



## The Rights of Teen Parents

### **If I have a baby as a teen, am I automatically “emancipated” from my parents?**

No, having a baby does not emancipate you. Emancipation means that you become responsible for yourself in certain situations and your parents give up control and custody. It does not mean you have all the rights of an adult. The rules about emancipation are confusing. If you live in Minnesota and want more information about it, call the Youth Law Project at Mid-Minnesota Legal Aid at (877) 696-6529 or email them at [youthlawproject@mylegalaid.org](mailto:youthlawproject@mylegalaid.org).

See our fact sheet [Emancipation](#).

### **Does having a baby mean that I can move out of my parents’ house?**

No! You can only move out if you have your parents’ or legal custodian’s permission, are 18, married, in the armed forces, or have a court order.

If you are **under 18** years old and move out, you may not be able to get MFIP, but there are exceptions. See our fact sheet, [MFIP for Parents Under 18](#). Also, talk to your financial worker.

You have the right to be free from abuse. If you or your baby are being abused or hurt, you have special rights. Talk to a lawyer.

### **If I live at home, does my mom “own” my baby?**

Even if you are under 18 and live at home, your mother does not “own” your baby. You have the right to make the decisions about your child’s life. You have legal and physical custody of your baby. You are responsible for caring for the baby. This can only change if a court gives custody to someone else.

But your mother *does* have rights over you. Your mother can make certain decisions about your life that could affect your baby.



### **Who decides my baby’s last name?**

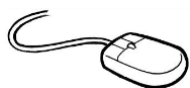
If the parents are not married when the baby is born, the mother gets to decide the name on the birth certificate.

## What if someone hurts me or the baby?

- You can call the police and charge that person with assault.
- You can get an Order for Protection (OFP) telling the abuser to stay away from you and your baby. You don't need a lawyer to get an OFP. Go to your county courthouse or a family violence office for help. Or you can call 2-1-1 statewide to find an office near you. An OFP can also set custody and visitation.

See our fact sheet [Orders for Protection and Harassment Orders](#).

Find [information and links](#) to forms online at [www.lawhelpmn.org/forms](http://www.lawhelpmn.org/forms).



- Find "Abuse and Harassment"
- Click on "Order for Protection Against Domestic Violence"

File electronically or take the completed forms to the courthouse to file.

- Getting legal advice can help. If you are a minor living in Minnesota, call the Youth Law Project at Mid-Minnesota Legal at (877) 696-6529 or email them at [youthlawproject@mylegalaid.org](mailto:youthlawproject@mylegalaid.org).

## Can I get Medical Assistance (MA)?

Most women with a low income can get MA during pregnancy. If you are on MFIP, you get MA automatically. MA pays for all doctor visits, emergency care, medicine, and delivery costs. If you can't get MA, ask about other programs like Children's Health Plan and Minnesota Care.



If you are under 18, living at home, and your parents' income is over a certain amount, you may not be able to get MA. If your parents have medical insurance, check to see if you or your baby are covered under their policy. Talking to your parents medical insurer is the only way to find out if you or your baby are covered by their plan.

If you are not a US citizen, you need to get more specific legal advice. If you are under age 25, call the Youth Law Project at (877) 696-6529 or email them at [youthlawproject@mylegalaid.org](mailto:youthlawproject@mylegalaid.org). Also, see our fact sheet [Health Care for Noncitizens](#).

## Can I finish high school if I have a baby?

Yes! Most schools have programs for young parents. Some have day care centers. Call your school district to see what programs can help you. The school cannot discriminate against you because you are pregnant or have a child. If you want to be in regular classes, they must let you.

If your school does not have day care, you can get a day care provider in your community. You can also apply for subsidized day care.

## **What does it mean to establish “paternity”?**

It is a legal process that decides who is the father of your baby. It is done in 2 ways:

- Both parents can sign a statement called a Recognition of Parentage (ROP). If the mother and the father agree that he is the father of the child, a ROP is the easiest and fastest way to establish paternity. Or,
- If the parents of the baby don’t sign the form, the mother or father can bring a “paternity action” in court. This is a court process used to determine the father of the minor child. Your county’s “IV-D unit” (child support unit) will file a paternity action in court if paternity is not established. This process may require a DNA test from the father and the baby. See our fact sheet [Paternity and Child Custody](#).

## **Why is paternity important?**

Once paternity is set, the child has the right to child support payments. When the father dies, the child can inherit from him. If the father dies or is disabled, the child may be able to collect Social Security benefits. Paternity is also important for the father. Without it, he has no right to visit or ask for custody of the child. If a paternity action is filed, talk to a lawyer.



## **If the parents aren’t married, who has custody?**

Custody means control over the child. “Sole custody” means that one parent has control. “Joint custody” means that the two parents share control. If the parents aren’t married at the time the baby is born, then the mother automatically has custody of the child unless a court decides something different. If the issue of custody goes to court, the court will decide physical custody (where the child lives) and legal custody (who makes decisions for the child). For example, a court may order that the baby live with the mother, but that the parents share the right to make decisions. A court can decide custody in a divorce, a paternity case, an order for protection (OFP) case, or in a separate case.

## **What is parenting time (visitation)?**

If one parent has custody, parenting time means the other parent’s right to spend time with the child. The courts now call visitation, “parenting time.” Once paternity is set, the father can ask the court to set parenting time. A court can deny visits, or place conditions on either parent. It depends on what is best for the child. If one parent has parenting time rights, the other parent must let them see the child, unless there is danger to the child. Either parent can go to court to change parenting time. See our fact sheet, [Parenting Time \(Visitation\) and Parenting Plans](#).

## Who has to pay child support?

Child support is paid by the parent who does not have custody of the child. It is paid to the parent who does have custody. It can be paid by either parent. Support is based on the ability of the parent to pay and the needs of the child. If the parent is too young, in school, or has no income, the court does not order child support payments. But the court can still order a parent to look for a job, get training or take other steps to help pay support in the future.

## Help and Information

If you are a teen parent or will be a teen parent, and want more information about your rights, contact:

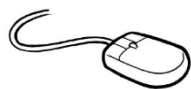
### Youth Law Project

Mid-Minnesota Legal Aid  
111 North 5<sup>th</sup> Street, Suite 100  
Minneapolis, MN 55403

Call: (877) 696-6529 or email [youthlawproject@mylegalaid.org](mailto:youthlawproject@mylegalaid.org)



See our booklet, "[Rights and Responsibilities of Unmarried Parents](#)." You can find it online at [www.LawHelpMN.org](http://www.LawHelpMN.org)



- Type "Unmarried Parents" into the search bar
- Click on the title "Right and Responsibilities of Unmarried Parents"

You can also get a printed copy from your local legal aid office.

**Fact Sheets are legal information NOT legal advice. See a lawyer for advice.**

*Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.*

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