



Emancipation

A Research Guide for a North Dakota Civil Court Process

The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota state courts.

The information provided in this research guide isn't a complete statement of the law. This information is intended as a starting point for your research into emancipation in a North Dakota state district court. This information isn't intended for legal advice and can't replace the advice of a lawyer licensed to practice law in the state of North Dakota.

The self-represented individual must make all decisions about how to proceed.

References to non-ND Legal Self Help Center resources are included for your convenience only. Including these references doesn't mean the ND Legal Self Help Center endorses, warrants, or accepts responsibility for the content or uses of the resource. **Use at your own risk.**

Overview of Emancipation

What is emancipation?

The act of allowing a minor child to gain independence and take on the full responsibilities of an adult.

What is the age of majority?

The age of majority in North Dakota is **18 years of age**, meaning at the age of 18, a minor child has reached the age of an adult and is no longer under the authority of their parents.

Can I be emancipated by a North Dakota state court before I turn 18 years of age?

No. North Dakota **doesn't** have an established civil court process to ask a North Dakota state court to emancipate a minor child.

When does a parent's authority over a child end?

- When the child turns 18 years old (reaches the age of majority).
- When the minor child marries before they turn 18 years old (with parental consent).
- When a court appoints a guardian for the minor child.
 - A guardian is a person appointed by the court to make personal decisions for the minor child.

What can a minor child do without parental consent?

- Work under certain ages and conditions. ([NDCC Ch. 34-07. Child Labor](#))
- Consent to **some** medical treatments. ([NDCC Ch. 14-10. Minors](#))
- Enter into many, but not all, contracts. ([NDCC § 14-10-10. Contracts of minor](#))
- May sue or be sued. ([NDCC § 14-10-04. Minors rights of actions](#))
 - A guardian ad litem **must** be appointed by the court to take part in the case.
 - A guardian ad litem is a person appointed by the court to look after the interests of a minor child.

Court Process and Forms for Emancipation

The ND Legal Self Help Center **doesn't** have forms or instructions for asking a North Dakota state court to emancipate a minor child.

ND Legal Self Help Center staff are unable to identify an established civil court process to ask a North Dakota state court to emancipate a minor child. You may wish to research further yourself, or consult a [lawyer](#) licensed to practice in North Dakota.

Emancipation Legal Research Resources

North Dakota Statutes:

(North Dakota statutes are found in the [North Dakota Century Code](#) (NDCC). The North Dakota Century Code contains the laws enacted by North Dakota Legislature and signed by the Governor.)

- [Chapter 14-09. Parent & Child](#)
 - [Section 14-09-20](#). When parent's authority ceases.

The authority of a parent ceases:

- 1.) Upon the appointment by the court of a guardian of the person of a child;
- 2.) Upon the marriage of a child; or
- 3.) Upon the child attaining majority.

- **Chapter 14-10. Minors**
 - **Section 14-10-01.** Minors defined.
 - **Section 14-10-02.** Adults defined.
 - **Section 14-10-04.** Minor's rights of action.
 - **Section 14-10-09.** Minor's disability to delegate power and to contract relating to real property.
 - **Section 14-10-10.** Contracts of minor.
 - **Section 14-10-14.** Undertaking by minors for release on bail
 - **Section 14-10-17.** Minors- Treatment for sexually transmitted disease – Substance disorder.
 - **Section 14-10-17.1.** Minor's emergency care.
 - **Section 14-10-18.1.** Blood donation- Minors.
 - **Section 14-10-19.** Minor's consent for prenatal care and other pregnancy care services.
- **Chapter 34-07. Child Labor**
 - **Section 34-07-01.** Employment of minor under fourteen years of age prohibited.

North Dakota Case Law:

(When the decision of a case is appealed from a North Dakota state district court to the North Dakota Supreme Court, the Supreme Court writes their opinion to explain how and why they interpreted the laws or rules to decide the appeal the way they did. The opinions are case law and are followed by North Dakota courts deciding later cases with similar facts and issues.)

One way to research case law related to emancipation, is in the print version of the North Dakota Century Code. Case law summaries are located directly following the text of the Century Code Section.

To view the full text of the opinion, click go to ndcourts.gov/supreme-court/opinions. Enter the case name or case citation.

North Dakota Court Rules:

[Court rules](#) govern how a dispute makes its way to court and how the dispute is conducted. All of the North Dakota court rules are available online.

Laws Constantly Change Through Legislation, Administrative Rulings And Court Decisions.

To determine how a law applies to your situation, review the applicable law or laws, court rules, administrative rules and rulings, and court decisions.

Only a lawyer licensed to practice in North Dakota who has agreed to represent you can give you legal advice. Legal advice includes interpreting how the laws and rules apply to your situation.

Other Legal Research Resources:

[How to Research a Legal Problem: A Guide for Non-Lawyers](#), American Association of Law Libraries. (aallnet.org)

Library Resources *(not all legal resources are available online)*:

ODIN is a shared library database of many North Dakota academic, public, state agency, and special libraries. Search ODIN for resources that may be available in a North Dakota library near you. (polaris.odinlibrary.org)

Following are a selection of library resources on ODIN that may be of interest to you:

- **Represent Yourself in Court: How to Prepare & Try a Winning Case**, Paul Bergman, Sara Berman, NOLO, 2016.
- **North Dakota Century Code Annotated**, Lexis Nexis, Creation Date c1959 – present.
- **North Dakota Court Rules Annotated**, Lexis Nexis, Creation Date c1990 – present.

Other Resources:

[Youth Employment in North Dakota: State & Federal Laws and Regulations](#), North Dakota Department of Labor and Human Rights (2022).

[Living in an Adult World: Your Legal Rights and Responsibilities](#), State Bar Association of North Dakota's Law Related Education (2023).

Lawyer Resources and Limited Legal Representation

You're not required to hire a lawyer to access the North Dakota state court system. If you decide to represent yourself, you must follow all of the rules, laws and procedures a lawyer is required to follow.

Lawyer Resources

If you'd like to learn more about finding a lawyer to represent you, go to ndcourts.gov/legal-self-help/finding-a-lawyer.

- **Legal Services of North Dakota** is a non-profit organization, providing free legal assistance to North Dakota residents in a variety of matters based on income. Legal Services of North Dakota can also determine whether an applicant meets the income requirements for the Volunteer Lawyers program that offers low-cost legal assistance based on income. The phone number is (800) 634-5263 and the website is legalassist.org.
- **Dakota Plains Legal Services** is a non-profit legal services organization that provides free legal assistance to low-income individuals, older Americans and veterans. Dakota Plains Legal Services (DPLS) has eight offices and serves communities across South Dakota and North Dakota, including nine tribal nations. DPLS is committed to increasing access to justice with quality legal assistance. Contact information is available on the DPLS webpage of dpls.org.
- **The State Bar Association** provides a lawyer referral service to match paying clients in need of legal services with lawyers. The phone number is (866) 450-9579 and the website is sband.org.
- **For a list of all lawyers who are licensed to practice in North Dakota**, go to the North Dakota Supreme Court website at ndcourts.gov/Lawyers. You can narrow your search by name or location.

Limited Legal Representation

Lawyers licensed to practice in North Dakota may provide Limited Legal Representation in civil actions. Limited Legal Representation (sometimes called "unbundling") is a way a lawyer can help you with part of your case while you do the rest of your case. You pay for the part of the case the lawyer handled.

For example:

- You may want a lawyer to give you an expert opinion about your options, or your legal rights and responsibilities;
- You can consult with a lawyer to prepare or review your paperwork, but attend hearings yourself;
- You can represent yourself through the whole case, and periodically consult with a lawyer who can coach you on the law, procedures and strategy;
- You can do the preparation yourself and hire a lawyer just to make the court appearance for you.

You and the lawyer must agree in writing to Limited Legal Representation.

North Dakota Free Legal Answers

This civil legal program is a partnership of the American Bar Association and the State Bar Association of North Dakota.

The purpose of the program is to provide free answers to **specific** civil legal question to low-moderate income North Dakotans who submit their questions online. Anonymous volunteer lawyers answer your question, but can't represent you.

Go to nd.freelegalanswers.org for information about the program, the online application, and, if you qualify, ask your civil legal question.

Please note that this program **doesn't** provide any assistance with criminal legal questions.

This North Dakota Legal Self Help Center resource was created by Mallory Block, as part of the University of North Dakota School of Law Externship Program, Summer 2017.