

## **Emancipation, or Living Away From Your Parents, in Pennsylvania**

NOTE: *When most people refer to “emancipation,” they believe that it is a simple process through which minor children are no longer subject to their parents’ rules, authority, or opinions. However, in Pennsylvania, the term “emancipated minor” refers to a child under the age of 18 who has, for specific and limited purposes, been given the status of an adult.*

*Generally, a parent has a legal responsibility to care for their child until the child turns 18. If a youth is not getting along with his or her parents, there are many services available to help handle the situation. Youth may also live with another relative or trusted adult with their parents’ permission.*

*Minors may petition the court to become emancipated for a specific and limited purpose. However, this is a very hard legal standard for most minors to meet; youth who wish to be emancipated from their parents by court order are generally required to explain the purposes for which emancipation is sought, and show that they are living on their own and supporting themselves financially.*

*For most purposes, an emancipation order from the court is not necessary for a youth to access an array of services and benefits. Many situations that youth who do not live with their parents may find difficult to navigate, such as school attendance, access to public benefits, and medical consent, have their own exceptions that allow these minors to make use of necessary services without parental consent and without the legal intervention of a court.*

*It is important to note, however, that while a court or other administrative body may find a minor “emancipated” for a particular purpose, such as school attendance or receiving public benefits, that minor still maintains many of the legal restrictions of all youth under age 18. That minor will not be able to vote or purchase alcohol, for example. This fact sheet aims to answer youths’ questions about the most common situations in which emancipation is sought in Pennsylvania.*

### **I. Questions about Living Away from Your Parents**

**I don’t get along with my parents and do not know what to do. Is there help available?**

There are many services that can help you and your family if you are having problems or not getting along. A counselor may be able to help you work things out with your parents so you can remain safely at home. If there are problems in the home because there is not enough to eat or there are financial problems, for example, there may be help to make

things better. To talk to someone or find resources in your area you can call **1-800-RUNAWAY**. This is the 24-hour National Runaway Switchboard and it will help you locate resources that may improve the situation at home. You can also contact the National Youth Crisis Hotline: **800-442-HOPE** for additional support and resources.

A counselor may help resolve some of the issues that you and your parents may be having. For help finding a counselor, you can also call **1-800-688-4226, ext. 228**, which is the Mental Health Association of Southeastern Pennsylvania. (They can help you even if you do not live in the South.)

### **Is it illegal to run away in Pennsylvania?**

In Pennsylvania it is not illegal or a crime to run away; however, there may be consequences if you do decide to leave home without your parents' permission. Under our state law, the Juvenile Act, youth who run away may end up in the child welfare system, often referred to as the foster care system, but *not* in the juvenile justice system.<sup>i</sup> However, if your parents report you as a missing person, the police will look for you and can pick you up and return you to your parents if they find you. If the police find you, they may hold you at the police station until your parents pick you up, but that does not mean that you are in trouble or have committed a crime.

### **If I run away, can my parents or the police force me to go home if I do not want to?**

If you run away, your parents can file a missing person report or a runaway report with the police. Once your parents do this, the police will look for you in order to return you to your home. If a police officer finds you, they will want to take you to your home or to the police station to call your parents to pick you up. If you are afraid of going home because you are being hurt or not taken care of, you should tell the police as soon as possible so that they can take you to an emergency shelter and/or call the local child welfare agency. Click here for a list of the numbers of the child welfare agency for each county:

<http://www.dpw.state.pa.us/findfacilsandlocs/countychildrenandyouthdirectory/index.htm>

### **I already ran away. Where can I go? What can I do?**

Your safety is the most important thing. Sleeping on the streets or living in a situation that is unsafe may be dangerous. If you have run away, you should try to find a safe place to stay with family or friends, if possible. If you have nowhere safe to go you should see if there is a local runaway shelter for youth under 18 that can provide you with a temporary place to stay. Not all counties in Pennsylvania have shelters for runaway youth. You can find out if there are local runaway shelters near you by calling the National Runaway Switchboard at **(800) 621-4000**. If you are in immediate danger you should call 911 for help.

Below is a list of shelters in Pennsylvania that serve minors. Youth who are thinking of running away can also call these shelters for advice or just to talk.

Valley Youth House  
539 Eighth Avenue  
Bethlehem, PA 18018  
610-691-1200  
[www.valleyyouthhouse.org](http://www.valleyyouthhouse.org)

Valley Youth House  
800 N. York Road, Bldg 22  
Warminster, PA 18974  
215-442-9760  
[www.valleyyouthhouse.org](http://www.valleyyouthhouse.org)

Family Services Incorporated  
Blair County Teen Center and Shelter  
3718 6<sup>th</sup> Avenue  
Altoona, PA 16602  
814-941-0975  
1-800-227-TEEN  
<http://www.familyservicesinc.net/>

Baptist Children's Services  
496 N. Lewis Road  
Royersford, PA 19468  
610-879-1440  
<http://www.baptistchildrensservices.org/programs.html>

Rosenberger Emergency Shelter  
111 N. 49<sup>th</sup> Street  
Philadelphia, PA 19139  
215-701-3101  
<http://www.baptistchildrensservices.org/programs.html>

Youth Emergency Shelter  
1526 Fairmount Avenue  
Philadelphia, PA 19130  
1-215-787-0633  
1-800-371-7233  
[www.ysiphila.org](http://www.ysiphila.org)

Covenant House Pennsylvania  
31 E. Armat St.  
Philadelphia, PA 19144

215-951-5411

[www.covenanthousepa.org](http://www.covenanthousepa.org)

Family Links  
Youth Emergency Shelters  
416 Olive Street  
McKeesport, PA 15132  
(412) 672-8632  
[www.familylinks.org](http://www.familylinks.org)

Family Links  
Downtown Outreach Center and Shelter (DOCS)  
1601 Fifth Avenue  
Pittsburgh, PA 15219  
(412) 661-1800 or (412) 471-6160  
[www.familylinks.org](http://www.familylinks.org)

Three Rivers Youth (under 18)  
200 North Dithridge Avenue  
Pittsburgh, PA 15213  
(412) 687-6583

Three Rivers Youth (12 to 21 years old)  
The Loft  
508 Franklin Avenue  
Wilkinsburg, PA 15221  
(412) 243-4466  
(412) 441-5020  
(412) 243 5638 (crisis hot line)

Also, please remember that the child welfare agency in your county is responsible for helping kids in need, even if they have run away from home. The child welfare agency can help you work with your family and provide services and supports that help your family take good care of you. They can also find you a safe place to stay if you cannot go home or do not feel safe at home. For a list of the numbers of the child welfare agency for each county click here:

<http://www.dpw.state.pa.us/findfacilsandlocs/countychildrenandyouthdirectory/index.htm>

### **If I run away, can I stay with a friend or family member?**

Before you turn age 18 your parents have the legal authority to choose where you live.

When you are under age 18, you can live with a family member or friend as long as your parents give you permission. Their permission is needed because they are legally responsible for caring for you until you turn age 18. There are circumstances in which parents may give their child permission to live somewhere else, such as when the family is having financial problems, a parent is ill, or family members are not getting along. If you are having trouble living at home, it is worth asking your parents if they will allow you to live somewhere else with an adult who is trustworthy and responsible.

### **Can my parents throw me out of the house if I am under age 18?**

Parents have a legal right to make any decisions about their children, but they also have a legal obligation to take care of you. Your parents are legally responsible for caring for you at least until you turn age 18. If a parent throws his or her child out of the house, this would likely be considered neglectful behavior for which the local child welfare agency may become involved. The Children and Youth Agency would work with your parents so you could safely return home. This could mean providing counseling services or helping your family access financial or other resources or supports. If you cannot return home, the child welfare agency must help you find a safe place to live. The child welfare agency will do this by providing shelter, group care, or foster care. They will also try to find family members or other individuals who may be willing to care for you as an alternative to placing you in foster care.

### **I am having problems with my parents at home. Is emancipation the answer?**

Sometimes youth think that becoming emancipated will solve their problems at home, but usually this is not the case. To be emancipated a youth must show that they are independent and self-supporting, and this is difficult for any youth to prove. Youth who are having problems in the home have a few options. In most situations, the answer to the problem does not require emancipation by court order. Perhaps your parents would allow you to live with a friend or family member, temporarily or permanently. Perhaps your parents would be willing to go to family counseling in order for the family to learn new or better ways of getting along with each other.

If you are having problems at home because you are being abused or neglected, there is help available. Every youth should be able to live in a home where he or she feels safe and has his or her needs met. If you are being abused the child welfare agency should help you and find a safe place for you to live. Though some people have hesitations and fears about the child welfare system, it is very important for you to be in a safe situation where your needs are met. You can call your local child welfare agency or Childline at 1-800-932-0313 for help. You can find out the number for your local child welfare agency by clicking on the following link:

<http://www.dpw.state.pa.us/findfacilsandlocs/countychildrenandyouthdirectory/index.htm>

**My friend’s mother has let me stay with their family since my mom threw me out of the house. Can my friend’s mother get in trouble for letting me stay with them?**

As explained above, it is best if you can get your parents’ permission to stay at someone else’s home if you are under age 18. Although there is no Pennsylvania law that clearly addresses this situation, there is a law that makes interfering with the custody of children a crime. This law can be found at 10 Pa. C. S.A. § 2904. This offense makes it a crime for an individual to “knowingly or recklessly tak[e] or entic[e] any child under the age of 18 years from the custody of its parent. ....” This offense falls within the Kidnapping section of the Crimes Code and, because of its reference to “knowingly or recklessly taking or enticing” a child, does not seem to fit the situation of a youth seeking shelter at the home of a friend when neither the friend nor his or her parent enticed the youth to come or took the youth from the youth’s home. Nevertheless, it is important to understand that until you are age 18, your parents are legally responsible for you and can make decisions about where you live and who you see. Getting your parents’ permission for new living arrangements is the safest way to go for everyone involved. See if your parents are willing to sit down and talk with your friend’s parents, with the help of a counselor or other trusted adult if necessary, to come to an agreement about your living arrangements that is satisfactory to everyone involved.

## **II. Questions about Emancipation by A Court**

### **What is emancipation by a court or emancipation by act of law?**

As discussed above, people use the term “emancipation” to refer to many different situations in which minors are given the status of an adult for specific purposes before reaching the age at which they would normally be considered adults—usually age 18. It is important to remember that while a court or law may allow certain minors this adult status in specific contexts, the minor will still be subject to most legal and statutory disabilities of minority. There is no general “emancipated” status that gives minors all the rights of an adult.

Emancipation by court or by act of law refers to a formal legal process by which a judge issues an order declaring that the minor has certain rights usually granted to an adult for a specific purpose. This almost never happens and is rarely needed in Pennsylvania. Most often, laws affecting a child’s access to necessities, like educational supports, health services and other benefits, will provide exceptions for parental permission in certain situations.

Each state has different laws governing legal emancipation and some states have no law or legal process concerning emancipation. Generally, the rights granted to legally emancipated minors include things such as the ability to sign legally binding contracts,<sup>ii</sup>

like a lease, to decide where you want to live, and to make all your own medical decisions. A legally emancipated minor is also responsible for any bills or contracts they sign and is financially responsible for him or herself. No one else—a parent or relative—is legally required to take care of a minor who has been legally emancipated.

### **What are the requirements for judicial emancipation in Pennsylvania?**

In Pennsylvania, there is no emancipation statute or law. Instead, cases have been decided in courts across that state that provide guidance on what a court requires to issue an order of emancipation to a minor.<sup>iii</sup> The courts in Pennsylvania have said that “the touchstone of emancipation refers to the minor's establishment as a self-supporting individual independent of parental control. When a minor still has a need for care, custody and maintenance, the minor is not emancipated....”<sup>iv</sup> In addition, the courts have made clear that emancipation by a court order is not a permanent status. If an emancipated minor is still under age 18 and becomes unable to support herself, she is no longer emancipated.<sup>v</sup>

In Pennsylvania, to be emancipated by a court you must show a judge that you are in the position to live on your own and support yourself. Some things that would tend to show that you can live on your own and support yourself include:

- living apart from your parents,
- being able to financially support yourself, and
- being able to make smart, mature and responsible decisions about your own care and well-being.<sup>vi</sup>

It is important to note that a court will use things that have already occurred as the basis for its emancipation order. A minor who wishes to be emancipated must demonstrate to the court that he or she already possesses these criteria; not that he or she aspires to them. These are difficult things for any youth to show, especially if they are in school full time. If you feel you have demonstrated these qualities and are eligible to become emancipated, in general you can go to your county’s juvenile or family court to begin the process.

### **May a judge automatically grant an order of emancipation if a minor is married?**

No, not automatically. The main question a judge asks in considering an emancipation petition is whether the youth is living apart from his or her parents and able to support him or herself. Whether or not a minor is married *may* affect the answer to those questions, but being married, by itself, does not satisfy this criteria. Whether the minor is married or not, the court must consider the minor’s living situation and how he or she is financially supported.<sup>vii</sup> If the minor is married and cannot support him or herself, it is not likely that the court would issue an emancipation order.

**May a judge automatically grant an order of emancipation if a minor has a child?**

No, not automatically. If a minor has a baby, the minor mother can consent to all of her own health care (except abortion), but she is not emancipated for general purposes. A minor parent **does have** full rights to her child, including all decision making authority regarding the child, but she does not gain any other rights when she has a child. For example, until the minor parent turns age 18 her parents may still make many of the legal decisions regarding her life.

**I am under age 18 and my mother threw me out of the home because she thinks I do not follow rules and respect her. She says *she* wants to emancipate me. Can she do that?**

Parents are legally required to financially support and care for their children at least until they turn age 18.<sup>viii</sup> This is true even if a child does not follow all of his or her parents' rules and even if the parents are frustrated with their child.<sup>ix</sup> A court will not allow a parent to emancipate their child just because they do not want to care for the child anymore. If the parent is unable to provide for or handle the child's behavior, the parent should ask for help from agencies or service providers in the community that may be able to help the family. These can include parenting groups, behavioral health counseling, and other services. The local child welfare agency can also help find services for the family. If the parent refuses to work with the child welfare agency and will not let the child come home, the minor may enter the child welfare system and then could be placed in the home of a relative, a foster care home, group home, or other living arrangement where their needs can be met. Because parents are responsible for the care of the child, they will be required to pay child support to the child welfare agency to cover the child's cost of care.

**III. Access to Housing and Benefits for Youth Who Live on their Own**

**I am under 18 and I want to get an apartment. Can I sign a lease as a minor?**

Generally speaking, minors cannot sign legally-binding contracts. Landlords can choose to enter into a lease with a minor, but they are not legally required to do so. For example, courts have said that it is acceptable for the housing authority to refuse to sign a lease with a minor.<sup>x</sup> Landlords may choose to not enter into a lease with a minor because they may not be able enforce the lease if the minor does not follow the terms, like paying rent.<sup>xi</sup> That means that if the minor breaks provisions in the lease or owes the landlord money, the landlord may not be able to get that money back. The most likely option for a minor looking for an apartment is through personal connections with a friend or family



member who is renting a room or an apartment. People who know and trust you may be more likely to rent to a minor even if technically they may not be able to enforce a lease that a minor signs.

### **What is Temporary Aid to Needy Families (TANF) and can I get this public benefit for myself if I am a minor and I am not emancipated by a court?**

TANF is cash assistance. Sometimes people refer to TANF as “welfare.” In certain situations a minor can receive TANF directly. If you are pregnant or parenting and meet income eligibility requirements, you may be eligible for TANF. Generally, a youth who is pregnant or has a child and is under age 18 must live with a parent, guardian, adult relative or in some adult-supervised setting, like a mother-baby program, to be eligible for TANF.<sup>xii</sup>

However, a youth may be exempt from this requirement if he or she meets any one of the following circumstances:<sup>xiii</sup>

- no parent, guardian, or relative is available or able to care for the youth because of a physical, emotional, mental, financial or other limitation;
- no parent, guardian, or relative is willing to let the youth live with them;
- The physical or emotional health or safety of the youth or her child would be in danger if they lived with the parent, guardian or relative or someone else living in the home;
- The minor parent’s parent, legal guardian or other adult relative has exhibited neglect of the minor parent or minor parent’s child;
- The minor parent’s child, including an unborn child, was conceived as a result of rape or incest committed by someone still residing in or visiting with other individuals residing in the residence;
- The minor parent and dependent child no longer reside in the home of the parent, legal guardian or other adult relative because of physical or sexual abuse or the threat of physical or sexual abuse to the minor parent, minor parent’s child or any other child in the household;
- The parent, legal guardian or other adult relative lives in another area of the state, in another state or out of the country, and the minor parent has not resided with the parent, legal guardian or other adult relative for 12 months or more and the minor parent is already enrolled in a vocational school, other educational program, job training, or substance abuse treatment program, or is employed; or
- The parent, legal guardian or other adult relative has spent the minor parent’s assistance in an improper manner.

### **How does a youth prove that they meet one of these exceptions?**

The regulations require that the exceptions be proved by “sources including health records, collateral contacts or worker observation.”<sup>xiv</sup> To show that you cannot live with your parent or guardian, you should ask someone who is familiar with your circumstances to help you get the documentation you need to submit to the welfare office. Examples include:

- Medical or treatment records showing harm or injury
- Protection from abuse order
- Letter or records from a social service provider, including a school guidance counselor or teacher

Make sure you keep a copy of whatever documentation you submit for your own records.

### **What do I have to show to prove that I am living apart from my parents and supporting myself?**

Examples of documents that may help show that you are living on your own and supporting yourself include:

- an agreement (formal or informal) that shows where you are living and that you are paying your way;
- a letter from a landlord or person you are renting a room or space from explaining that you are living there and that you pay for the room or space; and
- a letter from a social service provider who knows of your situation and can explain that you are living apart from your parents and supporting yourself.

### **Do I need to be emancipated by a court to get health care on my own without my parents or a guardian?**

While in general you must be 18 to consent to medical treatment, there are many types of treatment that you can consent to on your own even if you are under 18. These include:

- Screening and treatment for sexually transmitted diseases
- Screening and treatment for HIV
- Contraception (but not abortion)
- Drug and alcohol treatment
- Mental health treatment if you are age 14 and older

For these treatments you do not need the consent of your parents or a guardian to get treatment, nor do you need to be emancipated by a court order.

Also, if you are under age 18 and have been pregnant, you can consent to all of your own medical treatment without a parent or guardian. However, consent of a parent, guardian

or a judge (through a judicial bypass) is needed if you are a minor and are seeking an abortion. For more information about the reproductive rights of minors, including abortion, *see* <http://www.jlc.org/resources/fact-sheets/young-women%E2%80%99s-reproductive-rights-abortion-pennsylvania>.

#### **IV. Access to High School and College for Youth on their Own**

##### **How do I enroll in school if I am a homeless youth or I am not living with my parents?**

Youth are entitled to attend public school in Pennsylvania until they graduate or the year they turn age 21. A youth usually needs a parent or legal guardian to enroll in school, however youth who do not live with their parents or may otherwise qualify as homeless have special under a law called the McKinney-Vento Act. Under this law, “homeless youth” include youth who:

- have run away or been kicked out of their home
- do not have a regular place to stay at night
- live temporarily with a friend or relative because the family lost their home or cannot afford housing
- live in a shelter
- live in a hotel, motel, camp grounds or a place not usually used as a home<sup>xv</sup>

If a youth qualifies as “homeless”, the McKinney-Vento Act gives them two options for where he or she attends school:

1. If you are homeless, you can stay at the school you attended when you became homeless even if you do not live in that school district or zone anymore. You can get help with transportation to get to school; OR
2. You can also choose to enroll in the school that is in the district you are now living as a homeless youth. If this is your choice, you have a right to be enrolled in school immediately—the day you make the request—even if you do not have all the documents that are required for enrollment.

You can find more information about this process in Education Law Center’s publication [How to Enroll a Child Who is Homeless](http://www.elc-pa.org/resource/how-to-enroll-a-child-who-is-homeless), available at <http://www.elc-pa.org/resource/how-to-enroll-a-child-who-is-homeless>.

##### **I am living with someone other than my parents who does not have legal custody of me. How do I enroll in school?**

Youth who are living with someone other than his or her parents have the right to attend school in the district in which they live under certain conditions. Generally, the person who the youth is living with must submit a sworn statement to the school that they care for the child without compensation and that the youth is living with them for an extended period of time and not just so they can attend school.<sup>xvi</sup> These are often called “1302 cases,” referring to a section in the Pennsylvania School Code.<sup>xvii</sup> For more information on this type of school enrollment please reference Education Law Center’s publication [How to Enroll a Child Who is Homeless](http://www.elc-pa.org/resource/how-to-enroll-a-child-who-is-homeless), available at <http://www.elc-pa.org/resource/how-to-enroll-a-child-who-is-homeless>.

### **How can I enroll in school if I am under age 18 and am living on my own?**

If you are on your own and are not living in a stable place, you may fall under the definition of homeless under the McKinney-Vento Homeless Assistance Act and would be entitled to immediate enrollment at school and do not need the help of a parent.

If you are living on your own and are not homeless, but are:

- living apart from your parents; and
- supporting yourself

You can enroll in school on your own as an emancipated minor as defined by the School Code.<sup>xviii</sup> You will not need a judicial decree of emancipation to do this – the School Code’s emancipated minor status simply grants you the ability to enroll in school without your parents – it does not confer any other rights of a legal adult upon a minor. You will need to show that you are living away from your parents and that you support yourself. For more information on this process see Education Law Center’s [School Enrollment Guide for a Child Living with Someone other than Their Parent](http://www.elc-pa.org/resource/how-to-enroll-a-child-living-with-someone-other-than-their-parent/#sthash.q74v48uo.dpuf), available at at: <http://www.elc-pa.org/resource/how-to-enroll-a-child-living-with-someone-other-than-their-parent/#sthash.q74v48uo.dpuf> and [School Enrollment Guide for an Older Youth](http://www.elc-pa.org/resource/elc-school-enrollment-guide-for-older-youth/), available at <http://www.elc-pa.org/resource/elc-school-enrollment-guide-for-older-youth/>.

### **I am living on my own and am applying for financial aid for college and the FAFSA form cannot be processed unless I provide my parents’ financial information. What do I do?**

A federal law called the College Cost Reduction and Access Act expanded the definition of who qualifies as an “independent student.” These students do not have to provide any information about parental income on their FAFSA forms. As of July 1, 2009, an individual is considered independent for the purposes of the FAFSA if he or she meets any of the following criteria:

- he or she was a ward of the court or in foster care at age 13 or older (that includes a youth who was in foster care at age 13 and then was adopted as well as a youth who stayed in foster care until age 18 or 21).
- he or she has been identified as homeless or at risk of homelessness in the year of application by a homeless youth education liaison or a director of a shelter, or a financial aid administrator
- he or she is in a legal guardianship arrangement approved by the court
- he or she has a child for whom he or she is providing financial support<sup>xix</sup>

The law also allows more flexibility to financial aid administrators to determine whether an individual who does not meet the criteria provided in the law otherwise qualify as an “independent student.” Ask the financial aid administrator at the schools you are applying whether you may be considered an independent student or whether there is a special circumstance that applies that would allow you to be exempt from providing your parent’s financial information.<sup>xx</sup>

However, it is important to note that the criteria for who qualifies as an independent student is quite stringent and generally does not include youth who simply would prefer not to include their parents’ information or rely on their parents’ financial support. If you have specific questions about how this law applies to you, contact a financial aid advisor at your school.

## V. Other Resources on Emancipation in PA

- Chapter 4: Emancipation, in Family Law Manual, North Penn Legal Services, [http://palawhelp.org/documents/clusters/PA/467/English/4\\_Emanicipation.pdf](http://palawhelp.org/documents/clusters/PA/467/English/4_Emanicipation.pdf)
- Emancipation of Minors, Northwestern Legal Services, located at <http://www.palawhelp.org/PA/showdocument.cfm/County/%20/City/%20/demo/Mode/= %201/Language/1/State/PA/TextOnly/N/ZipCode/%20/LoggedIn/0/docty pe/dynamicdoc/ichannelprofileid/12080/idynamicdocid/1417/iorganizationid/2149/itopicID/1005/iProblemCodeID/1390099/iChannelID/183/isubtopicid/1/iproblemcodeid/1390099>
- Emancipation, Eric County Bar Association, located at <https://www.eriebar.com/emancipation>

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<sup>i</sup>A child may be found dependent by the court if they have “committed a specific act or acts of habitual disobedience” or is considered “ungovernable.” 42 Pa.C.S.A. 6302 (“dependent child”). In some cases, running away may be considered an act of disobedience and the court may find that the youth needs some type of supervision. When a child is found dependent, they may be committed to the care of the child welfare agency and placed. A placement could include kinship care, foster care, or group home care for example. If a child is placed, the child welfare agency must work with the child and the family to return the child home.

<sup>ii</sup> As the Pennsylvania Supreme Court has explained, the purpose of the law is to protect minors “ ‘against their own lack of discretion and against the snares of designing persons’ ... This ‘protective cloak’ is to safeguard the interests of the minor; it is not to be employed as a vehicle whereby the minor is enabled to

practice unconscionable business methods. It is a shield for defense, not a sword for offense.” *Pankas v. Bell*, 198 A.2d 312, 315 (Pa. 1964)

<sup>iii</sup> The court has said that “[e]mancipation is a question of fact to be determined by the circumstances presented in each case.” *Maurer v. Maurer*, 555 A.2d 1294, 1297-98 (Pa. Super. 1989), *allocatur denied*, 562 A.2d 320 (Pa. 1989).

<sup>iv</sup> *Nicholson v. Follweiler*, 735 A. 2d 1275, 1278 (Pa. Super. 1998).

<sup>v</sup> “[E]mancipation is not necessarily a permanent status and the mere fact that a child was once emancipated does not foreclose the divestiture of emancipation when circumstances change.” *Maurer*, 555 A.2d at 1299. See also *Berks County Children and Youth Services v. Rowan*, 631 A. 2d 615 (Pa. Super. 1993) (even if youth may have met the criteria for judicial emancipation when she was married and living with her husband, because she was still a minor and now in need of help from the child welfare agency to meet her basic needs she could not be considered emancipated).

<sup>vi</sup> The court has stated that “there are varying circumstances which we must consider in determining whether a child is emancipated. These include, but are not limited to, the child’s age, marital status, ability to support himself or herself, and [the] desire to live independently of his or her parents.” *Berks County Children and Youth Services v. Rowan*, 631 A. 2d 615, 619 ( Pa. Super. 1993).

<sup>vii</sup> “Marriage is not a conclusive factor in determining whether a child is emancipated, but is a factor to be considered under the totality of the circumstances.” *Marino by Marino v. Marino*, 601 A.2d 1240, 1247 (Pa. Super. 1992).

<sup>viii</sup> “[A] parent has a clear and stringent obligation to support a child aged eighteen or less.” *Sutliff v. Sutliff*, 489 A.2d 764, 776 (Pa. Super. 1985).

<sup>ix</sup> See e.g., *Trosky v. Mann*, 581 A. 2d 177 (Pa. Super.1990) (parent still required to pay cost of care to child welfare agency because parental obligation to support a minor child is not eliminated even if the child demonstrates destructive behavior and both parent and child desire to end relationship).

<sup>x</sup> *Rivera v. Reading Housing Authority*, 819 F. Supp. 1323, (E.D. Pa. 1993).

<sup>xi</sup> The court made this clear in *Rivera v. Reading Housing Authority*, 819 F. Supp. 1323, 1333 (E.D. Pa. 1993). In that case, the court found that it was acceptable for the housing authority to require a minor to have a judicial decree of emancipation to be eligible for public housing and to enter a lease with the housing authority because “a contract for housing entered into by a minor may not, in some circumstances, be enforceable.” *Id.* at 1333.

<sup>xii</sup> 55 Pa. Code 141.21(p).

<sup>xiii</sup> 55 Pa. Code 141.21 (q). If the child is an emancipated minor, the resident school district is the one in which the child is then living.

<sup>xiv</sup> 55 Pa. Code 141.21 (q).

<sup>xv</sup> 42 U.S.C.A. §11434 (a) (2).

<sup>xvi</sup> 22 Pa. Code 11.19 (nonresident child living with a district resident).

<sup>xvii</sup> 24 P. S. §13-1302(2).

<sup>xviii</sup> 22 Pa. Code 11.11(a)(1) (“For purposes of this section, an emancipated minor is a person under 21 years of age who has chosen to establish a domicile apart from the continued control and support of parents or guardians. A minor living with a spouse is deemed emancipated.”)

<sup>xix</sup> 20 U.S.C.A. 1087vv (d) (“Independent Student”). The following check list helps determine whether an individual meets the criteria to be considered independent.

<http://studentaid.ed.gov/students/attachments/sitesources/DependentorIndependent.pdf>

<sup>xx</sup> The following guidance is provided about “special circumstances:” “If you are considered a dependent student and have no contact with your parents and are unable to provide your parents data on the FAFSA, you may have a special circumstance. If you are completing *FAFSA on the Web*, answer the questions regarding special circumstances and the remaining student questions. Sign and submit the form for processing. If you are completing a paper application, complete as much of the form as you can, sign, and submit it for processing. Your application will be incomplete and no [family contribution] will be

calculated, however, the financial aid offices at the schools listed on your FAFSA will still receive your data. Contact those schools listed on your FAFSA for further assistance to complete your application. Note: Not living with your parents or the fact that your parents do not want to provide their information on your FAFSA, are not considered special circumstances. Examples of special circumstances are your parent or parents are incarcerated or you had to leave home because of an abusive situation.”  
[http://studentaid.ed.gov/students/publications/completing\\_fafsa/2011\\_2012/faq.html](http://studentaid.ed.gov/students/publications/completing_fafsa/2011_2012/faq.html)