

## **EMANCIPATION UPON MARRIAGE**

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These statutes indicate that a minor over the age of 16 who is legally married is considered to be emancipated from their parent/guardian and therefore able to make their own decisions regarding their health. They would be able to seek shelter services without the permission of a parent/guardian.

Wis. Stat. § [54.46\(6\)](#): “Emancipation of married minors.” Except for a minor found to be incompetent, upon marriage, a minor is no longer a proper subject for guardianship of the person and a guardianship of the person is revoked by the marriage of a minor ward. Upon application, the court may release in whole or in part the income and assets of a minor ward to the ward upon the ward's marriage.

Wis. Stat. § [48.375\(2\)\(e\)](#): “Emancipated minor” means a minor who is or has been married; a minor who has previously given birth; or a minor who has been freed from the care, custody and control of her parents, with little likelihood of returning to the care, custody and control prior to marriage or prior to reaching the age of majority.

Wis. Stat. § [765.02\(2\)](#): If a person is between the age of 16 and 18 years, a marriage license may be issued with the written consent of the person's parents, guardian, custodian under §§ [767.225 \(1\)](#) or [767.41](#), or parent having the actual care, custody and control of the person. The written consent must be given before the county clerk under oath, or certified in writing and verified by affidavit or affirmation before a notary public or other official authorized to take affidavits. The written consent shall be filed with the county clerk at the time of application for a marriage license. If there is no guardian, parent or custodian or if the custodian is an agency or department, the written consent may be given, after notice to any agency or department appointed as custodian and hearing proper cause shown, by the court having probate jurisdiction.