

INSTRUCTIONS FOR FILING A PETITION FOR EMANCIPATION

- 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 is determined that emancipation is in the best interest of the minor and the minor establishes all of the following per MCL 722.4C (attached):
 - 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.
 - That the minor is at least 16 year of age.
 - That the minor is a resident of the state.
 - That the minor has demonstrated the ability to manage their 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 their personal and social affairs, including, but not limited to, proof of housing.
 - That the minor understands their rights and responsibilities under this act as an emancipated minor.

Preparing the Petition for Emancipation:

Complete the petition clearly and provide the requested information to ensure your documents will not be returned/rejected 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.
- **Item 1:** List your full name. Provide last 4 digits of social security number on form MC97a.
- **Item 2:** List any previous court actions of the family division of the circuit court involving the family or family members of the minor.
- **Item 3:** List the County and State of your birth.
 - You must provide a certified copy with court seal of your birth certificate with your petition. A hospital registration or certificate of a Department of Health Birth Registration Card is not acceptable.
 - The birth certificate will be retained in our court file and will be returned to you by mail at the end of the case.
- **Item 4:** List the name of your parent(s)/guardian/custodian and their addresses.
- **Item 5:** List your address where you reside and the date you began living at this address.
- **Item 6 & 7:** Provide any information you feel is necessary to support your declarations.
- **Item 8:** Sign and date the petition. If applicable, the attorney will also sign and date.

➤ **Affidavit:**

- **Items 1-3:** Completed by one of the following individuals who has personal knowledge of your circumstances and who believes emancipation is in your best interest:
 - Physician
 - Member of the clergy
 - Family Therapist
 - Social worker
 - School administrator
 - Teacher
 - Duly regulated child care worker
 - Nurse
 - Psychologist
 - Certified social worker
 - Social worker technician
 - School counselor
 - Law enforcement officer
- **Item 4:** If this box of the affidavit is checked, the affiant will NOT be notified of the notice of 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.

- **In the matter of:** List your full name.
- **Name of form/document that this MC 97a is being filed with:** Petition for Emancipation.
- **Ref No. 10:** Enter name, date of birth and the last 4 digits of your social security number.

Filing the Petition/Addendum:

You can file in person with the County Clerk's Office or mail in all required documentation with the \$175.00 filing fee.

- If filing in person, payment can be made by cash, check (no out of state checks), or credit card (no American Express).
- If filing by mail, payment must be made by check (no out of state checks) or money order made payable to: Oakland County Clerk.

Mail to: Oakland County Clerk's Office

Attn: Emancipation

1200 N. Telegraph Rd.

Pontiac, MI 48341

- Once case is started, petitioner will receive by mail, the summons and notice of hearing for service on the parent/guardian/custodian and affiant (unless waived).
- The hearing will be scheduled before a juvenile court referee.
- It is the responsibility of the petitioner to serve the parents/guardian/custodian.
 - If service of the summons and petition cannot be made under MCR 3.618(C)(1), because the whereabouts of an interested person could not be ascertained after diligent inquiry, the petitioner must file proof of the efforts made to locate the interested person in a statement verified under MCR 1.109(D)(3).
 - The petitioner may need to file for a motion and order for alternative service if service cannot be made.

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