

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 112**

Introduced By: Erdman, 47;  
Read first time: January 8, 2007  
Committee: Judiciary

A BILL

1       FOR AN ACT relating to minors; to provide for judicial  
2                    emancipation of minors.  
3       Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 8 of this act provide a procedure  
2 for judicial emancipation of minors.

3           Sec. 2. A minor who is at least sixteen years of age,  
4 married, or living apart from his or her parents or legal guardian,  
5 and who is a legal resident of the county, may by his or her legal  
6 guardian or next friend file a complaint in the district court of  
7 that county for a judgment of emancipation.

8           Sec. 3. (1) A complaint for emancipation shall state:

9           (a) The name, age, and address of the minor;

10          (b) The names and addresses of the parents of the minor;

11          (c) The name and address of any legal guardian of the  
12 minor;

13          (d) If no parent or legal guardian can be found, the name  
14 and address of the child's nearest known relative residing within this  
15 state;

16          (e) That the minor is seeking a judgment of emancipation;  
17 and

18          (f) That the minor willingly lives apart from his or her  
19 parents or legal guardian with the consent or acquiescence of the  
20 parents or legal guardian.

21          (2) If any of the facts required by this section are not  
22 known, the complaint shall so state.

23          Sec. 4. A notice of filing, together with a copy of the  
24 complaint for emancipation, shall be served upon:

25          (1) The parents or legal guardian of the minor or, if the  
26 parents or legal guardian cannot be found, the nearest known relative  
27 of the minor residing within the state, if any;

- 1                   (2) The legal custodian of the minor, if any;  
2                   (3) The appropriate probation officer for his or her review  
3                   and recommendation, if the minor is a ward of the court; and  
4                   (4) The county attorney of the county in which the matter  
5                   is to be heard.

6                   Sec. 5. In making its determination regarding the complaint  
7                   for emancipation, the court shall consider: Whether the parents or  
8                   legal guardian of the minor have consented to emancipation; whether  
9                   the minor is substantially able to support himself or herself without  
10                   financial assistance; whether the minor is sufficiently mature and  
11                   knowledgeable to manage his or her affairs without the guidance of  
12                   parents or legal guardian; and whether emancipation is in the best  
13                   interest of the minor. The court shall advise the minor of the  
14                   consequences of emancipation.

15                   Sec. 6. (1) If the court determines that emancipation  
16                   should be granted, it shall enter a judgment of emancipation. Such  
17                   judgment emancipates the minor for all purposes and removes the  
18                   disability of minority insofar as that disability may affect:  
19                   Incurring indebtedness or contractual obligations of any kind;  
20                   acquiring, encumbering, and conveying property or any interest  
21                   therein; the litigation and settlement of controversies; consenting  
22                   to medical, dental, or psychiatric care without parental consent,  
23                   knowledge, or liability; enrolling in any school or college; and  
24                   establishment of his or her own residence. For these purposes, the  
25                   minor shall be considered in law as an adult and any obligation he or  
26                   she incurs is enforceable by and against such minor without regard to  
27                   his or her minority.

1           (2) Unless otherwise provided by the judgment for  
2 emancipation, the obligation of support otherwise owed a minor by his  
3 or her parent or legal guardian is terminated by the entry of the  
4 judgment.

5           Sec. 7. A judgment of emancipation does not affect the  
6 status of the minor for purposes of any provision of law which:

7           (1) Prohibits the sale, purchase, or consumption of  
8 intoxicating liquor to or by a person under twenty-one years of age;

9           (2) Prohibits gaming or employment in gaming by or of a  
10 person under twenty-one years of age;

11           (3) Restricts the ability to marry a person under the age  
12 of seventeen years of age; or

13           (4) Governs matters relating to juveniles.

14           Sec. 8. A complaint may be filed by any person or by any  
15 public agency to void a judgment of emancipation on the following  
16 grounds:

17           (1) The minor has become indigent and has insufficient  
18 means of support; or

19           (2) The judgment of emancipation was obtained by fraud,  
20 misrepresentation, or the withholding of material information.