

Title 9 – Youth Code
Chapter 10. Emancipation

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Sec. 1001. Requirements for emancipation.

(a) When permitted - Tribal court may declare a minor emancipated either pursuant to a petition for emancipation, or as a dispositional alternative if the minor:

(1) Wishes to be free from parental control and protection and no longer needs that control and protection; or

(2) Is a youth in need of supervision as defined by this Code, and the minor meets all of the requirements set forth in subsection (b) of this section.

(b) Minor's Eligibility- Minor is not eligible for emancipation unless he or she:

(1) Is 16 years of age;

(2) Is self-supporting;

(3) Understands the consequences and responsibilities that result from being free from parental control and protection; and

(4) Demonstrates the requirements of subsection (b) above by presenting the Court with an acceptable plan for independent living.

Sec. 1002. Petition.

- (a) The petition for emancipation shall state:
 - (1) The name, age and address of the minor;
 - (2) The name and address of each living parent;
 - (3) The name and address of the minor's guardian or custodian, if any;
 - (4) The reasons why emancipation would be in the best interests of the minor;
 - (5) The purpose for which emancipation is sought.

Sec. 1003. Consent of Parent(s), guardian, or custodian.

The minor must obtain the consent of each living parent, guardian or custodian having control of the person or property of the youth. If the person who is to consent to the petition is unavailable, or his or her whereabouts are unknown, or if a parent, guardian or custodian unreasonably withholds consent, the Court, acting in the best interests of the minor, may waive this requirement as to the parent, guardian or custodian.

Sec. 1004. Guardian ad litem.

The Court may appoint a representative or a guardian ad litem to represent the interests of the minor at the hearing.

Sec. 1005. Effects of emancipation.

(a) Any order of guardianship or custody shall be vacated before the Court may issue an order of emancipation. Other orders of any division may be vacated, modified, or continued in this proceeding if such action is necessary to effectuate the order of emancipation. Child support orders relating to the support of the minor shall be vacated except for the duty to make past-due payments for child support, which, under all circumstances, shall remain enforceable.

(b) The Court may require an emancipated minor to report periodically to the Court or to another person or agency specified by the Court, regarding the minor's compliance with the provisions the emancipation order. Failure to report as required may result in emancipation order being vacated upon notice to the parties.

(c) An order of emancipation shall be conclusive evidence that the minor is emancipated.

(d) The order of emancipation shall recognize the minor as an adult for all purposes that result from reaching the age of majority, including:

- (1) Entering into a binding contract;
- (2) Litigation and settlement of controversies including the ability to sue and be sued;
- (3) Buying or selling real property;
- (4) Establishing a residence;
- (5) Being prosecuted as an adult under the criminal laws of the Tribes;

(A) At no time during the criminal process shall the emancipated minor be housed in an adult detention facility.

(6) Terminating parental support and control of the minor and their rights to the minor's income;

(7) Terminating parental tort liability for the minor;

(e) The order of emancipation shall not affect the status of the minor in the applicability of any provision of law which requires specific age requirements under the Tribal or federal constitution, the Indian Civil Rights Act or any Tribal or federal law including laws that prohibit the sale, purchase or consumption of intoxicating liquor to or by a person under 21 years of age.

(f) A minor who is emancipated by the lawful procedure of another tribal government or a state shall retain that status on this Reservation and shall enjoy the benefits of this chapter while on the Reservation.

(AS PER RESOLUTION NO. 27-737D-2012-05; DATED 05/16/2012.)

Sec. 1006. Permanency of the emancipation.

Emancipation is usually permanent. However, if statements in the petition are found to be untrue, or if the youth becomes unable to support themselves, the Court may set aside the Declaration of Emancipation.

(AS PER RESOLUTION NO. 25-2170-2011-05; DATED 05/23/2011.)