

# Instructions for Filing a Petition for Emancipation

**PLEASE NOTE:** The Clerk's Office is currently not open for in person filings. The following procedure represents our current operations until further notice.

- A minor who petitions the court for emancipation must be able to prove that emancipation should be ordered.
- The court shall issue an emancipation order if it determine that emancipation is in the nest interest of the minor and the minor establishes all of the following per MCL 722.4C (attached):
  - That the minor's parents 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.
  - That the minor is at least 16 years of age.
  - That the minor is a resident of the state.
  - 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 dependent children administered under social welfare act, Act No. 280 of the Public Acts of 1939, being sections 400.1 to 400.121 of the Michigan Compiled Laws.
  - That the minor has the ability to manage his or her personal and social affairs, including, but not limited to, proof of housing.
  - That the minor understands his or her rights and responsibilities under this act as an emancipated minor.

## Preparing the Petition for Emancipation

Please complete the petition clearly and provide the requested information to ensure your documents will not be returned for any reason.

- Case No. and Judge:
  - Leave this section blank. A case number and Judge will be assigned once the petition is filed.
- In the matter of:
  - List your full name.
- Petitioner's name, address, and telephone number:
  - Provide current contact information.
- Petitioner's attorney, bar no, address, and telephone number:
  - If any attorney will be representing in this matter, list contact information here.
  - It is not necessary to have an attorney.
  - Please note that this court will NOT appoint an attorney for you.

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- Item 1:
  - List your full name.
  
- Item 2:
  - List the name and location of any Michigan court with which you have had prior, but continuing involvement and the name of the case.
    - 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 a divorce, paternity, or family support case that involves you?
  
- Item 3:
  - List the County and State of your birth.
  - You must provide a certified copy (with the seal) of your birth certificate with your petition. 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 4:
  - List the names of your father and mother as shown on your birth certificate, a guardian (appointed by the court), or custodian.
  
- Item 5:
  - List your current address and the date you began living at this address.
  
- Item 6 and 7:
  - Provide any information you feel is necessary to support these declarations.
  
- Item 8:
  - Sign and date the petition.
  - Attorney will sign and date in this section also if applicable.
  
- Affidavit:
  - This section 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:
    - Physician
    - Nurse
    - Member of the clergy
    - Psychologist
    - Family Therapist
    - Certified social worker
    - Social worker
    - Social worker technician
    - School administrator
    - School counselor
    - Teacher
    - Law enforcement officer
    - Duly regulated childcare worker

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- 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.

## Preparing the Addendum to Protected Personal Identifying Information – MC97a

This document must be completed and submitted with the Petition for Emancipation. Complete the form as follows:

- In the matter of:
  - List your full name.
- Name of form/document that this MC97a is being filed with:
  - Petition for Emancipation.
- Ref No. 10:
  - Provide name and DOB and the last 4 digits of your social security number.

## Filing the Petition/Addendum

Once you are ready to file your paperwork please proceed as listed below:

1. Mail all required forms and documentation to our office along with the required \$175.00 filing fee (made payable to Oakland County Clerk).  
**Mail to:** Oakland County Clerk's Office  
Attn: Emancipation  
1200 N Telegraph Rd  
Pontiac, MI 48341
2. Once 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))
  - a. If the whereabouts of a parent is unknown, or if 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.
3. A hearing will be scheduled before a juvenile court referee, and you will receive notice of the hearing date in the mail. The hearing date will be scheduled based on the referee's availability.

**STATUS OF MINORS AND CHILD SUPPORT (EXCERPT)**  
**Act 293 of 1968**

**722.4c Hearing; issuance of emancipation order; burden of proof; retaining copy of order; emancipation obtained by fraud voidable; appeal.**

Sec. 4c. (1) The hearing shall be before a judge or referee sitting without a jury. If the minor requests that the hearing be before a judge, the hearing shall be before a judge and not before a referee.

(2) The court shall issue an emancipation order if it determines that emancipation is in the best interest of the minor and the minor establishes all of the following:

(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 dependent children administered under the social welfare act, Act No. 280 of the Public Acts of 1939, being sections 400.1 to 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.

(3) A minor who petitions the court for emancipation shall have the burden of showing by a preponderance of evidence that emancipation should be ordered.

(4) If the court issues an emancipation order, the court shall retain a copy of the order until the emancipated minor becomes 25 years of age.

(5) An emancipation obtained by fraud is voidable. Voiding such an order does not affect an obligation, responsibility, right, or interest that arose during the period of time the order was in effect.

(6) The minor or a parent or guardian of the minor may file an appeal from the court's grant or denial of an emancipation petition. The appeal shall be filed in the court of appeals.

**History:** Add. 1988, Act 403, Eff. Mar. 30, 1989.

**Popular name:** Emancipation of Minors Act