

Emancipation Packet

What is emancipation? Emancipation is a legal way for children to become adults before they're 18. A child's parents no longer have custody over someone who has been emancipated. If you are emancipated, you can do some things without your parent's permission, like:

- Get medical care;
- Apply for a work permit;
- Sign up for school or college;
- Live where you want to;
- Receive your own survivor or disability check; and
- Sign up for housing benefits.

If you are emancipated, you will give up the right to be supported by your parents. Even if you are emancipated **some things will not change:**

- You must still go to school;
- You cannot get married without your parent's permission;
- You will usually go to juvenile court if you break the law, but you could be tried as an adult.
- Child labor laws and work permit rules must be followed;
- You cannot drink alcohol until you are (21) twenty-one; and
- Statutory rape laws still apply.
- Note:** If you have a legal guardian, all of the information in the above section about "parents" also applies to your legal guardian.

How do I get emancipated? There are 3 ways to get emancipated:

1. **Get married.** You need permission from your parents and the court.
2. **Join the military.** You need permission from your parents, and the military must accept you.
3. **Go to court** and have the judge declare you emancipated by getting a declaration of emancipation from a judge. To get a declaration of emancipation, you have to prove **ALL** of these things:
 - ✓ You are at least 17 years old.
 - ✓ You don't want to live with your parents.
 - ✓ Your parents don't mind if you move out.
 - ✓ You can handle your own money.
 - ✓ You have a legal way to make money.
 - ✓ Emancipation would be in your best interest.

Do I need my parents' consent to get emancipated? Minors need parental consent and a judge's consent to get married. Likewise, a minor needs parental consent to join the military. To be emancipated by a judge, a minor must give his/her parents notice of the court hearing, and the parents may go to court to contest the emancipation.

Do I have other choices? Yes. If you don't want to live with your parents you can:

- Get counseling or mediation;
- Go to live with another adult (like an aunt, uncle, grandparent, or family friend);
- Get help from public or private agencies; or

Make an agreement with your parents to live somewhere else.

INSTRUCTIONS FOR EMANCIPATION FORMS

Look over the packet carefully there should be **7 sheets** including the overview and instructions. Each number corresponds to a line in the forms below.

I. Petition (Page 3)

1. The county where you live will be placed here;
2. Your legal name;
3. Your age; (you must be at least 17 years old)
4. This is the case number that will be assigned by the Circuit clerk's office;
5. Your legal name;
6. The county where you live;
7. Your parent's names go here; if your parents are still married and living together they will both have to sign a waiver and consent form; if either parent or both parents are out of the picture then your legal guardian will have to sign the consent; if joint legal custody is involved, then both parents will need to sign. If the Parent does not have custody or is deceased write "None".
8. Your signature and address;

II. Verification (Page 4)

9. County of the Notary Public signing this verification;
10. Your name here;
11. Sign your name here; notary public will fill out the remaining sheet;

III. Waiver and Consent to Petition (Page 5)

12. The County where you live will be placed here;
13. Your legal name;
14. Your age;
15. Your legal name;
16. Legal guardian's name and address;
17. County of the Notary Public signing this verification;
18. Your name here;
19. Parent's name and signature here; and notary will fill out the remaining sheet.
This will need to be done two times if both parents are your legal guardian.

IV. Order (Page 6)

20. County where you live;
21. Your legal name;
22. Your age; and
23. County where you live.

The Judge will fill in the rest of the Order.

When this is filed at the circuit clerk's office in the county where you live, you will need a money order for the amount of the court filing fee (currently \$140.00). When filing your petition ask the clerk to give you the phone number of the judge's case coordinator. The case coordinator can set a time for you to visit with the judge concerning your Petition.

If the judge will grant the Petition, she will sign and date the 4th sheet which is the Order. Once this is done take it back to the Circuit Clerk's office, file this and you will be emancipated. Ask the Circuit Clerk for a certified copy to keep with you at all times.

IN THE CIRCUIT COURT OF _____ COUNTY, ARKANSAS
(1)
CIVIL DIVISION

IN RE: THE REMOVAL OF DISABILITIES OF

(2) AGE _____
(3)

CASE NO. DR-20__-_____
(4)

PETITION FOR REMOVAL OF DISABILITIES

Comes now, _____,
(5) and for his/her Petition, states:

1. S/he is a resident of _____ County, Arkansas, living separate from her/his
(6) custodial parents.
2. S/he is supporting her/himself. S/he is a person of good judgment, and is capable of making contracts, living independently, and conducting his/her own business affairs. S/he is able to read and understand legal documents.
3. The person(s) having legal custody of the Petitioner are his/her mother, _____ and
(7) his/her father, _____, and his/her/their Consent to
(7)

Removal of Disabilities of a Minor is attached hereto.

WHEREFORE, the Petitioner prays this Court grant the relief requested above.

(8)
PRO SE

ADDRESS: _____

VERIFICATION

STATE OF ARKANSAS)
) SS
COUNTY OF _____)
 (9)

Comes now, _____, the Petitioner, being duly sworn, states that the
 (10)
following things, facts, and matters contained in the above and foregoing Petition for Removal of
Disabilities are true and correct as I verily believe.

Further, the affiant saith naught.

(11)
SIGN NAME HERE

Subscribe and sworn to before me, a notary public, this _____ day of _____, 20_____.

Notary Public

My Commission Expires: _____

IN THE CIRCUIT COURT OF _____ COUNTY, ARKANSAS
(12)
CIVIL DIVISION

IN RE: THE REMOVAL OF DISABILITIES OF

_____ AGE: _____
(13) (14)

WAIVER AND CONSENT TO PETITION FOR REMOVAL OF DISABILITIES

I, _____, am the custodial parent of the Petitioner. I have been provided a
(15)
copy of the Petition herein, and consent to its terms. I understand that this relieves me of
financial duties for my son/daughter's support and care, and that s/he is empowered to enter into
her/his own financial transactions and to obtain necessary medical care.

I consent to the Petition, and consent to the entry of a Decree as prayed, without notice of further
proceedings in this case.

(16)
PARENT'S SIGNATURE

ADDRESS: _____

VERIFICATION

STATE OF ARKANSAS)
) SS
COUNTY OF _____)
(17)

Comes now the undersigned, _____, being duly sworn, states that the
(18)
following things, facts, and matters contained in the above and foregoing Petition for Removal of
Disabilities are true and correct as I verily believe.
Further, the affiant saith naught.

(19)
PARENT NAME AND SIGNATURE

Subscribe and sworn to before me, a notary public, this _____ day of _____, 20____.

Notary Public

My Commission Expires: _____

IN THE CIRCUIT COURT OF _____ COUNTY, ARKANSAS
(20)
CIVIL DIVISION

IN RE: THE REMOVAL OF DISABILITIES OF

(21) AGE: _____
(22)

ORDER REMOVING DISABILITIES OF A MINOR

Now, the _____ day of _____, 20____, this cause came on for hearing before the Honorable Judge _____, Judge of the Circuit Court on the Petition of Removal of Disabilities of a Minor. The Court, being well-advised in the premises, FINDS, ORDERS, and DECREES, as follows:

1. The Petitioner is over 16 years of age, and is a resident of _____ County, Arkansas.
(23)
2. The Petitioner has shown facts sufficient to warrant her capacity to transact business in general and, in particular, to live independently, to make contracts for the purchase of goods and services, to sign consents for medical care, and in all respects, except for the purchase of alcohol or tobacco, or exercise the right to vote; to conduct her affairs in the same manner as an adult person, with the same effect as similar acts of an adult person.
3. The Court has heard testimony of the Petitioner, and finds him/her to be of sufficient judgment and maturity to conduct his/her affairs as set out herein.

IT IS SO ORDERED.

CIRCUIT JUDGE

DATE: _____

DISCLAIMER:

You should always talk to a lawyer concerning any legal issue if you can afford to do so.

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*This information is given to you as a guide to help you generally understand the way family law matters are handled. Local courts interpret things differently. The information and statements of law contained in this fact sheet are not intended to be used as legal advice. Before you take any action, talk to an attorney and follow his or her advice. **Always do what the court tells you to do.***

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