

**Child and Family Services Policy Manual: Legal Procedures
Limited Emancipation**

Definition	Limited emancipation means a status conferred on a youth by a court in accordance with Mont. Code Ann. § 41-1-501 under which the youth is entitled to exercise some but not all of the rights and responsibilities of a person who is 18 years of age or older.
Circumstances Necessary for Limited Emancipation	<p>A youth age 16 or older, the youth's parents or the Department, may request an order of limited emancipation. Limited emancipation will be granted only if the court finds that:</p> <ul style="list-style-type: none">• limited emancipation is in the youth's best interests;• the youth desires limited emancipation;• there exists no public interest compelling denial of limited emancipation;• the youth has, or will reasonably obtain, money sufficient to pay for financial obligations incurred as a result of limited emancipation;• the youth, as shown by prior conduct and preparation, understands and may be expected to responsibly exercise those rights and responsibilities incurred as a result of limited emancipation;• the youth has graduated or will continue to diligently pursue graduation from high school, unless circumstances clearly compel deferral of education; and• if considered necessary by the court, the youth will undergo periodic counseling with an appropriate advisor.
Disposition	<p>A court order of limited emancipation must specifically set forth the rights and responsibilities that are being conferred upon a youth who is age 16 or older. These may include but are not limited to one or more of the following:</p> <ul style="list-style-type: none">• the right to live independently of in-house supervision;• the right to live in housing of the youth's choice;• the right to directly receive and expend money to which the youth is entitled and to conduct his or her own

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financial affairs;

- the right to enter into contractual agreements and incur debts;
- the right to obtain access to medical treatment and records upon the youth's own authorization; and
- the right to obtain a license to operate equipment or perform a service.

Reports to Court

An order of limited emancipation must include a provision requiring that the youth make periodic reports to the court upon terms prescribed by the court.

Limitations

The court upon its own motion, or on the motion of the county attorney or any parties to the dispositional hearing may modify or revoke the order of limited emancipation upon a showing that:

- the youth has committed a material violation of the law;
- the youth has violated a condition of the limited emancipation order;
- the best interests of the youth are no longer served by limited emancipation.

References

Mont. Code Ann. § 41-3-102
Mont. Code Ann. § 41-3-406
Mont. Code Ann. § 41-1-501