



CENTER FOR ARKANSAS
LEGAL SERVICES



LEGAL AID *of* ARKANSAS
Equal Access to Justice

Emancipation Packet

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Emancipation Fact Sheet

Introduction

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

- 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
- sign up for housing benefits

If you are emancipated, you will give up the right to be supported by your parents. If you have a legal guardian, all the information in the above section about "parents" also applies to your legal guardian.

Even if you are emancipated:

- 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
- statutory rape laws still apply

The Three Ways to Get Emancipated

- get married (you need permission from your parents and the court)
- join the military (you need permission from your parents, and the military must accept you)
- 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 must prove all of these:
 - you are at least 17 years old
 - you do not want to live with your parents
 - your parents do not 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

Removal of Disabilities

A removal of disabilities allows any person who has reached their 16th birthday to transact business as if they were someone who has reached 18 years of age. If you have your disabilities removed, you can do some things without your parent's permission:

- sign letters of testamentary, administration, or guardianship
- sell and convey real estate or pursue any interest that you might have in real estate
- enter rental agreements for housing purposes or contracts regarding business

A removal of disabilities is not the same as an emancipation. Specifically, it is much easier to get a removal of disabilities than to get an emancipation, in that you only have to prove that you are sixteen years of age.

To have your disabilities removed, you will need to petition the court for a removal of disabilities:

- give your parents notice of the filing of the petition and the time and place of the hearing at least 20 days before the hearing
- your parents do not have to consent to the removal of disabilities, but you can appear at the hearing to argue as to why you should not be able to contract or conduct business
- at the hearing, you will need to show that you are at least 16 years old and that you are able to conduct or contract business

Other Options

If you do not want to live with your parents, you can also:

- 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
- make an agreement with your parents to live elsewhere

This fact sheet is a collaboration of the Center for Arkansas Legal Services and Legal Aid of Arkansas, Inc. These nonprofit organizations provide free legal assistance to eligible Arkansans who meet income, asset, and other guidelines. Legal assistance may also include advice and counsel, brief services, or full representation depending on the situation. For more information about civil legal aid in Arkansas, please visit arlegalservices.org. For information specific to Legal Aid of Arkansas, Inc., visit arlegalaid.org. Apply for services online or by calling 1-800-9-LAW-AID (1-800-952-9243).

The information and statements of law in this fact sheet should not be considered legal advice. This fact sheet is provided as a broad guide to help you understand how certain legal matters are handled in general. Courts may interpret the law differently. Before you take action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.

**Content provided by:
Legal Aid of Arkansas, Inc.**

Updated March 2017



Emancipation Instructions

Filing in the Forms

PETITION FOR EMANCIPATION

1. the county where you live
2. your legal name
3. your age (you must be at least 16 years old)
4. 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 parents' names—if your parents are still married and living together they will both have to sign a waiver and consent form—if either parent is out of the picture, your legal guardian will have to sign the consent form—if joint legal custody is involved, both parents will need to sign—if the parent does not have custody or is deceased, write "None"
8. your signature

Address after signing your legal name.

VERIFICATION

9. the county of the notary public signing this verification
10. your legal name
11. your signature

The notary public will fill out the rest of the sheet.

WAIVER AND CONSENT TO PETITION FOR EMANCIPATION

This will need to be done two times if both parents are your legal guardians.

12. the county where you live
13. your legal name
14. your age
15. your legal name
16. legal guardian's name

Address using your legal guardians' address.

VERIFICATION

17. the county of the notary public signing this verification
18. your legal name
19. your parent's name and signature

The notary public will fill out the rest of the sheet.

SUMMONS

You will need two summons if your parents are living in different locations.

20. the county where you live
21. your legal name
22. your age
23. the case number assigned

24. your legal name
25. your address
26. your parents' names
27. your parents' address

ORDER EMANCIPATING MINOR

28. the county where you live
29. your legal name
30. your age
31. the county where you live

The judge will fill in the rest of the order.

The Process

Filing the Petition for Emancipation

When this is filed at the circuit clerk's office in the county where you live, you will need a money order for the court filing fee (currently \$165). 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.

Make sure to get three copies of the file-marked petition. You will need to file one with the clerk, keep one for your records, and serve one copy of the file marked petition to your parents if they will not consent to the emancipation.

If Your Parents Consent

Enclosed in this packet is a waiver of service and entry of appearance that should be completed by each of your parents if they consent to the emancipation. If they consent to the emancipation, file each waiver with the clerk where you filed the petition for emancipation.

Once that is filed, then you can request a hearing regarding the emancipation by contacting the judge's case coordinator. You will need to take a copy of the order enclosed in this packet with you to the hearing.

If Your Parents Do Not Consent

You can serve your parents with the Petition for Emancipation via certified mail, personal service, or warning order. If you serve your parents via certified mail, it will cost you approximately \$12 per address. You can get a certified mailing from your local post office. If you must serve your parents via personal service, it will cost you \$50 to have them served by the sheriff. You will take a copy of the petition for emancipation and a summons with a return of service to the sheriff's office with a \$50 money order. Once you are notified that the sheriff has served our parents, file the return of service with the clerk's office unless the sheriff has done so for you. If you do not know where your parents are



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located, you can serve them via Warning Order and Publication. Should this be the necessary step, you should contact your local newspaper to see how much it will cost to have your petition published in the local newspaper for a period of two weeks. You will need to see the Warning Order fact sheet on our website to understand how to proceed at that point.

After Serving Your Parents

Once your parents are served, they have 30 days to respond to your petition. If your parents do not file an Answer to the Petition, then you will be able to have your disabilities removed by default, meaning that your parents did not contest the removal.

If your parents do file an objection, then they will come to the hearing to inform the judge of why they will not consent to the emancipation. Be prepared to combat any reason that your parent might have that you should not have your disabilities removed.

Granting the Petition

If the judge will grant the petition, they 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 it, and you will have your emancipation. Ask the circuit clerk for a certified copy to keep with you always.

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***Content provided by:
Legal Aid of Arkansas, Inc.***

Updated March 2017

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

RE: THE EMANCIPATION OF _____, AGED _____
(2) (3)

CASE NO. DR-20-_____
(4)

PETITION FOR EMANCIPATION

Comes now, _____, and for their Petition states:
(5)

1. They are a resident of _____ County, Arkansas,
(6)
living separate from their custodial parents.
2. They are supporting themselves. They are a person of good judgment and capable of making contracts, living independently, and conducting their own business affairs.
They are able to read and understand legal documents.
3. The persons having legal custody of the petitioner are their mother,
_____, and their father, _____.
(7) (7)
Their consent to the Emancipation of a Minor is attached hereto.

WHEREFORE, there petitioner requests this court grant the relief requested above.

Pro Se: _____
(8)

Address: _____

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

RE: THE EMANCIPATION OF _____, AGED _____
(13) (14)

WAIVER AND CONSENT TO PETITION FOR EMANCIPATION

I, _____, am the custodial parent of the petitioner. I have
(15)
been provided a copy of the petition herein, and I consent to its terms. I understand that this
relieves me of any financial duties for my son's/daughter's support and care, and that they are
empowered to enter their own financial transactions or to obtain necessary medical care.

I consent to the petition, and the entry of a decree as requested, without notice of further
proceedings in this case.

Parent's Signature: _____
(16)

Address: _____

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

RE: THE EMANCIPATION OF _____, AGED _____
(21) (22)
CASE NO. DR-20-_____
(23)

SUMMONS

PLAINTIFF'S ATTORNEY: _____, PRO SE
(24)

ADDRESS: _____
(25)

THE STATE OF ARKANSAS TO THE DEFENDANT:

(26)
ADDRESS: _____
(27)

NOTICE

1. You are hereby notified that a lawsuit has been filed against you. The relief asked is stated in the attached complaint.
2. The attached complaint will be considered admitted by you, and a judgement, by default, may be entered against you for the relief asked in the complaint, unless you file a pleading, appear, and present your defense. Your pleading or answer must meet the following requirements:
 - a. It must be in writing and otherwise comply with the Arkansas Rules of Civil Procedure.
 - b. It must be filed in the court clerk's office within 30 days from this day, the day you were served with this summons.

3. If you desire to be represented by an attorney, you should immediately contact your attorney so that an answer can be filed for you within the time allowed.

WITNESS my hand and the seal of the court this _____ day of _____, 20_____.

_____, COUNTY CLERK

BY: _____
DEPUTY CLERK

IN THE CIRCUIT COURT OF _____ COUNTY, ARKANSAS
(28)
CIVIL DIVISION

RE: THE EMANCIPATION OF _____, AGED _____
(29) (30)

ORDER EMANCIPATING 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 Emancipation of a Minor. The court, being well-advised in the premises, FINDS, ORDERS, AND DECREES:

1. The petitioner is over 17 years of age and is a resident of _____ County, Arkansas.
(31)
2. The petitioner has shown fact sufficient to warrant their capacity to transact business, in general, and live independently, make contracts for the purchase of goods and services, sign consents for medical care, and, in all respects, except for the purchase of alcohol or tobacco or to exercise the right to vote, conduct their affairs in the same manner as an adult person and with the same effect as similar acts of an adult person.
3. The court has heard testimony of the petitioner and finds them to be of sufficient judgment and maturity to conduct their affairs as set out herein.

IT IS SO ORDERED.

CIRCUIT JUDGE

Date: _____



Removal of Disabilities Instructions

Filing in the Forms

PETITION FOR REMOVAL OF DISABILITIES

32. the county where you live
33. your legal name
34. your age (you must be at least 16 years old)
35. the case number that will be assigned by the circuit clerk's office
36. your legal name
37. the county where you live
38. your parent's names—if your parents are still married and living together they will both have to sign a waiver and consent form—if either parent is out of the picture, your legal guardian will have to sign the consent—if joint legal custody is involved, both parents will need to sign—if the parent does not have custody or is deceased, write "None"
39. your signature

Address after signing your legal name.

VERIFICATION

40. the county of the notary public signing this verification
41. your legal name
42. your signature

The notary public will fill out the rest of the sheet.

WAIVER AND CONSENT TO PETITION FOR REMOVAL OF DISABILITIES

This will need to be done two times if both parents are your legal guardian.

43. the county where you live
44. your legal name
45. your age
46. legal guardian's name
47. legal guardian's signature

Address using your legal guardians' address.

VERIFICATION

48. county of the notary public signing this verification
49. legal guardian's name
50. legal guardian's signature

The notary public will fill out the rest of the sheet.

SUMMONS

You will need two summons if your parents are living in different locations.

51. the county where you live
52. your legal name
53. your age
54. the case number assigned

55. your legal name
56. your address
57. your parents' names
58. your parents' address

ORDER EMANCIPATING MINOR

59. the county where you live
60. your legal name
61. your age
62. the county where you live

The judge will fill in the rest of the Order.

The Process

Filing the Removal of Disabilities

When this is filed at the circuit clerk's office in the county where you live, you will need a money order for the court filing fee (currently \$165). 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.

Make sure to get three copies of the file-marked Petition. You will need to file one with the clerk, keep one for your records, and serve one copy of the file marked petition to your parents if they will not consent to the removal.

If Your Parents Consent

Enclosed in this packet is a waiver of service and entry of appearance that should be completed by each of your parents if they consent to the removal. If they consent to the emancipation, file each waiver with the clerk where you filed the Petition for Removal of Disabilities.

Once that is filed, then you can request a hearing regarding the removal by contacting the judge's case coordinator. You will need to take a copy of the Order enclosed in this packet with you to the hearing.

If Your Parents Do Not Consent

You can serve your parents with the Petition for Removal of Disabilities via certified mail, personal service, or warning order. If you serve your parents via certified mail, it will cost you approximately \$12 per address. You can get a certified mailing from your local post office. If you must serve your parents via personal service, it will cost you \$50 to have them served by the sheriff. You will take a copy of the Petition for Removal of Disabilities and a summons with a return of service to the sheriff's office with a \$50 money order. Once you are notified that the sheriff has served our parents, file the Return of Service with the clerk' sheriff's office with a \$50 money order. Once you are notified that the sheriff has served our parents, file the



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Return of Service with the clerk's office unless the sheriff has done so for you. If you do not know where your parents are located, you can serve them via Warning Order and Publication. Should this be the necessary step, you should contact your local newspaper to see how much it will cost to have your Petition published in the local newspaper for a period of two weeks. You will need to see the Warning Order Fact Sheet on our website to understand how to proceed at that point.

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If your parents do file an objection, then they will come to the hearing to inform the judge of why they will not consent to the emancipation. Be prepared to combat any reason that your parent might have that you should not have your disabilities removed.

Granting the 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 have your emancipation. Ask the circuit clerk for a certified copy to keep with you always.

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Updated March 2017

IN THE CIRCUIT COURT OF _____ COUNTY, ARKANSAS
(32)
CIVIL DIVISION

RE: THE EMANCIPATION OF _____, AGED _____
(33) (34)
CASE NO. DR-20-_____
(35)

PETITION FOR REMOVAL OF DISABILITIES

Comes now, _____, and for their Petition states:
(36)

1. They are a resident of _____ County, Arkansas,
(37)
living separate from their custodial parents.
2. They are supporting themselves. They are a person of good judgment and capable of making contracts, living independently, and conducting their own business affairs.
They are able to read and understand legal documents.

3. The persons having legal custody of the petitioner are their mother,
_____, and their father, _____.
(38) (38)

Their consent to the Removal of Disabilities of a Minor is attached hereto.

WHEREFORE, there petitioner requests this court grant the relief requested above.

Pro Se: _____
(39)

Address: _____

IN THE CIRCUIT COURT OF _____ COUNTY, ARKANSAS
(43)
CIVIL DIVISION

RE: THE EMANCIPATION OF _____, AGED _____
(44) (45)

WAIVER AND CONSENT TO PETITION FOR REMOVAL OF DISABILITIES

I, _____, am the custodial parent of the petitioner. I have
(46)
been provided a copy of the petition herein, and I consent to its terms. I understand that this
relieves me of any financial duties for my son's/daughter's support and care, and that they are
empowered to enter their own financial transactions or to obtain necessary medical care.

I consent to the petition, and the entry of a decree as requested, without notice of further
proceedings in this case.

Parent's Signature: _____
(47)

Address: _____

IN THE CIRCUIT COURT OF _____ COUNTY, ARKANSAS
(51)
CIVIL DIVISION

RE: THE EMANCIPATION OF _____, AGED _____
(52) (53)
CASE NO. DR-20-_____
(54)

SUMMONS

PLAINTIFF'S ATTORNEY: _____, PRO SE
(55)

ADDRESS: _____
(56)

THE STATE OF ARKANSAS TO THE DEFENDANT:

(57)
ADDRESS: _____
(58)

NOTICE

1. You are hereby notified that a lawsuit has been filed against you. The relief asked is stated in the attached complaint.
2. The attached complaint will be considered admitted by you, and a judgement, by default, may be entered against you for the relief asked in the complaint, unless you file a pleading, appear, and present your defense. Your pleading or answer must meet the following requirements:
 - a. It must be in writing and otherwise comply with the Arkansas Rules of Civil Procedure.
 - b. It must be filed in the court clerk's office within 30 days from this day, the day you were served with this summons.

3. If you desire to be represented by an attorney, you should immediately contact your attorney so that an answer can be filed for you within the time allowed.

WITNESS my hand and the seal of the court this _____ day of _____, 20_____.

_____, COUNTY CLERK

BY: _____
DEPUTY CLERK

IN THE CIRCUIT COURT OF _____ COUNTY, ARKANSAS
(59)
CIVIL DIVISION

RE: THE REMOVAL OF DISABILITIES OF _____, AGED _____
(60) (61)

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:

1. The petitioner is over 16 years of age and is a resident of _____ County, Arkansas.
(62)
2. The petitioner has shown fact sufficient to warrant their capacity to transact business, in general, and live independently, make contracts for the purchase of goods and services, sign consents for medical care, and, in all respects, except for the purchase of alcohol or tobacco or to exercise the right to vote, conduct their affairs in the same manner as an adult person and with the same effect as similar acts of an adult person.
3. The court has heard testimony of the petitioner and finds them to be of sufficient judgment and maturity to conduct their affairs as set out herein.

IT IS SO ORDERED.

CIRCUIT JUDGE

Date: _____