

Law Library Resource Center

Instructions: How to fill out the petition for emancipation of a minor

Use these instructions to fill out the Petition. Fill out the form completely in black ink.

- Fill in the information requested about yourself in the top, left corner. If you are represented by an attorney, write in your attorney's bar number and telephone
- Under "In the matter of," write in your name. Leave the Case Number blank. The Clerk of Superior Court will stamp in the case number when you file the documents with the Court.

Statements to the court under oath or affirmation

Read each of the listed statements. All of these statements must be true for the Court to order your emancipation. When you sign the final page of this document you are stating to the Court these statements and all of the information you have provided on this document are true and correct under penalty of law.

1. Information about me: Write in all the information requested.
2. Persons entitled to notice: Information about the parents and any current legal guardian(s). The Court requires notice of the hearing on your request for emancipation be given to any living parent whose parental rights have not been terminated by a court order as well as to any current legal guardian. Do not list a step-parent unless he or she has legally adopted you.

You must list both parents and any current legal guardian(s) even if you have no contact with them. If you do not have current contact information for any of these persons, be prepared to explain to the Court why you cannot provide this information.

If any parent or guardian listed is deceased or if a parent's rights have been terminated by Court Order, check the appropriate box under (or beside) that person's name. If any person listed is deceased, attach proof such as a death certificate or obituary notice.

3. If you have a legal guardian, why? Explain what happened to cause someone to request to be appointed as your guardian or what caused the State or the Court to appoint your guardian(s).

Facts supporting emancipation (Sections numbered 4-11)

4-7. Complete this section providing written answers in English. If the Court is not satisfied with your answers, your request for emancipation may be delayed or denied. Answer each question to the best of your ability. The Court may require more or different information or explanation on any topic.

8-11. Assets, Income and Expenses. Supply all information to the best of your ability.

9(g): Add 9(a) through 9(f) and enter the total in the right most column.

10(g): Add 10(a) through 10(h) and enter the total in the right most column.

11(h): Add 11(a) through 11(I) and enter the total in the right most column.

12. How will you pay for your health care expenses? Check the appropriate box to indicate you have medical insurance through your employer or AHCSS or check the box for “Other” and briefly explain.

13. In addition to any documentation required to support your “Facts Supporting Emancipation,” you must attach at least one of the three items listed below. You may choose to include more than one to further support your request – but you must include at least one.

a. Documentation (Proof) you have been living on your own for at least 3 consecutive months. Examples:

- Notarized statements from your landlord or other persons who can verify that you have been living apart from your parents (or guardians) for at least three months;
- Pay stubs spanning 3 months listing an address other than your parent(s) (or guardians’);
- Mail addressed to you listing an address other than your parents showing postmarks indicating you have received mail at this address for at least three months;
- Utility bills (home or cell phone, electricity) or subscriptions indicating you have received bills or magazines, etc. at this address for at least three months.

*The examples above are offered for your consideration only and are not necessarily a “correct” or complete response as far as providing documentation satisfactory to the court. The court may require more or different information.

b. A statement explaining why I believe the home of my parent(s) or legal guardian(s) is not a healthy or safe environment.

c. A notarized statement by my parent(s) or legal guardian(s) that contains written consent to the emancipation along with an explanation.”

14. **Objection to Mediation (optional).** If a parent or guardian objects to your request for emancipation, the Court may refer you and your parent(s) or guardian(s) to mediation. The Court may also refer the case for mediation if it feels mediation is appropriate. If you do not feel mediation is appropriate in your case, check the box to indicate your objection and explain why by checking the box to indicate if there has been family/domestic violence or threats, and/or providing brief written explanation.

When you have completed this form: Sign and date your petition in the presence of a Deputy Clerk of Superior Court or a Notary Public. You will need to show valid photo identification. Attach all supporting documents then follow the instructions and procedures listed in How to Request a Court Order for Emancipation of a Minor.