

FAMILY LAW

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EXPERT GUIDE 2023

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TEENAGE PARENT VISITATION AND SELF EMANCIPATION IN THE UNITED STATES

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After divorce or separation, parents with children have custody orders directing the custody and parenting time of their children for each parent. Often these orders are written before the children's teenage years and before the children have lives of their own including social lives, school obligations, jobs, outside activities and/or sports. There can also be changes in the parent-child relationship that warrants a change in the parenting time schedule. Below, we discuss the various considerations when parents can't agree or there is a problem with the parent/child relationship.

At what age can a child refuse to visit with a parent or self-emancipate?

Refusal to visit a parent

At age 18, as a legal adult, throughout the United States, a child can decide not to visit

the other parent without consequence to themselves or the favoured parent. Technically, any child who is not yet a legal adult isn't allowed to [refuse visitation](#). In practice, however, the situation is a bit murkier than that. Prior to age 18, the age varies regarding when a court will consider the [child's preference](#) as to one parent over another. Some courts allow teenagers – ages 14 to 17 – to determine their custody with "their feet".

What is self-emancipation of a minor?

Prior to age 18, a child can "[self-emancipate](#)" from both parent's control. To pursue emancipation through a court decree, the child can [file for a declaration of emancipation](#) without their parent's permission in some states.

Each state has different regulations applicable to the process, and typically, there's a minimum

age requirement. In [California](#), emancipation petitions can be filed at the age of 14, and in [Mississippi](#), there's no minimum age requirements. Not all states allow a court to grant [emancipation to a minor](#). [New York](#) does not allow the minor to petition for emancipation but can do so in conjunction with another legal action such as custody or child support. The court considers the "best interest" of the child with application of the following criteria:

- Ability to prove you are financially self-supporting;
- Living apart from your parents or have made other living arrangements;
- Able to make decisions for yourself;
- Attending school or have received a diploma or GED; and,
- Mature enough to function as an adult.

If the child can't provide their own financial support and must rely on their parents, a court can determine that [emancipation](#) is not in the minor's best interests.

Famous people who self-emancipated

Macaulay Culkin, Drew Barrymore, Courtney Love, Alicia Silverstone, Jena Malone, Michelle Williams, Ariel Winter, Corey Feldman, Laura Dern, and Jaime Pressly all self-emancipated as reported by the stars themselves in memoirs, interviews, and court documents. Alicia Silverstone, Laura Dern and Michelle Williams did so to [avoid child labour laws](#) thereby increasing the hours they could work on set.

At what age does the court consider the child's wishes re visitation?

Below are a [few select state's law's](#) age for considering a [child's preference regarding visitation](#) and the age at which a child can petition to self-emancipate:

- In [Florida](#): The age a child can choose a parent to live with will depend on the child's overall maturity. There is no particular age when courts must consider a child's preference. To [self-emancipate](#), minors must be at least 16 years of age and submit a statement of character, habits, education, income, and mental capacity for business. They must also explain how they will meet their own needs of food, shelter, clothing, medical care, and other necessities.
- In [Connecticut](#): There's no fixed age at which a court must consider a child's wishes regarding custody. Courts will generally consider the opinion of children aged 13 or older and disregard the opinions of children who are five or younger. To [self-emancipate](#), a child must be at least 16 years of age.
- In [Texas](#): By statute, if a parent or an attorney appointed by the court to specifically represent the children's interest requests that the judge interview a child 12 or older, the judge *must* do so. For a child under the age of 12, the statute leaves it up to the judge to decide whether to speak with the child.

- In [New York](#): A child's preference to live with one parent may be taken into consideration, depending on the age of the child. The closer the child is to 18 years old, the more weight the court will give to the child's wishes.
- In [California](#)— Although children may be entitled to have their wishes heard in custody disputes, judges aren't required to follow those preferences. As a practical matter, the older children are, the more weight judges are likely to give to their opinion about which parent they want to stay with most of the time, and how much time they want to spend with the other parent. To [self-emancipate](#), the minor must be no younger than 14 years old, live apart from their parents, show the ability to care for themselves financially, and not receive any income from illegal or criminal activity. If the minor's situation changes, the court can end the emancipation and tell the minor's parents that they are again [responsible for the child](#).

Must a parent enforce a visitation order?

The custodial parent is the parent who is the protector of the non-custodial parent's parenting time. It is their responsibility to be sure the child attends every visit. If they cannot get the child to visit the other parent, they must do everything in their power to get the child to cooperate with the order. It is generally

understood that getting teenage children to do anything is a parenting challenge but not an excuse.

What are the consequences for failure to produce the child for a visit?

If the child is not produced for [visitation](#), it can lead to a variety of consequences, such as:

- being found in [contempt of court](#), which could result in fines or even jail time, or
- depending on the state and the circumstances, potentially losing primary custody of the child.

What should a parent do?

Communicate with the other parent about modifying the agreement – possibly seeing a mediator to assist. Speak with your child to encourage them to visit.

What if there is abuse?

If the child has been abused by the other parent, you may need to seek an order of protection on behalf of the child.

The rights of parents

The right of a parent to have parenting time with their children has been a right codified in our laws of child custody. It is the parent's right to have meaningful time with their child. It is presumed that time with both parents is in the child's best interest.

A comparison of refusing to visit a parent and self-emancipation from both parents

To refuse visitation, the child must be of suitable age and maturity for a court to consider the child's wishes regarding visitation. To self-emancipate, the child must be living on their own and must be self-

supporting. A minor child cannot pick and choose between parents but can divorce themselves from both parents if they can afford to do so. Both actions, refusing visitation and self-emancipation require a court to determine that it is in the child's best interests. In most states, the child is deemed emancipated by law upon their 18th birthday.



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Throughout her 29 year career in Matrimonial and Family law, she has successfully completed thousands of cases involving families caught in the turmoil of family law conflicts. Ms. Fersch is known for handling high-conflict divorce and custody matters, and frequently represents clients in complicated cases in the Family and Supreme Courts. Ms. Fersch also handled a number of international and high-profile divorce and family court matters.



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