



CSSD Policy			
Subject:	Emancipation and Emancipated Minors	Number	2008-21
Approval Date:		Pages:	1 of 13
Approved By:	Benidia A. Rice, Director	Revision	FINAL

I. Emancipation and Emancipated Minors - 2008-21

A. EFFECTIVE DATE:

- B. **PURPOSE** To advise CSSD on the policy regarding emancipation and emancipated minors in child support cases.

C. REFERENCES:

D.C. Official Code § 46-101 (2005), Enumerated; D.C. Official Code § 16-916 (2005), Maintenance of spouse and minor children; maintenance of former spouse; maintenance of minor children; enforcement, (Note 31), Butler v. Butler, 496 A.2d 621, (D.C. 1985); Rittenhouse v. Rittenhouse, 461 A.2d 465; (D.C. 1983); D.C. Official Code § 16-2342 (2005), Who may bring a complaint; time; Black's Law Dictionary 521 and 522 (6th ed. 1991); Corpus Juris Secundum, Volume 67A, Parent and Child §§ 4-55.

D. POLICY STATEMENT:

The duty of a noncustodial parent ("NCP") to support a dependent child ("DP") originates at birth and continues until the DP emancipates. The statutory age of majority for child support in the District of Columbia is twenty-one years old. A NCP is obligated to provide support until the child emancipates. Proceedings to establish paternity and provide support for a DP may be instituted anytime until the child's twenty-first birthday.

The duty to support terminates when a DP emancipates from the care, custody, control and service of the parent's. Emancipation relinquishes parental control and confers on the child the right to his or her own earnings. Consequently, the parent's legal obligation to support the child is terminated.

Emancipation of a DP may be expressed or implied and has the legal effect of rendering the child free to act on his or her own responsibility

and in accordance with his or her own will or pleasure, with the same independence as though the child has attained majority.

Emancipation shall not operate to release a noncustodial parent from liabilities and legal obligations which the parent has expressly agreed to perform.

There is a presumption that a child attaining the age of majority is emancipated. A presumption does not arise if a child has not reached majority. The party seeking to show the emancipation of the minor child has the burden of proof. There must be clear and convincing evidence to support a claim.

What constitutes emancipation is a question of law, but whether emancipation has occurred in a particular case is a question of fact.