

FAMILY LAW

- Emancipation of Minors

Emancipation of minors prior to age 18

EMANCIPATION OF MINORS

Emancipation is a legal procedure that frees children from the custody and control of their parents/guardians before they reach the age of 18. If you become emancipated, you will be able to do certain things without your parents' consent, such as:

- Sign a contract;
- Consent to medical treatment;
- Apply for a work permit;
- Enroll in school or college.

You also give up your right to be supported by your parents!

Even if you are emancipated:

- You must still attend school;
- You cannot get married without parental consent;
- You will probably remain under Juvenile Court jurisdiction, if you commit a crime.

There are 3 ways to become emancipated:

1. You can get married. (This requires parental consent and permission from the Court.)
2. You can join the armed forces. (This requires parental consent and acceptance by the service.)
3. You can obtain a declaration of emancipation from a judge.

If you wish to be declared emancipated by a judge, you must convince the judge that you meet **ALL of the following requirements**:

1. You are at least 14 years old;
2. You willingly want to live separate and apart from your parents with the consent or acquiescence of your parents. (Your parents do not object to you living apart from them.)
3. You can manage your own finances.
4. You have a source of income that does not come from any illegal activity.
5. Emancipation would not be contrary to your best interests; it is good for you.

TO GET EMANCIPATED

You will need to complete certain forms and file them with the Court. You can get blank forms from the Court Clerk's office or from the Judicial Council of California's website at www.courtinfo.ca.gov/forms. The forms you must fill out are:

Petition for Declaration of Emancipation of Minor, Order Prescribing Notice, Declaration of Emancipation, and Order Denying Petition (MC-300);

Emancipation of Minor-Income and Expense Declaration (MC-306);

Notice of Hearing (MC-305);

Declaration of Emancipation of Minor After Hearing (MC-310).

You must file a Petition for Emancipation of Minor form (MC-300) **in the county in which you live**. Only you may petition the Court for emancipation. You will be asked to provide a verifiable residence address. You must also complete and attach to the petition an Emancipation of Minor--Income and Expense Declaration (MC-306).

You will be required to pay a fee of \$320.00 to file your emancipation petition. If you cannot afford to pay the filing fee, you can file an application to have the fees waived, including an Application for Waiver of Court Fees and Costs form and an Order on Application of Court Fees and Costs form. Unless waived, you must pay the filing fee as specified.

For more information and instructions on filing and processing your request for emancipation, please consult with an attorney or refer to the "Emancipation Pamphlet" published by the Judicial Council of California, Form MC-301 (Jan. 1995). The Emancipation Pamphlet can be obtained online at www.courtinfo.ca.gov/forms.