

1973 WL 26750 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 23, 1973

\*1 Mr. John A. Walter  
Egli, Walter, Reilly & Wolfson  
Lawyers Building  
44 North Eighth Street  
Lebanon, Pennsylvania 17042

Dear Sir:

Your letter of May 14, 1973, addressed to the Secretary of State's Office concerning emancipation of a minor for support purposes, has been referred to this office. There is, however, no specific law in South Carolina covering your stated questions.

A person who is divorced or separated and is contributing monetary aid to a minor child pursuant to a support agreement is, of course, bound by the terms of that agreement. Changes in circumstances that lead the father to believe the child is emancipated and therefore deserving of less or no support, should be referred to the court as should any other reason for requesting an alteration in the support agreement.

South Carolina evidently accepts the general law on what constitutes emancipation. See [Parker v. Parker](#), 230 S.C. 28, 94 S.E.2d 12 (1956). Emancipation is a question that must be settled case by case. What would emancipate a child in one situation would perhaps not in another, dependent upon the circumstances of that individual case. Of course, it is generally held that a minor child is emancipated by marriage and by attaining the age of majority, which is twenty-one (21) in South Carolina. (However, there is a possibility that the age of majority will be lowered in South Carolina to eighteen (18) in the foreseeable future.) There is also no specific provisions relating to emancipation of a child by becoming a full time college student.

In these, as in all situations a separated or divorced father should petition the court and attempt to show the child is emancipated. And depending again on the circumstances, the fact of emancipation may or may not serve as a reason for severance or alteration of support payments. Enclosed is a copy of South Carolina Code of Laws, 1962, as amended, Section 15-1095.24 which may indirectly answer some of your questions.

I hope this information is helpful and if this office can be of any further help, please do not hesitate to contact us.

Sincerely,

Treva Ashworth  
Law Clerk

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