

UNICAMERAL YOUTH LEGISLATURE OF NEBRASKA
EIGHTEENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 714

Introduced by: [TBD]
Read first time June 11, 2018
Committee: Judiciary

A BILL

FOR AN ACT relating to minors; to provide a procedure for judicial emancipation of a minor.

Be it enacted by the people of the State of Nebraska,

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

Sec. 2. A minor who is at least 16 years of age, married or living apart from his or her parents or legal guardian and who is a legal resident may file a petition in the district court of his or her county of residence for a judgment of emancipation.

Sec. 3. (1) A petition for emancipation filed pursuant to section 2 of this act shall state:

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

(b) The names and addresses of the parents of the minor, if known;

(c) The name and address of any legal guardian of the minor, if known;

(d) If the name or address of a parent or legal guardian is unknown, the name and address of the child's nearest known relative residing within this state;

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

(f) That the minor willingly lives apart from his or her parents or legal guardian.

Sec. 4. A notice of filing, together with a copy of the petition for emancipation, shall be served:

(1)(a) Upon the parents or legal guardian of the minor or, if the parents or legal guardian cannot be found, the nearest known relative of the minor residing within the state, if any; and

(b) Upon the legal custodian of the minor; if any; or

(2) By publication pursuant to section 25-519, if service pursuant to subdivision (1) of this section is not possible.

Sec. 5. In making its determination regarding the petition for emancipation, the court shall consider: (1) Whether the minor is substantially able to support himself or herself without financial assistance; (2) whether the minor is sufficiently mature and knowledgeable to manage his or her affairs without the guidance of parents or legal guardian; and (3) whether emancipation is in the best interest of the minor.

The court shall advise the minor of the consequences of emancipation and inform him or her of benefits and services available to an emancipated minor.

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

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

Sec. 7. A judgment of emancipation does not affect the status of the minor for purpose of any provision of law which governs matters relating to the Nebraska Juvenile Code.

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

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

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

Statement of Intent

LB714 creates a procedure for judicial emancipation of a minor in state statute.

Fiscal Note

	FY2018-19		FY2019-20	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

No estimated fiscal impact.