

EMANCIPATION

1

To Request a Court Order For Emancipation of a Minor

Part 1: Preparing the First Court Papers
(Forms and Instructions)

EMANCIPATION OF A MINOR

PART 1: Preparing the First Court Papers (Forms and Instructions)

This packet contains court forms and instructions to file the court papers to request a Court Order for the emancipation of a minor. The documents should appear in order as listed below. Please give extra consideration to those **items listed in bold** as you may need to complete and copy them before you submit them to the Court. The other items are information or instruction pages. Do not copy or file the instructions and other non-bold items.

Sequence	Title of Form	Topic
1	<i>Emancipation of a Minor Part 1: Preparing the First Court Papers (Forms and Instructions)</i>	This page
2	<i>Emancipation of a Minor Checklist</i>	Quick ways to see if you may or may not be able to use these forms
3	<i>How to Request a Court Order for Emancipation of a Minor</i>	Instructions outlining the steps needed to file the petition
4	Juvenile Emancipation Information Sheet	Provides some basic information about you, the petitioner
5	Motion to Seal Court Record for Reasons of Confidentiality	If you want to request that the Court order that the case information be kept confidential or private, this form must be completed and submitted with the petition.
6	Instructions: How to Fill Out the Petition for Emancipation of a Minor	Easy to follow instructions regarding the completion of the petition.
7	Petition for Emancipation of a Minor	The petition itself
8	Consent to Emancipation of a Minor	If your parent or guardian is in agreement with your emancipation, they must complete this form and it must be filed with the petition.
9	<i>Preparing for the Court Hearing for Emancipation of a Minor</i>	Some steps to take in your preparation for the hearing, including instructions on preparing a form of order which the Court may use at the hearing to be scheduled.
10	Order Re: Emancipation of a Minor	The form of order which the Court may use at the hearing to be scheduled.

These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

EMANCIPATION OF A MINOR CHECKLIST

YOU MAY USE THESE FORMS IF:

- ✓ You are at least 16 years old and less than 18. Note that this court process will generally take about 3 months, so if you are 17 and nine months or older, you may turn 18 and emancipate automatically before this process is completed.
- ✓ You are not legally married.
- ✓ You are a resident of Arizona and of the county where you are filing this request. AND
- ✓ You are financially self-sufficient, that is, you can prove you are able to support yourself and provide your own food, housing and medical care, etc., without parental assistance, and you want to be declared legally “an Adult”, responsible for your own support, AND
- ✓ You understand emancipation will release your parents from any further legal obligation to provide you with food, housing, medical care (or insurance), AND
- ✓ You have read and understand the “**Information on Emancipation in Arizona**” packet, AND
- ✓ You are prepared to give notice of this request to your parent(s) if their parental rights have not been terminated by Court Order and to any legal guardian(s).

YOU MAY NOT USE THESE FORMS IF:

- ✗ **YOU ARE A WARD OF THE COURT, that is**, you may not apply for emancipation if you are on probation or parole, or in the care or custody of CPS or other state agency if a “final” order of **Dependency** has been issued.
- ✗ **YOU ARE LEGALLY MARRIED** in which case you are *already* emancipated.

READ ME: Before filing documents with the Court, you may want to consult an attorney to help guard against undesired and unexpected consequences.

HOW TO REQUEST A COURT ORDER FOR EMANCIPATION OF A MINOR

Follow each step carefully. Each step contains forms, some of which may have extra instructions to help you.

FIRST STEPS:

- 1 **MAKE SURE YOU MEET THE QUALIFICATIONS.** See the Checklist at the beginning of the forms packet. Note that if you are older than 17 and 9 months, you may turn 18 and be emancipated automatically before this court process is completed.
- 2 **COMPLETE THE COURT FORMS IN THIS PACKET:** Fill out all the forms completely in **black ink**.
 - **JUVENILE EMANCIPATION INFORMATION SHEET.** Complete everything but the “Case Number”. The Clerk of the Court will stamp the Case Number when you file the papers. You will use this case number on all court papers you file with the Clerk in this case.
 - **MOTION TO SEAL COURT RECORD FOR REASONS OF CONFIDENTIALITY.** Complete this form if you wish to request that the Court order that case information be kept confidential and private. Once you have completed this form, submit it with the other forms you are filing with the Clerk’s Office.
 - **PETITION FOR EMANCIPATION OF A MINOR (and any appropriate attachments).** See the separate instructions for this form.
 - **“CONSENT TO EMANCIPATION OF A MINOR.** If any parent or guardian consents to your emancipation have that parent complete a **“Consent”** form and sign it in the presence of a Clerk of Court or Notary Public. Consent is NOT REQUIRED, but does support your request.

NOTICE OF HEARING. Once a hearing is scheduled, Court staff will provide notice of the date, time and location of the hearing by U.S. mail to you and other parties required to receive notice.

- 3 **MAKE COPIES AND SEPARATE YOUR PAPERS.**
Assemble your papers so that you have **2 packets: one set of originals** and **one set of copies**. The originals will be filed by the Clerk of Court and placed in the court file; the copies will be stamped by the Clerk and returned to you to keep for your records.

ORIGINALS should include

- One (1) **“Juvenile Emancipation Information Sheet”**;
- One (1) **“Petition for Emancipation of a Minor”**, and;
- IF any parent or guardian signed a **“Consent to Emancipation of a Minor”**, One (1) original signed, notarized “Consent” for each that agreed
- One (1) **“Motion to Close Court Record for Reasons of Confidentiality”** if applicable

Set 2 – Copies for your records should include:

- One (1) **COPY** of the **“Petition for Emancipation of a Minor”**, and;
- If any parent or guardian signed a **“Consent to Emancipation of a Minor”**, one (1) **COPY** of each “Consent” for each that agreed.
- One (1) **COPY** of the **“Motion to Close Court Record for Reasons of Confidentiality”** if applicable

FILE THE PAPERS AT THE CLERK OF THE COURT:

4 DETERMINE WHERE TO FILE THE COURT FORMS:

Your Clerk of the Court's Office information may be found in the government pages of the telephone directory. You may contact their office for appropriate filing locations and instructions.

5 TAKE THE *ORIGINALS AND COPIES* TO THE CLERK TO BE FILED.

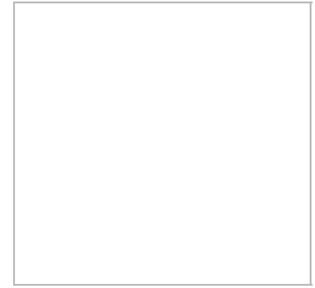
6 PAY YOUR FILING FEE OR REQUEST A DEFERRAL:

There will be a filing fee so you should contact the Clerk of the Court to determine the appropriate filing fee in your county. If you are unable to pay this fee at the time of filing, you may submit an application for a fee deferral. This will allow you to file the petition now, and pay later. Alternatively, you may request a complete WAIVER of fees to the Judge at your hearing.

7 Once the "*Petition for Emancipation of A Minor*" is filed, the Court will schedule a hearing to be held within 90 days. The Court will notify those required to receive notice of the hearing date and time. This would include your biological or adoptive parent(s), if living and their parental rights have not been terminated by Court Order, and any legal guardian(s). If you are unable to locate a parent or legal guardian, be prepared to explain to the Court at the hearing why you cannot locate that person and to prove to the Court you did everything you could to try to find the parent or legal guardian. Note that step-parents cannot give consent and need not be given notice (unless they legally adopted you).

8 **OTHER HELP:** Court personnel can answer certain limited questions about the procedures involved, but only an attorney can give you legal advice. You can find an attorney in the yellow pages of your telephone book (or online) under "attorneys". There may be Community Legal Services to provide free legal assistance for those with limited income.

Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Day/Evening Phone: _____ / _____
Person Filing is: SELF (No Attorney) OR Attorney
If Attorney, Bar No.: _____ Atty. Phone: _____



SUPERIOR COURT OF ARIZONA
IN _____ COUNTY JUVENILE COURT

In the matter of Emancipation of _____

Case Number: _____

**MOTION TO SEAL COURT RECORD
FOR REASONS OF CONFIDENTIALITY**

A Minor

Petitioner moves the Court to seal the record in the above matter. The Petition for Emancipation contains information of the following nature, which may contain or infer matters of confidentiality or privacy, pursuant to Rule 123, Rules of the Supreme Court and Rule 19(A)(2), Rules of Procedure for the Juvenile Court.

- Address information involving petitioner, petitioner's parents, or petitioner's guardians.
- Financial information to include the amount and potential source of such earnings.
- Potential allegations of abuse or neglect against petitioner's parents or guardians.
- Medical expense information of the petitioner, from which the public may ascertain or infer petitioner's current medical health.
- Social history information of the petitioner regarding how petitioner came to be in the custody of the guardian.

Public disclosure of any of the above items serves neither the best interest of the petitioner nor public access to judicial records.

Signature of Minor

Date

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, unless your contact information is “protected” by Court Order or you have the permission of the Court to leave out your address and phone number.
- Under “In the matter of”, write in your name. Leave the Case Number blank. The Clerk of the 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 unless it’s “protected” as described above. If this information is protected by court order or you have permission from the court to omit your address and phone information – write “protected” in this space.
- 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 to 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. This means the Court must provide notice to either your biological or adoptive parents. Do not list a step-parent unless he or she has legally adopted you or is a legal guardian.

You must list both parents and any current legal guardian(s) even if you have had 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 – 10: **FACTS TO SUPPORT MY REQUEST FOR EMANCIPATION:** Complete these sections providing detailed 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.

Financial, Personal and Social Affairs, Housing and Medical Care (required).

In your responses to these items, you will show the Court how you will manage to live wholly independent of your parents or legal guardian. You will list those individuals with which you are living or plan on living when emancipated. You will answer questions about your current level of education as well as your plans for future education. Your place(s) of employment must be listed as well as any public assistance which you receive or plan on applying for. You will then list your average monthly earnings (from all sources) and your assets (things that you own that are of value). You must then list your expenses (including housing, food, clothing, utilities, medical care, transportation costs) you expect to have when emancipated. **If the information you have**

provided when answering these questions does not fully explain how you will provide for your own food, housing, medical care or other anticipated costs, you will need to attach a paper containing the full explanation.

Additional Facts. (optional) List or describe, on an attached paper, any additional facts or explain any situation not previously covered that supports your request for emancipation.

11. **REQUIRED ATTACHMENTS.** In addition to any documentation required to support your “Facts supporting Emancipation”, you **MUST** attach **AT LEAST ONE** of the three items listed. 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 guardian(s);
- 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.

(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.”

12. **COURT ORDER OF PROTECTION** – if there is an existing Order of Protection, you will need to note this here.

13. **REQUESTS TO THE COURT** – You are not required to “do” anything for this section; this is standard language used by the Court.

WHEN YOU HAVE COMPLETED THIS FORM: Sign and date your petition in the presence of a Clerk of Court or Notary Public. Attach all required documents and any other supporting documents, then follow the instructions and procedures listed in “***How to Request a Court Order for Emancipation of a Minor***”.

2. PERSON(S) ENTITLED TO NOTICE of this matter under Arizona law, A.R.S. 12-2451:
If applicable, check the box for "Parental Rights Terminated by Court Order" or "Deceased" and attach proof (e.g. copy of order terminating parental rights, copy of death certificate or obituary notice).

MOTHER Name: _____
 Deceased Parental Rights Terminated by Court Order
Mailing Address: _____
City, State, Zip Code: _____
Daytime/Evening Telephone: () _____

FATHER Name: _____
 Deceased Parental Rights Terminated by Court Order
Mailing Address: _____
City, State, Zip Code: _____
Daytime/Evening Telephone () _____ | / () _____

LEGAL GUARDIAN Name: _____ Deceased
Mailing Address: _____
City, State, Zip Code: _____
Daytime/Evening Telephone () _____ | / () _____

LEGAL GUARDIAN Name: _____ Deceased
Mailing Address: _____
City, State, Zip Code: _____
Daytime/Evening Telephone () _____ | / () _____

EXPLAIN IN THE SPACE PROVIDED WHY YOU HAVE A GUARDIAN:

FACTS TO SUPPORT MY REQUEST FOR EMANCIPATION: The following answers and statements explain how I will handle my financial, personal and social affairs; provide for my own food, housing and medical care; and maintain my educational or vocational training and my employment situation.

3. MY STREET ADDRESS: _____
City, State, Zip code _____
I have been living there since: (month / date / year) _____

4. **I LIVE THERE WITH** (name and relationship of all persons, including children):

5. **EDUCATION:**

a. I am attending (name of school) _____ school and I am in the _____ grade.

b. I am NOT attending school. The highest grade I have completed is _____ grade.

c. My plans concerning education or job training as follows: _____

6. **EMPLOYMENT:**

a. I am employed and my occupation is: _____ .

I am employed by: (List name, address, and contact phone number for all employers)

Employer # 1: _____ Employer # 2: _____

I started work for Employer #1 (month / year):

I started work for Employer #2 (month / year):

b. I am NOT currently employed.

I last worked from (month / year) _____ to (month / year) _____ .

My gross monthly earnings (before taxes or other deductions) were: \$ _____

7. **PUBLIC ASSISTANCE:**

a. I am not receiving welfare or TANF and I do not intend to apply for welfare or TANF.

b. I am receiving welfare or TANF. Monthly amount received is: \$ _____

c. I have applied for or intend to apply for welfare or TANF.

8. **AVERAGE MONTHLY INCOME (before taxes or other deductions)**

a. Salary and Wages, including bonuses and overtime: \$ _____

b. Money received from adults (name and relationship to adults):

Name, Relation _____ \$ _____

Name, Relation _____ \$ _____

c. Social Security benefits \$ _____

d. Other sources of income (specify source and amount) : \$ _____

TOTAL MONTHLY INCOME: \$ _____

9. I HAVE THE FOLLOWING ASSETS (things of value that I own):

- a. Cash \$ _____
 - b. Checking Account(s) (total, if more than one) \$ _____
 - c. Savings Account(s) (total, if more than one) \$ _____
 - d. Stocks, Bonds \$ _____
 - e. Vehicle (Year, Make, and Model) \$ _____
 - f. Other (specify) \$ _____
 - g. Other (specify) \$ _____
 - h. Trust Fund \$ _____
- TOTAL VALUE OF ASSETS: \$ _____**

10. I HAVE THE FOLLOWING EXPENSES:

- a. Rent \$ _____
 - b. Food (groceries plus dining out) \$ _____
 - c. Clothing \$ _____
 - d. Utilities (phone plus electric, gas, cellular, water and sewer) \$ _____
 - e. Medical
 - 1. insurance \$ _____
 - 2. doctor, dentist, hospital, urgent care \$ _____
 - 3. prescription medications \$ _____

Total Medical Expenses \$ _____
 - f. Transportation (public transit, bus and taxi) \$ _____
 - g. Vehicle
 - 1. monthly payments \$ _____
 - 2. insurance \$ _____
 - 3. fuel/gasoline \$ _____
 - 4. service, maintenance and repair \$ _____

Total Vehicle Expenses \$ _____
 - h. Child Support \$ _____
 - i. Other (specify) \$ _____
- TOTAL MONTHLY EXPENSES: \$ _____**

11. **AT LEAST ONE OF THE FOLLOWING IS INCLUDED WITH MY REQUEST** (*At least one box must be checked; you may check and attach more than one to support your request.*)

- Attached is documentation that I have been living on my own for at least three consecutive months.
- Attached is a statement explaining why I believe that the home of my parent(s) and/or legal guardian(s) is not a health and/or safe environment. If you are currently with a legal guardian, be sure to.
- Attached is a notarized statement by one (or more) of my parent(s) and/or legal guardian(s) that contains written consent to my emancipation along with an explanation.

12. Is there currently an "Order of Protection" between you and any parent or legal guardian?

Yes No

If an "Order of Protection" has been issued, provide the name of the Court which issued this order:

13. I REQUEST THAT THE COURT SCHEDULE A HEARING AND ENTER AN ORDER FOR MY EMANCIPATION.

OATH OR AFFIRMATION OF MINOR PETITIONING FOR EMANCIPATION

I swear or affirm that I have read this document and that the contents are true and correct to the best of my knowledge, information, and belief, under penalty of law.

Signature of Minor

Date

Subscribed and sworn to or affirmed before me this date: _____

Clerk of Superior Court

OR

Notary
My Commission Expires: _____

Deputy Clerk

Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Day/Evening Phone: _____ / _____
Person Filing is: SELF (No Attorney) OR Attorney
If Attorney, Bar No.: _____ Atty. Phone: _____

SUPERIOR COURT OF ARIZONA
IN _____ COUNTY JUVENILE COURT

In the Matter of the Emancipation of: _____

Case Number: _____

**CONSENT TO EMANCIPATION
OF A MINOR**

A Minor

REQUIRED INFORMATION FROM PARENT OR LEGAL GUARDIAN:

1. INFORMATION ABOUT ME:

Name: _____

Mailing Address: _____

City, State, Zip Code: _____

Daytime / Evening Telephone: () / () _____

I am the MOTHER or FATHER or LEGAL GUARDIAN of the minor child named above, who is requesting emancipation.

2. I have been notified that the minor child named above intends to file a *Petition for Emancipation* and I consent to the emancipation of the minor named above because: (Explanation REQUIRED).

**OATH OR AFFIRMATION OF PARENT OR GUARDIAN CONSENTING TO THE
EMANCIPATION OF A MINOR**

I have read, understood, and completed the above statements concerning the petition for the emancipation of the above named minor and I consent to his or her emancipation. All of the information I have provided in this document is true and correct to the best of my knowledge, information and belief.

Signature

Date

Subscribed and sworn to or affirmed before me this date: _____

Clerk of Superior Court

OR

Notary
My Commission Expires: _____

Deputy Clerk

PREPARING FOR THE COURT HEARING FOR EMANCIPATION OF A MINOR

STEP 1 Document to prepare before the Court Hearing:

ORDER FOR EMANCIPATION OF A MINOR:

- Write in the name of the Minor and the case number.
- The Judge or Commissioner will sign this Order after the hearing if he or she agrees that the emancipation should be granted.
- Make and bring 1 copy of the order to the hearing.

STEP 2 Other things to know for the Court Hearing:

- A.** If you need a court interpreter, you must contact the court at least 10 days prior to the hearing.
- B.** Be prepared to testify at the court hearing about why you think emancipation is needed. You may also bring witnesses to testify in support of your request.

C. IMPORTANT! AFTER the hearing:

1. **If Emancipation is granted, you will receive a signed court order.**
2. **Follow the instructions given by the Judge to ensure the Court Order is properly recorded with the Clerk's Office.**
3. The Clerk will issue final documents for you to take with you.

Court staff can answer certain limited questions about court procedures. If you still have questions or need legal advice, you will need to consult an attorney. You can find attorneys in the yellow pages or online telephone directory listings under "attorneys."

SUPERIOR COURT OF ARIZONA
IN _____ COUNTY JUVENILE COURT

In the Matter of the Emancipation of: _____

Case Number: _____

**ORDER RE: EMANCIPATION
OF A MINOR**

A.R.S. §12-2454

A Minor

The Court has considered the following factors:

1. The potential risks and consequences of emancipation and to what degree the minor understands these risks and consequences.
2. The wishes of the minor.
3. The opinions and recommendations of the Minor's parent or legal guardian.
4. The financial resources of the Minor including the Minor's employment history.
5. The Minor's ability to be financially self-sufficient.
6. The Minor's level of education and the Minor's success in school.
7. Whether the minor has a criminal record.
8. Whether child abuse or neglect has been present.

An emancipation order issued pursuant to Section 12-2454 recognizes the Minor as an adult for the following purposes:

1. The right to enter into a binding contract.
2. The ability to sue and be sued.
3. The right to buy and sell real property.
4. The right to establish a legal residence.
5. The obligation to pay child support.
6. The right to incur debts.
7. The right to access medical treatment and records.
8. The right to consent to medical, dental and psychiatric care without parental consent, knowledge or liability.
9. The right to consent to medical, dental and psychiatric care for the emancipated Minor's child.
10. Eligibility for social services.
11. The right to obtain a license to operate equipment or perform a service.
12. The right to apply for enrollment in any school or college.
13. The ability to apply for loans.

An emancipation order issued pursuant to Section 12-2454 terminates a parent's or legal guardian's:

1. Right to the emancipated Minor's income.
2. Future child support obligations relating to the emancipated Minor.
3. Tort liability for the emancipated Minor's actions.
4. Obligation to financially support the emancipated Minor after the first day of the month following entry of this order.
5. Obligation to provide medical support for the emancipated Minor.

In the Matter of Emancipation of

Case Number: _____

a Minor

Based on the matters presented to the Court, the Court finds by clear and convincing evidence that emancipation is in the best interest of the Minor named above and the Court **ORDERS GRANTING THE PETITION FOR EMANCIPATION** of the Minor named above. This Order:

1. Is conclusive evidence that the Minor is emancipated.
2. Terminates a dependency action as to the minor by operation of law.

Based on the matters presented to the Court, the Court finds that emancipation is **NOT** in the best interest of the Minor named above and the court **DENIES THE PETITION FOR EMANCIPATION** of the Minor named above.

THIS **ORDER OF EMANCIPATION** IS HEREBY ENTERED THIS _____

DAY OF _____, 20 _____

Judge / Commissioner