

## Emancipation Checklist: Satisfying the Burden of Proof in Colorado

The burden of proof is what you need to show so the judge knows that you are sufficiently independent from your parents or guardians in order to declare you emancipated. This can happen in a couple of ways:

### **Step 1: Are you between the ages of 15 and 18?**

- If yes:** Continue to Step 2
  - Please note that courts are *very slow*, and it could take a judge months to decide your case. If you are close to 18, it may be best to wait and make a plan for when you are legally an adult.
- If under 15:** You are not able to be emancipated in Colorado yet. If you are in an unsafe living environment, please check out these [resources](#). You can also begin collecting the information below so that you can begin the emancipation process once you reach 15 years old.
- If you are over 18:** Congrats, you are legally an adult and do not need to file for emancipation.
  - Please see the [child support emancipation checklist](#) if you are looking to emancipate yourself to stop child support payments, which typically continue until a child reaches **19** in Colorado (with some exceptions).
  - Please see the [college tuition emancipation document](#) if you are looking to emancipate yourself for determination of college financial aid.

### **Step 2: Do you meet any of the requirements for emancipation?**

- Are you legally married?
  - If yes, you are able to be emancipated without further evidence, upon proof of marriage.
  - Obtain your marriage certificate from your local County's Records Department
  - [Filing for underage marriage at 16 or 17](#)
- Are you in active duty military service?
  - If yes, you are able to be emancipated without further evidence, upon proof of active duty military status.
  - You must be [at least 17](#) to enlist in any branch of the active military.
- Are you able to fully support yourself?
  - This is the most challenging test to meet and requires the judge to look at factors such as your financial independence and living situation.
  - Go to **Step 3** for a list of relevant documentation that will be helpful in proving that you're able to support yourself

### Step 3: How can you prove you are able to fully support yourself?

This is difficult and depends on your individual situation. Deciding whether you can support yourself fully is up to the judge on your case, so there is no specified number of factors you have to meet. The more checkboxes you can check, the more likely a judge will determine you can support yourself fully.

- Ability to pay all financial obligations, with no help from a parent or relative through gifts, loans, trusts, etc. Documentation:
  - Proof of employment: W2 Form, I9 Form, etc. (ask your employer for these forms if you don't already have them)
  - Bank Statements/Credit Card Bills
- Do you live on your own, not with a parent or family member? Documentation:
  - Leasing Agreement
  - Other ways to prove you provide for your own housing include mortgage paperwork, school housing paperwork, letter from a landlord, etc.
- Are you able to cover personal expenses such as food, transportation, and medical expenses?
  - Banks statements
  - Valid license (if old enough)
  - Title to vehicle, vehicle leasing agreement, or other method of transportation if not old enough to drive
  - Proof of insurance:
    - If you are on a parent's insurance, the judge could still consider you financially independent enough depending on your situation.
    - Here is information on accessing [Health First Colorado services](#) if you are not on an insurance plan.
- Are your parents or guardians not able or not providing adequate support?
  - Separate residence of a parent is not enough to indicate they do not support you but is helpful evidence. Collect anything to the court that can show your parents/guardians were not providing most of your support. For example, tracking what expenses you've paid versus what they've paid could be helpful
  - If your parent/guardian doesn't object to your emancipation, the court is more likely to agree
- Evidence of mature decision-making: the judge wants to make sure emancipation is in your best interest and that you will be able to make your own decisions safely and legally.
  - Examples of decision-making include creating a budget, creating a plan for schooling/employment, no previous record or tickets, etc.
- Try to collect your important identifying documents (like your social security card, birth certificate, license) if you do not already have possession of them.
- Others can testify on your behalf, such as other family members, teachers, guidance counselors, etc. Consider asking someone close to you if they would be willing to talk about your independence.

#### **Step 4: How do you bring your documentation to court?**

There is no emancipation statute in Colorado, meaning you cannot independently petition (ask) the court for emancipation. Please note that this is a grey area of the law, so it is not a guarantee that this will be sufficient for the court. It is a good start towards asserting your independence and will make the court aware you would like to be emancipated.

- **If you are involved in an ongoing court proceeding:** During an ongoing family court proceeding, you can raise the issue of emancipation in the following ways:
  - If you have a law guardian appointed, they could assist you. Or, you could ask your parent/guardian to raise the issue, if it is safe for you to ask.
  - File a Declaration of Emancipation: Fill out this [affidavit](#), and file in-person at [your local family courthouse](#) where the case is ongoing
    - *Note: You will need the case number.*
    - *Note: You do not need to have your parent/guardian fill out the affidavit unless they are willing to do so. You may fill out the first page by yourself.*
  - If you are concerned about retaliation from your parent/guardian, use this [worksheet](#) to keep track of any negative actions taken by them in response to you filing for emancipation. You can later use this in court to prove that you are not in a supportive living situation.
- **If you are not involved in an ongoing court proceeding:** It is more difficult to assert your rights. This is a gap in Colorado law that needs to be addressed. Consider creating a [safety plan](#), so that you can leave your situation once you reach the age of 18. You can still complete the affidavit, and have it notarized, so that you have documentation that you would like to be emancipated in the event that a court proceeding is started by your parent/guardian. Keep this affidavit in a safe place!

#### **Step 5: What are your rights as an emancipated minor in Colorado?**

- Enter into legally binding contracts (like a rental agreement)
- Enroll in school
- Make healthcare decisions without parent/guardian permission
- Have separate bank accounts without a parent/guardian co-signer
- You still **cannot**: drink alcohol under 21, vote until you are 18, or get a driver's license until you are 16.