



## 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 is intended as a starting point for your research into Emancipation. The information provided in this research guide is not intended for legal advice and cannot replace the advice of competent legal counsel licensed in the state.

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 does not 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 the parent.

#### **Emancipation by a North Dakota court prior to reaching the age of majority?**

North Dakota **does not** have an established civil court process to ask a state court to emancipate a minor child.

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

- After reaching the age of majority.
- When the minor child is married before the age of majority (with parental consent).
- When a court appoints a guardian for the minor child.

#### **What can a minor do without parental consent?**

- Work
- Consent to SOME medical treatments
- Enter into many, but not all, contracts
- Bring suit (may sue or be sued)

## **COURT PROCESS AND FORMS FOR EMANCIPATION:**

The ND Legal Self Help Center does not have forms or instructions available for asking a court to emancipate a minor.

ND Legal Self Help Center staff is unable to identify an established civil court process for asking a court to emancipate a minor. You may wish to research further yourself, or consult an attorney licensed to practice in North Dakota.

## **OTHER RESOURCES:**

**Youth Employment in North Dakota: State and Federal Laws and Regulations** [Brochure], North Dakota Department of Labor and Human Rights (2017), Retrieved July 24, 2017, from <http://www.nd.gov/labor/publications/youth.html>.

**Graduating into an Adult World: Your Legal Rights and Responsibilities** [Handbook], State Bar Association of North Dakota's Law Related Education (2018), Retrieved August 28, 2018, from [https://cdn.ymaws.com/www.sband.org/resource/resmgr/GIAW\\_/GIAW\\_StateBar\\_2018\\_Final\\_proo.pdf](https://cdn.ymaws.com/www.sband.org/resource/resmgr/GIAW_/GIAW_StateBar_2018_Final_proo.pdf).

## **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. The NDCC is found online at <http://www.legis.nd.gov/general-information/north-dakota-century-code>. \*\*These are not the full chapters and sections contained in the NDCC, please follow the links to view the laws in full.\*\*)*

**Chapter 14-09**      **Parent & Child**      <http://www.legis.nd.gov/cencode/t14.html>

- **See 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**      <http://www.legis.nd.gov/cencode/t14c10.html>

- **See Section 14-10-01.** Minors defined.
- **See Section 14-10-02.** Adults defined.
- **See Section 14-10-04.** Minor’s rights of action.
- **See Section 14-10-10.** Contracts of minor.
- **See Section 14-10-17.** Minors- Treatment for sexually transmitted disease.
- **See Section 14-10-17.1.** Minor’s emergency care.
- **See Section 14-10-18.1.** Blood donation- Minors.
- **See Section 14-10-19.** Minor’s consent for prenatal care and other pregnancy care services.

**Chapter 34-07**      **Child Labor**      <http://www.legis.nd.gov/cencode/t34c07.html>

- **See 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 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 to use the print version of the North Dakota Century Code to find the short summaries of case law after each Section of the Century Code. The case law summaries are located directly following the text of the Century Code Section. To view the full text of the opinion, go to [www.ndcourts.gov](http://www.ndcourts.gov), click on the “Opinions” link and 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 court rules are found online at <http://www.ndcourts.gov/Rules/>.

## **LAWS CONSTANTLY CHANGE THROUGH LEGISLATION, ADMINISTRATIVE RULES AND RULINGS, AND COURT DECISIONS.**

To determine how a law applies to your situation, review the applicable law or laws, administrative rules and rulings, and court decisions. Notes of court decisions related to North Dakota law can be found in the print editions of the North Dakota Century Code. Print editions of the North Dakota Century Code and North Dakota court rules are found in many North Dakota public and academic libraries.

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. ([www.aallnet.org](http://www.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. (<http://www.odin.nodak.edu/>)

Following are library resources that may be of interest to you:

North Dakota Century Code Annotated, Lexis Nexis, Creation Date c1959 – present.

North Dakota Court Rules Annotated, Lexis Nexis, Creation Date c1990 – present.

### **ATTORNEY RESOURCES AND LIMITED LEGAL REPRESENTATION:**

You are not required to hire an attorney to access the state court system. If you decide to represent yourself, you must follow all of the rules, laws and procedures that an attorney is required to follow.

#### **Attorney Resources**

If you decide to find an attorney to represent you, you may find the following options of interest.

- 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 [www.legalassist.org](http://www.legalassist.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 [www.sband.org](http://www.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 [www.ndcourts.gov/Lawyers](http://www.ndcourts.gov/Lawyers). You can narrow your search by name or location.

### **Limited Legal Representation**

Attorneys licensed to practice in North Dakota may provide Limited Legal Representation in civil actions. Limited Legal Representation (sometimes called “unbundling”) is a way that an attorney 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 attorney handled. For example:

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

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

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.