

EMANCIPATION AND YOUR CHILD



***Wayne County Prosecutor's
Office***

Child Support Division

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How long do I have to pay child support in Indiana?

In the state of Indiana, child support orders last until a child turns 19 unless you get a court order of emancipation for the child before he or she turns 19.

What are the reasons that a court can emancipate a child before the age of 19?

A court can emancipate a child if he or she is married or has joined the military. A court also can emancipate a child if he or she is not under care or control of either parent or a guardian, or is at least 18, has not attended school for the past 4 months, and is capable of supporting himself or herself through employment.

How do I file for emancipation of my child?

You must fill out a petition for emancipation form in the Wayne County Clerk's Office. You also will have to fill out a summons form to give notice to the child's other parent, which includes the parent's current address. You have to give proper legal notice to the other parent in order to have your child emancipated.

Do I have to go to court to emancipate my child?

No, unless you want to emancipate your child before the age of 19. If you choose to file a petition for emancipation with the court, you will need to make sure that the court schedules a hearing date. The court cannot hold a hearing unless the other parent of your child appears or is legally served or given notice of your emancipation petition.

My child is emancipated. Do I still have to pay back support?

The court should make decisions about any back support that you owe at the time of your emancipation hearing. You typically do have to continue making payments toward any back support that you still owe at the time your child is emancipated.

Is my child emancipated if he or she is convicted of a crime and goes to prison?

You must file a petition for emancipation with the court, who will then decide whether your child is emancipated.

Is my child emancipated if he or she is placed by a court in a treatment facility?

You must file a petition for emancipation with the court, who will then decide whether your child is emancipated

Do I have to still pay child support if my child isn't living with his or her other parent?

You usually still have to pay child support as long as you have an order to do so. If your child does not qualify for emancipation, however, and he or she is living with another relative or person other than a parent, you can file a petition with the court to change the payee for your support payments.

I pay child support for two children with my ex-wife. One child is not 19. Will the amount of my child support order go down?

It is possible that your child support order will decrease if the court finds that one child is emancipated. You will need to file a petition to modify support order in order to try and lower your child support in this situation.

If my child is already 19, do I have to emancipate my child to stop child support?

No. Your child support obligation automatically stops when your child turns 19. If child support payments are still being garnished from your paycheck after your child turns 19, the payments will go to any back support that you still owe.