

INSTRUCTIONS FOR FILING A PETITION FOR EMANCIPATION

1. A minor who petitions the court for emancipation must be able to prove that emancipation should be ordered.
2. The court shall issue an emancipation order if it determined that emancipation is the best interest of the minor and the minor proves all of the following (from MCL 722.4C – attached):
 - (a) That the minor’s parent or guardian does not object to the petition; or if a parent or guardian objects to the petition, that the objecting parent or guardian is not providing the minor with support.
 - (b) That the minor is at least 16 years of age.
 - (c) That the minor is a resident of the state.
 - (d) That the minor has demonstrated the ability to manage his or her financial affairs, including proof of employment or other means of support. “Other means of support” does not include general assistance or aid to families with dependant children administered under the social welfare act. Act No. 280 of the Public Acts of 1939, being sections 400.121 of the Michigan Compiled laws.
 - (e) That the minor has the ability to manage his or her personal and social affairs, including, but not limited to, proof of housing.
 - (f) That the minor understands his or her rights and responsibilities under this act as an emancipated minor.

PREPARING THE PETITION FOR EMANCIPATION

File No.: Leave blank; a number will be assigned after the petition is filed.

In the matter of: should be **your full name**, the same as appears on Item 1.

Item 1: Your full name and your Social Security number, if you have one. **Note:** a Social Security number is not required.

Item 2: The date, County and State of your birth. **Note:** You **must** have a **certified copy** (with raised seal) of your birth certificate. A hospital registration or certificate or a Department of Health Birth Registration Card are **not** acceptable. If your petition is accepted for filing, the birth certificate will be retained in our court file.

Item 3: List the names of your father and mother (as shown on your birth certificate), a guardian (appointed by a court), or custodian and their addresses.

Item 4: Your current address (at the time of filing) is required.

Item 5 and 6: You may include any information you feel is necessary to support these declarations.

Item 7: By signing the petition, you are declaring that you have read the law regarding Emancipation and that you understand your rights and responsibilities.

Item 8: List the name and location of any Michigan court with which you have had prior, but continuing involvement and the name of the case; e.g.:

Probate Court: Do you have a guardianship or estate? A juvenile matter?

District Court: Do you have a case pending or are you currently on probation?

Circuit Court: Do you have a case pending or are you on probation? Do your parents have divorce, paternity, or family support case that involves you?

Signature line: You should date and sign the petition; below your signature please add a phone number where you can be reached.

Attorney signature: You may wish to have an attorney sign the petition in the space provided below your signature. However, it is not necessary for you to have an attorney. Also, this Court **will not** appoint an attorney for you.

Affidavit: The affidavit on the back side of the petition must be completed by one of the following individuals who has personal knowledge of your circumstances and who believes emancipation is in your best interest:

- | | | |
|--------------------------|-----------------------------|--|
| (a) Physician | (e) Family therapist | (i) School administrator |
| (b) Nurse | (f) Certified social worker | (j) School counselor |
| (c) Member of the clergy | (g) Social worker | (k) Teacher |
| (d) Psychologist | (h) Social work technician | (l) Law enforcement officer |
| | | (m) Duly regulated child care provider |

If the box before Item 4 of the affidavit is checked, the affiant will **not** be sent any notice of the hearing.

The affiant's signature **must** be witnessed at the time of signing by a notary public.

FILING THE PETITION

1. When you are ready to file the petition, bring it to the Oakland County Clerk's Office, located on the ground floor of the courthouse. Our office hours are Monday – Friday, 8:30 a.m. – 4:30 p.m. A \$175.00 filing fee is required to file the petition.
2. If your parents are not objecting to your emancipation, please encourage them to accompany you when you file the petition so that service can be completed at that time.
3. If the petition is accepted, the Court will issue a Summons to your parents and a Notice of Hearing to the affiant (unless notice is waived by the affiant). We will try to serve the summons by certified/registered mail. This manner of service is considered complete when your parents acknowledge receipt of the mail and the postal receipt is returned to us (MCR 2.105(A)(2)).
4. MCR 5.102 gives **you** the responsibility of preparing and serving notice of hearing to interested parties. By policy of this Court, we will save you the time, expense, and confusion of this responsibility and perform the function for you, through service by mail. However:
 - (a) If the whereabouts of a parent is unknown, or if our efforts to obtain service by certified/registered mail are unsuccessful, you **must** be prepared to pay the cost of publication (advertising in the newspaper), which is an alternate form of service.
 - (b) In the event certified mail service is unsuccessful to your parent, even though their whereabouts is known, you may be required to obtain personal service on them.
5. A hearing will be scheduled before a juvenile court referee and you will receive notice of hearing date in the mail. The hearing will be scheduled 4 to 6 weeks from the date of filing.