

The Emancipation of Minors Act

- A. The Emancipation of Minors Act New Mexico Statutes Annotated 1978; 32A-21-1.**
- B.
- C. 32A-21-1. Short title. (1995)**
- D. Sections 47 through 53 [32A-21-1 to 32A-21-7 NMSA 1978] of this act may be cited as the "Emancipation of Minors Act".
- E. History: Laws 1995, ch. 206, § 47.
- F.
- G. 32A-21-2. Legislative findings and purpose. (1995)**
- H. It is the purpose of the Emancipation of Minors Act [32A-21-1 to 32A-21-7 NMSA 1978] to provide a clear statement defining emancipation and its consequences and to permit an emancipated minor to obtain a court declaration of his status.
- I. History: Laws 1995, ch. 206, § 48.
- J.
- K. 32A-21-3. Emancipated minors; description. (1995)**
- L. An emancipated minor is any person sixteen years of age or older who:
- M. A. has entered into a valid marriage, whether or not the marriage was terminated by dissolution;
- N. B. is on active duty with any of the armed forces of the United States of America;
- or
- O. C. has received a declaration of emancipation pursuant to the Emancipation of Minors Act [32A-21-1 to 32A-21-7 NMSA 1978].
- Q. History: Laws 1995, ch. 206, § 49.
- R.
- S. 32A-21-4. Emancipation by declaration. (1995)**
- T. Any person sixteen years of age or older may be declared an emancipated minor for one or more of the purposes enumerated in the Emancipation of Minors Act [32A-21-1 to 32A-21-7 NMSA 1978] if he is willingly living separate and apart from his parents, guardian or custodian, is managing his own financial affairs and the court finds it in the minor's best interest.
- U. History: Laws 1995, ch. 206, § 50.
- V.
- W. 32A-21-5. Over the age of majority; purpose. (1995)**
- X. An emancipated minor shall be considered as being over the age of majority for one or more of the following purposes:
- Y. A. consenting to medical, dental or psychiatric care without parental consent, knowledge or liability;
- Z. B. his capacity to enter into a binding contract;
- AA. C. his capacity to sue and be sued in his own name;
- BB. D. his right to support by his parents;
- CC. E. the rights of his parents to his earnings and to control him;
- DD. F. establishing his own residence;
- EE. G. buying or selling real property;

- FF. H. ending all vicarious liability of the minor's parents, guardian or custodian for the minor's torts; provided that nothing in this section shall affect any liability of a parent, guardian, custodian, spouse or employer of a minor imposed by the Motor Vehicle Code [66-1-1 NMSA 1978] or any vicarious liability that arises from an agency relationship; or
- GG. I. enrolling in any school or college.
- HH. History: Laws 1995, ch. 206, § 51.
- II.
- JJ. 32A-21-6. Public entitlement of emancipated minors. (1995)**
- KK. A declared emancipated minor shall not be denied benefits from any public entitlement program to which he may have been entitled in his own right prior to the declaration of emancipation.
- LL. History: Laws 1995, ch. 206, § 52.
- MM.
- NN. 32A-21-7. Declaration of Emancipation; petition; contents; notice; mandate. (1995)**
- OO. A. A minor may petition the children's court of the district in which he resides for a declaration of emancipation as described in the Emancipation of Minors Act. The petition shall be verified and shall set forth with specificity the facts bringing the minor within the provisions of the Emancipation of Minors Act [32A-21-1 to 32A-21-7 NMSA 1978].
- PP. B. Before the petition is heard, notice shall be given to the minor's parents, guardian or custodian in accordance with the Rules of Civil Procedure for the District Courts.
- QQ. C. If the court finds that the minor is sixteen years of age or older and is a person described under Section 48 [32A-21-2 NMSA 1978] of this act, the court may grant the petition unless, after having considered all of the evidence introduced at the hearing, it finds that granting the petition would be contrary to the best interests of the minor.
- RR. D. If the petition is sustained, the court shall immediately issue a declaration of emancipation containing specific findings of fact and one or more purposes of the emancipation, which shall be filed by the county clerk.
- SS. E. If the petition is denied, the minor has a right to file a petition for a writ of mandamus.
- TT. F. If the petition is sustained, the parents, guardian or custodian of the minor has a right to file a petition for a writ of mandamus if he appeared in the proceeding and opposed the granting of the petition.
- UU. G. A declaration of emancipation granted in accordance with the Emancipation of Minors Act [32A-21-1 to 32A-21-7 NMSA 1978] shall be conclusive evidence that the minor is emancipated.
- VV. History: Laws 1995, ch. 206, § 53.