

EMANCIPATION

What Is Emancipation?

Florida Statute—Chapter 743.015

Definition

The “removal of disability of nonage”. In other words, emancipation is the act by which a minor (youth) gains almost all of the rights and responsibilities of an adult.

Can I Seek Emancipation?

Minors who are at least 16 years of age are *eligible*. Minors under the age of 16 OR minors **not** able to provide sufficient evidence that they are able to support themselves are **not eligible**.

Important Facts

- A *Petition for Emancipation of a Minor* shall be filed in the county of the minor’s residency.
- In Florida, emancipation automatically occurs when a minor reaches 18 years of age or when he/she gets married, however a minor **cannot** get married without parental consent even if he/she has been emancipated
- An emancipated minor has the legal capacity to act as an adult, be in control of his/her affairs and free of the legal control and custody of his/her parents. Emancipated minors lose the benefits of their parents providing for them and the protection of Department of Children and Families.
- Emancipation does not change the effect of certain laws, i.e. drinking and voting ages.

USEFUL RESOURCES

Court Administration

205 North Dixie Highway
West Palm Beach, FL 33401
(561) 355-2431

Guardian Ad Litem

205 North Dixie Highway
Suite #5.1130
West Palm Beach, FL 33401
(561) 355-2773

Legal Aid Society

423 Fern Street
Suite #200
West Palm Beach, FL 33401
(561) 655-8944

Office of the Clerk & Comptroller

Main Courthouse location
205 North Dixie Highway
Room #3.2200
West Palm Beach, FL 33401
(561) 355-6227/355-6511

Palm Beach County Sheriff’s Office

Court Services Division
205 North Dixie Highway
Room #1.1200
West Palm Beach, FL 33401
(561) 355-2760

**This material is intended to provide general information regarding Emancipation - it is in no way final legal authority. It is best to consult with an attorney about your legal rights.*

The Process

- A petition must be filed by the minor's natural or legal guardian, or if there is none, by a guardian ad litem.
- Proceedings are handled in the **Family Court** division
- The following forms must be completed and submitted to the Clerk:
 1. **Civil Cover Sheet** (Family Law Form #12.928)**
 2. **Petition for Emancipation of a Minor*****
 3. **Notice of Permanent Mailing Address** (Family Law Form #12.915)**
 4. **Summons** *if necessary (Family Law Form #12.910(a)**
 5. **Motion for Default** *if necessary (Family Law Form #12.922(a)**

**Family Law Forms available online: www.flcourts.org/gen_public/family/forms_rules/index.shtml

***Sample Petition available online: www.15thcircuit.com

- Minor's natural/legal guardian or guardian ad litem must complete the *Petition for Emancipation of a Minor* and file it with the Clerk; cost is \$301.00.
- Petition must contain the following:
 1. Name, address, residence and date of birth of the minor.
 2. Name, address, and current location of each of the minor's parents, if known.
 3. Name, date of birth, custody, and location of any children born to the minor.
 4. A statement of the minor's character, habits, education, income, and mental capacity for business, and an explanation of how the needs of the minor with respect to food, shelter, clothing, medical care, and other necessities will be met.
 5. Whether the minor is a party to or subject of a pending judicial proceeding, or the subject of a judicial order issued in connection with such pending judicial proceeding.
 6. A statement of the reasons why the court should grant emancipation.
- If Petition is not signed by both parents, non-petitioning parent will need to be served through **Service of Process**. If the Petition is filed by a guardian ad litem, **Service of Process** must be done on both biological parents (for additional information about **Service of Process**, contact the Clerk and/or Sheriff's Office—Court Services Division).
- A *Motion for Hearing* must be filed with the Clerk and then a hearing will be scheduled. The following individuals must attend the hearing: Minor, Petitioner(s) and Attorney.
- If the **Court** believes that emancipation is in the minor's best interest, an Order will be entered, removing the disabilities of nonage and authorizing the minor to perform all acts that the minor could do if he/she was 18 years of age.

