

Senate Engrossed

emancipated minors; orders; employment rights

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 144

SENATE BILL 1332

AN ACT

AMENDING SECTIONS 12-2451, 12-2453, 12-2454 AND 23-235, ARIZONA REVISED
STATUTES; RELATING TO EMANCIPATED MINORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-2451, Arizona Revised Statutes, is amended to
3 read:

4 12-2451. Petition for emancipation order; requirements;
5 notification; representation; waiver of filing
6 fees

7 A. A minor who wishes to be emancipated may file a petition for an
8 emancipation order with the clerk of the court in the county in which the
9 minor resides if all of the following apply:

10 1. The minor is at least sixteen years of age.

11 2. The minor is a resident of this state.

12 3. The minor is financially self-sufficient.

13 4. The minor acknowledges in writing that the minor has read and
14 understands information that is provided by the court and that explains
15 the rights and obligations of an emancipated minor and the potential risks
16 and consequences of emancipation.

17 ~~5. The minor is not a ward of the court and is not in the care,~~
18 ~~custody and control of a state agency.~~

19 B. A petition filed pursuant to this section must contain the
20 following:

21 1. The petitioner's name, mailing address, social security number
22 and date of birth.

23 2. The name and mailing address of the petitioner's parent or legal
24 guardian, if known.

25 3. Specific facts to support the petition, including:

26 (a) The minor's demonstrated ability to manage the minor's
27 financial affairs including proof of employment or other means of support.

28 (b) The minor's demonstrated ability to manage the minor's personal
29 and social affairs, including proof of housing.

30 (c) The minor's demonstrated ability to live wholly independent of
31 the minor's parent.

32 (d) The minor's demonstrated ability and commitment to obtain or
33 maintain education, vocational training or employment.

34 (e) How the minor will obtain or maintain health care.

35 (f) Any other information considered necessary to support the
36 petition.

37 (g) At least one of the following:

38 (i) Documentation that the minor has been living on the minor's own
39 for at least three consecutive months.

40 (ii) A statement explaining why the minor believes the home of the
41 minor's parent or legal guardian is not a healthy or safe environment.

42 (iii) A notarized statement that contains written consent to the
43 emancipation and an explanation by the minor's parent or legal guardian.

44 (h) WHETHER THE MINOR HAS OBTAINED AN OFFER OF EMPLOYMENT.

1 C. The court shall hold a hearing on the petition within ninety
2 days after the date of its filing and shall notify the petitioner and the
3 petitioner's parent or legal guardian of the date and place of the hearing
4 by certified mail at least sixty days before the hearing date. For good
5 cause shown, the court may continue the initial emancipation hearing.

6 D. The minor's parent or legal guardian may file a written response
7 objecting to the emancipation within thirty days ~~of~~ AFTER service of the
8 notice of the hearing.

9 E. The minor may participate in the court proceedings on the
10 minor's own behalf or be represented by an attorney chosen by the minor.
11 If the court determines it necessary, the court may appoint a guardian ad
12 litem for the petitioner.

13 F. The court may reduce or waive the fee prescribed in section
14 12-284 for filing a petition for emancipation of a minor for financial
15 hardship.

16 Sec. 2. Section 12-2453, Arizona Revised Statutes, is amended to
17 read:

18 12-2453. Factors; best interests of minor; burden of proof;
19 emancipation orders; filing requirements

20 A. The court shall determine emancipation based on the best
21 interests of the minor and shall consider all relevant factors, including:

22 1. The potential risks and consequences of emancipation and to what
23 degree the minor understands these risks and consequences.

24 2. The wishes of the minor.

25 3. The opinions and recommendations of the minor's parent or LEGAL
26 guardian.

27 4. The financial resources of the minor, including the minor's
28 employment history.

29 5. The minor's ability to be financially self-sufficient.

30 6. The minor's level of education and the minor's success in
31 school.

32 7. Whether the minor has a criminal record.

33 8. WHETHER THE MINOR HAS OBTAINED AN OFFER OF EMPLOYMENT.

34 B. The minor has the burden of proof by clear and convincing
35 evidence.

36 C. The court shall file an emancipation order with the clerk of the
37 court and issue a copy of the order to the minor and the department of
38 economic security or its agent, if the minor is a child in a title IV-D
39 case.

40 D. An emancipation order issued by a court pursuant to this
41 article:

42 1. Is conclusive evidence that the minor is emancipated.

43 2. Terminates a dependency action as to the minor by operation of
44 law.

1 Sec. 3. Section 12-2454, Arizona Revised Statutes, is amended to
2 read:

3 12-2454. Effect of emancipation

4 A. An emancipation order issued pursuant to this article recognizes
5 the minor as an adult for the following purposes:

6 1. The right to enter into a binding contract.

7 2. The ability to sue and be sued.

8 3. The right to buy and sell real property.

9 4. The right to establish a legal residence.

10 5. The obligation to pay child support.

11 6. The right to incur debts.

12 7. The right to access medical treatment and records.

13 8. The right to consent to medical, dental and psychiatric care
14 without parental consent, knowledge or liability.

15 9. The right to consent to medical, dental and psychiatric care for
16 the emancipated minor's child.

17 10. Eligibility for social services.

18 11. The right to obtain a license to operate equipment or perform a
19 service.

20 12. The right to apply for enrollment in any school or college.

21 13. The ability to apply for loans.

22 14. THE ABILITY TO PURSUE ANY OTHER OPPORTUNITY THAT IS PROVIDED BY
23 LAW TO A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE.

24 B. An emancipation order issued pursuant to this article terminates
25 a parent's or legal guardian's:

26 1. Right to the emancipated minor's income.

27 2. Future child support obligations relating to the emancipated
28 minor.

29 3. Tort liability for the emancipated minor's actions.

30 4. Obligation to financially support the emancipated minor after
31 the first day of the month following entry of this order.

32 5. Obligation to provide medical support for the emancipated minor.

33 Sec. 4. Section 23-235, Arizona Revised Statutes, is amended to
34 read:

35 23-235. Exemptions

36 A. ~~The provisions of~~ Sections 23-231, 23-232 and 23-233 ~~shall~~ **DO**
37 not apply to persons:

38 1. Employed by a grandparent, brother, sister, aunt, uncle, first
39 cousin, stepparent or parent, including a relative of the same degree
40 through marriage or adoption, or person in loco parentis in occupations in
41 which the grandparent, brother, sister, aunt, uncle, first cousin,
42 stepparent or parent or person in loco parentis owns at least ten ~~per cent~~
43 **PERCENT** of the employing organization and such owner is actively engaged
44 in the daily operation of the organization, if either:

1 (a) The person is under ~~the age of~~ eighteen years OF AGE and IS not
2 engaged in manufacturing or mining occupations.

3 (b) The person is between ~~the ages of~~ sixteen and eighteen years OF
4 AGE and is engaged in manufacturing or mining occupations.

5 2. Employed as stars or performers in motion picture, theatrical,
6 radio or television productions if before the beginning of production the
7 production company provides the department of labor of the industrial
8 commission with the name and address of the person, the length, location
9 and hours of employment and any other information required by the
10 department.

11 3. Involved in career education programs.

12 4. Involved in vocational or technical training school programs
13 pursuant to title 15, chapter 7, article 5.

14 5. Employed as apprentices and registered by the bureau of
15 apprenticeship and training of the United States department of labor in
16 accordance with the standards established by that bureau or registered by
17 the apprenticeship council or employed under a written apprenticeship
18 agreement and conditions ~~which~~ THAT are found by the secretary of labor to
19 conform substantially with such federal or state standards.

20 6. Trained under either the 4-H federal extension service or the
21 United States office of education vocational agriculture training
22 programs, if employed outside school hours on the equipment for which they
23 have been trained.

24 7. Who have completed vocational or career education programs
25 approved by the department of education if the programs are directly
26 related to the prohibited occupation or employment or if working in the
27 prohibited occupation is part of the vocational or career education
28 program.

29 8. Who are married.

30 9. Who have a high school diploma or its equivalent.

31 10. WHO ARE MINORS AND WHO HAVE BEEN EMANCIPATED PURSUANT TO
32 TITLE 12, CHAPTER 15.

33 B. Sections 23-231 and 23-232 do not apply to:

34 1. The operation of power-driven equipment used in the care and
35 maintenance of lawns and shrubbery not connected to retail, food service
36 and gasoline service establishments.

37 2. Clerical employment in an office in which duties are performed
38 without exposure to the hazards described or defined in this article.

APPROVED BY THE GOVERNOR MARCH 26, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 26, 2021.