

EMANCIPATION OF A MINOR IN VIRGINIA
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Emancipation of a minor is a statutory process under Virginia Code Section 16.1-331 which is started by filing a petition in the Juvenile and Domestic Relations District Court. The court must make certain required findings before a minor can be emancipated before the age of eighteen.

1

Who Can File?

Any minor who has reached the age of sixteen or any parent or guardian of such a minor can file.

2

Where Do You File?

A petition is filed in the Juvenile and Domestic Relations District Court for the county or city in which either the minor or the parent or guardian resides.

3

What Happens?

After the petition is filed with the court, the court may order the department of social services or other agency to conduct an investigation into the allegations in the petition and to file a report of the investigation. The court may appoint counsel for the minor's parent or guardian in the proceeding. The court **MUST** appoint counsel for the minor to serve as guardian ad litem to represent the minor's interests. A hearing then will be conducted pursuant to notice to all parties. The judge must make certain specific findings before a minor can be emancipated before the age of eighteen.

4

What Findings Must The Court Make To Emancipate?

Before a court can enter an order emancipating a minor, it must be found that: (1) the minor entered into a valid marriage, whether or not that marriage has been terminated by

dissolution; or (2) the minor is on active duty in the armed forces of the United States of America; or (3) the minor willingly lives separate and apart from his parents or guardian, with the consent and acquiescence of the parents or guardian, and that the minor is or is capable of supporting himself and competently managing his own financial affairs.