

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 714

Introduced by Howard, 9; Vargas, 7.

Read first time January 03, 2018

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to minors; to provide a procedure for judicial
- 2 emancipation of a minor.
- 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 for
2 judicial emancipation of a minor.

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

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

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

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

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

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

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

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

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

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

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

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

27 Sec. 5. In making its determination regarding the petition for
28 emancipation, the court shall consider: (1) Whether the minor is
29 substantially able to support himself or herself without financial
30 assistance; (2) whether the minor is sufficiently mature and
31 knowledgeable to manage his or her affairs without the guidance of

1 parents or legal guardian; and (3) whether emancipation is in the best
2 interest of the minor.

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

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

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

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

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

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

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