

# ALBUQUERQUE DIVORCE LAWYER BLOG

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## Emancipation of Minors in New Mexico

Most teenagers want to be treated like adults long before they reach the legal age of majority, which in New Mexico is eighteen (18). However, in some circumstances, a minor may become emancipated before they turn eighteen (18), which means that in the eyes of the law the child is now an adult.

In New Mexico, minors can become emancipated once they reach the age of sixteen and meets one of the following criteria: 1) he or she has entered into a valid marriage; 2) he or she is on active duty in the armed forces; or 3) he or she has been declared emancipated by a court in accordance with the Emancipation of Minors Act ("EMA").

Generally, a person must be eighteen (18) years old before they can obtain a marriage license in New Mexico, although they can be sixteen (16) with parental consent or younger with an order from the Children's Court. Similarly, a person must be eighteen (18) to enlist in the military or may be seventeen (17) if they have parental consent.

The rules regarding emancipation by marriage or military service are fairly straight forward. However, the EMA is not as clear. Instead it requires that a minor seeking emancipation be willingly living separate and apart from his or her parents or guardian, that the child is managing his or her own financial affairs and that the Court finds that emancipation is in the child's best interest.

As is true with many issues in family law, what is in a child's best interest can vary depending on who you ask, although what really matters in the end is what the Court determines to be in the child's best interest. Given the Court's discretion to determine the best interest of the child in EMA cases, it is important for any person involved in an emancipation case to consult a family law attorney to help guide them through the complicated issue of emancipation under the statute.

### DISCLAIMER

Main Office:  
400 Gold Ave. SW  
Suite 500  
Albuquerque, NM 87102  
(505) 242-5958

<http://www.albuquerquedivorcelawyerblog.com/>