postponed
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**Vote Results:**

6	Yes	Sen. Ashford, Sen. Lathrop, Sen. McDonald, Sen. McGill, Sen. Pedersen, Sen. Pirsch
	No	
1	Present, not voting	Sen. Chambers
1	Absent	Sen. Schimek

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**Proponents:**  
Sen. Erdman  
Laurel Marsh

**Representing:**  
Nebraska ACLU

**Opponents:**

**Representing:**

**Neutral:**  
Bruce Rieker

**Representing:**  
Nebraska Hospital Association

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**Summary of purpose and/or changes:** Under current law, there is not a means in statute or procedure by which a minor can initiate a suit to become emancipated. In certain circumstances, Nebraska courts will recognize that a minor has become emancipated. Such recognition of emancipation is done in the context of another case--in a child support case (*Foxvog v. Foxvog*, 7 Neb.App. 92 (1998)) or in an action to collect a debt against a person under the age of 19 (*Accent Service Co. Inc., v. Ebsen*, 209 Neb. 94 (1981)).

Legislative Bill 112 provides for a statutory process for judicial emancipation of minors. Under the bill, a person who is at least sixteen years of age, married, or living apart from his or her parents or guardian and who is a legal resident of the county may file a complaint in the district court for a judgment of emancipation.

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The complaint shall state:

- the name, age, and address of the minor;
- and names and addresses of the parents or guardians of the minor, or the name and address of the nearest known relative residing in the state if parents/guardian cannot be found;
- That the minor is seeking emancipation; and
- That the minor willingly lives apart from the parents or guardians with the consent or acquiescence of the parents or guardians.

A copy of the complaint shall be served to the parents or legal guardian of the minor, the legal custodian of the minor, the probation officer if the minor is a ward of the court, and the county attorney of the county in which the matter is to be heard.

At the hearing on the complaint, the court shall address the petitioner/minor personally and shall advise him or her of the consequences of the emancipation. The court shall consider whether the parents/guardian have consented to emancipation; whether the minor is able to support self without financial assistance; whether the minor is sufficiently mature and knowledgeable; and whether emancipation is in his or her best interests.

If the court awards a judgment of emancipation, such judgment shall emancipate the minor and remove any disability of minority except that the judgment does not affect the inability of the person to buy, purchase, or consumption of alcohol; to game or be employed in gaming; to marry a person under age seventeen; nor does the judgment govern matters relating to juveniles.

LB 112 also provides that a judgment for emancipation may be voided when a complaint is filed by any person or by any public agency when the minor has become indigent and has insufficient means of support or the judgment was obtained by fraud, misrepresentation, or the withholding of material information.

**Explanation of amendments, if any:**

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**Senator Brad Ashford, Chairperson**