



SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE
www.tulare.courts.ca.gov
559-737-5500

EMANCIPATION OF A MINOR

Forms included in this packet:		
To read	Instructions	This packet
	Emancipation Pamphlet	Judicial Council Form # EM-100-INFO
To complete and file	Petition for Declaration of Emancipation of a Minor	Judicial Council Form # EM-100
	Notice of Hearing – Emancipation of a Minor	Judicial Council Form # EM-109
	Emancipation of Minor Income and Expense Declaration	Judicial Council Form # EM-115
	Declaration of Emancipation of Minor After Hearing	Judicial Council Form # EM- 130
For server to complete after service and you to file	Proof of Personal Service	Judicial Council Form # FL-330
To file with DMV if Petition is Granted	Emancipated Minor’s Application to California Department of Motor Vehicles	Judicial Council Form #EM-140
SAMPLE FORMS		

SELF HELP RESOURCE CENTER

If you are filing for Emancipation and do not have an attorney representing you, free assistance is available. Please contact:

Superior Court of California, County of Tulare

SELF-HELP RESOURCE CENTER

(559) 737-5500

221 S. Mooney Blvd. (County Civic Center), Room 203, Visalia CA 93291

OR

300 E. Olive Ave. (South County Justice Center), Porterville, CA 93257

Email: tcscselfhelpinfo@tulare.courts.ca.gov

The Self-Help Resource Center (also known as the Family Law Facilitator's office) will provide instructions on how to complete and file all the necessary forms to complete the emancipation process. They can answer your procedural questions and explain the court process. The Resource Center cannot give you legal advice or tell you what to say to the judge, but staff can review your forms and tell you if they are complete and correct before you file. The Self-Help Resource Center **CANNOT** represent you in court.

This is an instructional guide to filing a **Petition for Declaration of Emancipation of a Minor**, designed to explain the process of filing your paperwork and going to court.

Fillable, printable pdf versions of the Judicial Council forms contained in this packet are available online at <https://www.courts.ca.gov/forms.htm>. You can print and handwrite forms, or type them online and print them out to file.

If you have further questions or concerns regarding your emancipation case, you may wish to consult with an attorney, use the assistance of a paralegal or typing service, or do self-research at the Tulare County Law Library (on the ground floor of the Visalia Courthouse, with Law Library computer terminals also available in the Self-Help Resource Center in the Porterville courthouse) or on the California Courts' Self-Help website at <https://www.courts.ca.gov/1044.htm>. Select the Spanish icon at the right of the webpage for information in Spanish.

INSTRUCTIONS AND GENERAL INFORMATION

What Is Emancipation?

Emancipation is the legal process by which a minor can be legally considered an adult before turning 18. Once a child is emancipated, the parents or legal guardian(s) no longer have custody of them and are no longer responsible for supporting the child. They still must give permission in order for the minor to marry.

A person under the age of 18 is considered emancipated if: 1) The person has entered into a valid marriage, 2) the person is on active duty with the US armed forces, or 3) the person receives a declaration of emancipation

An emancipated child can get medical care, apply for a work permit, sign up for school or college, and decide where to live without parental permission. However, emancipated children still go to Juvenile court if they break the law. Obtaining a declaration of emancipation from a judge is one way to become emancipated. However, you must convince a judge that you **meet all of these requirements**:

- You are at least 14 years old
- You do not want to live with your parents
- Your parents do not mind if you move out
- You can handle your own money
- You have a legal way to make money
- Emancipation would be good for you

What are some alternatives to emancipation?

- Counseling or mediation
- Live with another adult relative
- Guardianship
- Help from public or private agencies
- Agree with your parents/guardian to live somewhere else without going to court

If you want to learn more about the laws about emancipation, Family Code sections 7000-43 and California Rules of Court, Rules 270 and 1437 set out the requirements for emancipation. Family Code section 7050 lists the effects of the emancipation. Family Code sections 7120-23 state the procedure and notice requirements and requirements for issuance of the Declaration of Emancipation.

What Forms do I Need?

This packet contains the forms you need to request emancipation of a minor. The form “**Emancipation Pamphlet**” (Form EM-100-INFO) will give you a basic overview on the process and purpose of emancipation. The instructions in this packet will explain how to complete these forms and the process of submitting them to the Clerk’s Office for filing, as well as the court process you will follow to request your order of emancipation. You will fill out the following Judicial Council forms to start your request:

- ❖ **Form # EM-100** - Petition for Declaration of Emancipation of a Minor
- ❖ **Form # EM-109** - Notice of Hearing – Emancipation of a Minor
- ❖ **Form # EM-115** - Emancipation of Minor Income and Expense Declaration
- ❖ **Form # EM- 130** - Declaration of Emancipation of Minor After Hearing

You must file your forms in the county in which you live.

Fee Waiver: There is a \$435 fee for filing these forms. If you would like to request the court to excuse you from paying this fee, you will file the form **FW-001 (Application for Waiver of Court Fees and Costs)** and **FW-003 (Order on Application for Waiver of Court Fees and Costs)**. These forms are available online, in the clerk's office, or at the Self-Help Resource Center.

You will complete your forms by typing or printing them legibly in blue or black ink. **Detailed instructions for completing and filing your forms are included below.**

Complete the following forms:

1. Form # EM-100 - Petition for Declaration of Emancipation of a Minor

- **Caption** – at the top of the page, write your name, address and telephone number. Where the caption states “In the Matter Of (name):” write your full name. Under the caption “Petition for Declaration of Emancipation of Minor,” leave the boxes blank for the judge to check after reviewing your Petition.
- **Section 1** – Write your name and address.
- **Section 3** – Write in your birthdate.
- **Section 4** – Write in your mother's name and current address. You will need to include your mother's signed consent on the **Notice of Hearing – Emancipation of a Minor**, Form #EM-109 or explain why you should not be required to give her notice of your petition.
- **Section 5** – Write in your father's name and current address. You will need to include your father's signed consent on the **Notice of Hearing – Emancipation of a Minor**, Form #EM-109 or explain why you should not be required to give him notice of your petition.
- **Section 6** – complete this section if you have a legal guardian. Include your guardian's name and current address. You will need to include your guardian's signed consent on the **Notice of Hearing – Emancipation of a Minor**, Form #EM-109 or explain why you should not be required to give him or her notice of your petition.
- **Section 7** – complete this section if there is any person other than a parent or legal guardian who is legally entitled to custody of you.
- **Section 8** – If you are a dependent child or probation ward of the Juvenile court, write your Juvenile Court case number (if you know it), the county of the case, and your social worker or probation officer's name. Have them complete and sign their consent on the **Notice of Hearing – Emancipation of a Minor**, Form #EM-109. Date and sign at the bottom of the form.
- **Page 2** - Leave this page blank for the court to complete.

2. Form EM-109 - Notice of Hearing – Emancipation of a Minor

- **Caption** – at the top of the page, write your name, address and telephone number. Where the caption states “In the Matter Of (name):” write your full name.
- **Notice of Hearing** – if you are having your parent(s) or guardian, social worker, probation officer or district attorney sign the consent and waiver of notice, check the box under Notice of Hearing that states “Consent and Waiver of Notice” in the title.
- **Section 1** – Write your full legal name (the same one you wrote in the caption under “In the Matter of.”
- **Section 2** - Leave section 2 blank for the clerk to complete if a hearing date is set.

- **Date and Sign** - Under the bold statement beginning with “To Parents.”
- **“Consent and Waiver of Notice”** – have your parents, legal guardian, social worker or the district attorney date and sign as appropriate (see instructions for Form #EM-100, above).

3. Form EM-115 - Emancipation of Minor Income and Expense Declaration

- **Caption** – at the top of the page, write your name, address and telephone number. Where the caption states “In the Matter Of (name):” write your full name.
- **Section 1** – write in your full legal name, address and telephone number, state how long you have been living at this address and with whom you live.
- **Section 2** – write in your date of birth.
- **Section 3** – State whether you are attending school (and if so, where) or that you are not attending school and what grade you completed.
- **Section 4** – If you are working, state what your occupation is (what you are doing for a job).
- **Section 5** – State that you are employed (and where, and when you started) or that you are not employer (and when you last worked and how much you earned).
- **Section 6** - check the appropriate box indicating whether you have applied for, will apply, or are receiving cash aid.
- **Section 7** - List all sources of income and amounts. If you like, you may attach copies of your recent paystubs (black out personal information such as Social Security number, account number, etc.)
- **Section 8** – List the dollar value of each asset in your name (property, money, stocks, vehicle, etc. of value).
- **Section 9** - List each of your monthly expenses.
- **Signature** – date and sign at the bottom of the page.

4. Form EM-130 – Declaration of Emancipation After Hearing

- **Caption** – at the top of the page, write your name, address and telephone number. Where the caption states “In the Matter Of (name):” write your full name.
- Leave the rest of the form blank for the judge to complete.

Filing the Documents

Make 1 copy of each of the following forms and file the original and copy with the court clerk in the Visalia Courthouse, Clerk of the Court, located at 221 S. Mooney Blvd, Room 201, Visalia, CA 93291 **OR** the South County Justice Center, Court Clerk’s window located at 300 E. Olive Ave, Porterville, CA 93257:

- **Form # EM-100** - Petition for Declaration of Emancipation of a Minor
- **Form # EM-109** - Notice of Hearing – Emancipation of a Minor
- **Form # EM-115** - Emancipation of Minor Income and Expense Declaration
- **Form # EM- 130** - Declaration of Emancipation of Minor After Hearing
- **FW-001 – Request to Waive Court Fees** and **FW-003 – Order on Court Fee Waiver** (if applying for fee waiver) - original and 1 copy each (if requesting to waive filing fees)

NOTE: If you are a dependent or ward of the Juvenile Court, you must file your paperwork in your Juvenile case at the Juvenile Justice Center clerk’s office, located at 11200 Ave. 368, Room 201, Visalia CA 93291 (559) 738-2300, or in any clerk’s office. The case will still be heard in Family Court, however, in either Visalia or Porterville.

When you file in the clerk's office, the Court Clerk will file the forms and return your filed copies to you when you file. of the **Fee Waiver** forms (if you qualify for a Fee Waiver based on section 5a or 5b, otherwise the Request will be sent to the judge for review). The Petition, Notice of Hearing, and Income and Expense Declaration will be kept and sent to the judge for review. The Declaration of Emancipation of Minor After Hearing form will be kept in the file to be signed by the judge after hearing if the judge sets a hearing.

Next Steps

Within 30 days, one of three things will happen:

1. Decision Without Hearing:

After reviewing your papers, the judge may grant your request without a hearing if the judge finds that (1) you have gotten all necessary consents and waivers signed and (2) that emancipation is not contrary to your best interest. In that case, the clerk will provide you with an endorsed-filed copy of the order (which is signed on the second page of your **Petition (EM-100)**). If you provide the court with a stamped, self-addressed envelope, the clerk's office can mail the order back to you directly. You may need to show these copies to employers, landlords, doctors, school officials or others who would usually require parental consent.

2. Hearing:

The judge may want more information before making a decision. In that case, the court makes an order on the second page of the **Petition (EM-100)** in the section entitled "Order Prescribing Notice." The court will indicate whether notice of the hearing is required and who (if anyone) must be served with notice. This hearing will be set on a date within 30 days of the order setting a hearing. Additionally, the court may request the Family Court Services department of the court to conduct a limited investigation for additional information.

If a hearing is set, the clerk will write the date, time, and department (courtroom) number on the **Notice of Hearing (#EM-109)**. If the judge orders you to give notice of the hearing, you must have the server (someone other than you, 18 years or older), serve (give or mail) a copy of the Petition (EM-100) and Notice of Hearing (EM-109) to each person listed as requiring notice. The person who serves the copies must complete and sign the **Proof of Personal Service (FL-330), or Proof of Service by Mail (FL-335)**. A separate proof of service form is required for each person who is served. You or the server must file the original and one copy of the Proof(s) of Service with the clerk's office.

3. Denial Without Hearing

After reviewing your Petition, the judge may deny your petition without setting a hearing. If this happens, you can call the clerk's office at 559-750-5000 Option 3 to schedule a hearing. If you schedule a hearing yourself, you must have your server serve the Petition and Notice of Hearing on everyone who has not signed the consent and waiver of service on your Notice of Hearing (EM-109) and file the original and one copy of each Proof of Service (FL-330 or FL-335) with the clerk's office.

At the hearing, your Petition may be granted, or it may still be denied. If it is denied, you may seek review by filing a *Writ of Mandate*. (Even if the Petition is granted, your parents/guardians can file a *Writ of Mandate* as well if they disagree with the decision). A Writ of Mandate must be filed with the Court of Appeal. If you want to file a Writ, please seek the advice and guidance of an attorney.

IF YOUR PETITION IS GRANTED, you can file the completed form **Emancipated Minor's Application to California Department of Motor Vehicles (EM-140)** with the Department of Motor Vehicles. **As directed in the form, remember to attach a certified copy of your Declaration of Emancipation** (which you can obtain from the clerk's office for a fee unless you obtain it within 60 days of the order and have a fee waiver). This Declaration is on page 2 of your Petition or, if emancipation was granted after hearing, is on Declaration of Emancipation of Minor After Hearing (EM-130).

Further Assistance and Resources

You can learn a lot a lot more about emancipation by reading Legal Services for Children's Emancipation Manual, available online at [Emancipation-Manual-September-2018.pdf \(lsc-sf.org\)](https://www.lsc-sf.org/Emancipation-Manual-September-2018.pdf). This manual has further information about the emancipation process.

- family counseling or mediation services between you and your parents
- living with another responsible adult (aunt, uncle, grandparent, or family friend)
- seeking assistance from public and private agencies
- an informal agreement with your parents allowing you to live outside your home

EMANCIPATION PAMPHLET

*This pamphlet provides only basic information
about emancipation proceedings.
If you need additional information, you may
wish to consult an attorney.*

WHAT IS EMANCIPATION?

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

- consent to medical treatment
- apply for a work permit
- enroll in school or college

You will 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 probably will remain under juvenile court jurisdiction, if you commit a crime.

IF YOU HAVE A LEGAL GUARDIAN:

All references in this pamphlet to parent or parents include legal guardians or guardians.

HOW DO I BECOME EMANCIPATED?

There are **three** ways you can become emancipated:

1. You can get married (This requires parental consent and permission from the court.)

WHAT DO I DO IF THE JUDGE GRANTS MY PETITION FOR EMANCIPATION?

If the judge grants your petition for emancipation after a hearing is held or without a hearing, you must take your papers back to the clerk's office and file them. The clerk will file the original declaration of emancipation, and give you copies to keep as proof of emancipation. You may need to show these copies to employers, landlords, doctors, school officials, or others who would otherwise require parental consent.

If you want to notify the Department of Motor Vehicles (DMV) about your emancipation, complete an Emancipated Minor's Application to California Department of Motor Vehicles (EM-140) form and take it to the DMV along with a certified copy of the declaration of emancipation.

IS EMANCIPATION PERMANENT?

Emancipation is usually permanent. However, if there are statements on your petition that are not true, or if you become unable to support yourself, the court may set aside the declaration of emancipation.

DO I HAVE CHOICES OTHER THAN EMANCIPATION?

Emancipation is only one of several alternatives available to you if you feel you cannot live with your parents. You may want to consider other options such as:

- set a hearing on your petition to be conducted within 30 days thereafter.

The clerk will provide you with an endorsed filed copy of the judge's order.

Declaration of emancipation without hearing

If the judge finds that all notice and consent requirements have been met or waived, and that emancipation is not contrary to your best interests, the judge may grant your petition without a hearing.

Setting a hearing and giving notice

If the judge wants more information, a hearing will be held within 30 days of the order prescribing notice and setting for hearing. If the judge orders the matter set for hearing, the clerk will notify the district attorney of the time and date of the hearing. The judge may require that you give notice to your parents and other people of the time and place of the hearing. This is very important, because the judge may be very strict about making sure that your parents were given proper notice before granting an emancipation petition.

Notice is provided by giving or mailing a copy of the emancipation petition to each person the judge lists for you. An adult, 18 years or older, must personally give or mail the copies for you as soon as possible after the hearing date is set, and complete a *Proof of Service* form to be filed with the clerk.

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.

This pamphlet tells you only about how to be declared emancipated by a judge. If you want 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.

HOW DO I GET DECLARED EMANCIPATED BY A JUDGE?

You will need to complete certain forms and file them with the court. You can get blank forms to fill out from the court clerk's office. The forms you *must* fill out are:

- *Petition for Declaration of Emancipation of Minor, Order Prescribing Notice, Declaration of Emancipation, and Order Denying Petition* (EM-100)
- *Emancipation of Minor—Income and Expense Declaration* (EM-115)

- *Notice of Hearing* (EM-109)
- *Declaration of Emancipation of Minor After Hearing* (EM-130)

Emancipation petition

You must file a *Petition for Declaration of Emancipation of Minor* form (EM-100) in the county in which you live. (Check with your local clerk's office to find out which division of the court handles emancipations. If you are a dependent or ward of the juvenile court, the petition must be filed in juvenile court.) 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* form (EM-115).

Filing fee or waiver

You may be required to pay a fee to file your emancipation petition. Ask the clerk if a fee is required. If you cannot afford to pay the 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, the petitioner shall pay the filing fee as specified. The ability or inability to pay the filing fee is not in and of itself evidence of the financial responsibility of the minor as required for emancipation.

Filling out the forms

- Print or type ALL information requested on the forms.
- Sign and date the petition.
- Include a statement explaining your living situation,

why you want to be emancipated, and how you are supporting yourself. If you have children, tell how you are supporting them. You could also include letters from your employer and your landlord.

- If you do not know where your parents or guardians live, you must tell the court when you last saw your parents and what efforts you have made to find out where your parents live.
- If you know where your parents live, but they refuse to sign the consent, you must get a hearing date from the clerk, and give notice of the hearing to your parents.
- If you know where your parents live, but you do not wish to notify one or both of them about this petition, you must state ALL your reasons and request the court to waive notification to your parents.

Filing the petition and the other forms

After you have completed the forms and all necessary attachments, and obtained your parents' signatures (if possible), take the forms and the attachments to the clerk's office for filing. (When you pick up the blank forms, ask the clerk how many copies of each form you will need to bring with you. Be sure to keep a copy for yourself.) When you get to the court, tell the clerk that you are filing a petition for emancipation and show the clerk your papers. The clerk will keep at least one copy of your petition. The clerk will either give or direct you to give the petition to the judge. Within 30 days from the filing of the petition, the judge will either

- grant your petition; or
- deny your petition; or

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF TULARE STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
IN THE MATTER OF (NAME): <p style="text-align: right;">Petitioner, a minor</p>	
PETITION FOR DECLARATION OF EMANCIPATION OF MINOR <input type="checkbox"/> ORDER PRESCRIBING NOTICE <input type="checkbox"/> ORDER DENYING PETITION <input type="checkbox"/> DECLARATION OF EMANCIPATION	CASE NUMBER:

1. My name:
My address:
I am a resident of or temporarily domiciled in this county.
2. I request that the court declare me to be emancipated.
3. a. I am at least 14 years of age and my date of birth is:
b. I am willingly living separate and apart from my parents or legal guardian, with the consent of my parents or legal guardian. I have been living apart from them since (date):
c. I am managing my own financial affairs. I have completed my declaration of income and expenses on form EM-115 and attached it to this petition.
d. No part of my income comes from any activity that is a crime under the laws of the State of California or of the United States.
4. My mother's name is:
Her address is:
 Her consent to my emancipation is attached.
 Notice to her should not be required because (state reasons):
5. My father's name is:
His address is:
 His consent to my emancipation is attached.
 Notice to him should not be required because (state reasons):
6. I have a legal guardian.
My guardian's name is:
My guardian's address is:
 My guardian's consent to my emancipation is attached.
 Notice to my guardian should not be required because (state reasons):
7. Other person entitled to notice.
This person's name is:
This person's address is:
 This person's consent to my emancipation is attached.
 Notice to this person should not be required because (state reasons):
8. I am a dependent child [probation] ward of the Juvenile Court of _____ County.
Case number (if known):
My social worker probation officer is (name):
His/her consent is attached.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed at (place): _____, California.

Date: _____ ▶ _____ (SIGNATURE)

NAME OF MINOR	CASE NUMBER:
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ORDER PRESCRIBING NOTICE

9. The court finds that
- a. All persons entitled to notice of this proceeding have consented to the emancipation and waived notice of hearing.
 - b. The addresses of the following are unknown.
 - (1) Father
 - (2) Mother
 - (3) Legal guardian
 - c. Notice to the following persons cannot or should not be given:
 - d. Other (*specify*):

10. IT IS ORDERED that notice of this proceeding

- a. is not required. The declaration of emancipation may proceed without hearing.
- b. is required to the following persons:
 - (1) Father
 - (2) Mother
 - (3) Legal guardian
 - (4) Juvenile Court of _____ County
for service on social worker or probation officer
 - (5) District attorney
- c. This matter is set for hearing on (*date*): _____ at (*time*): _____ in (*dept*): _____

Date: _____
(JUDGE OF THE SUPERIOR COURT)

DECLARATION OF EMANCIPATION WITHOUT HEARING

(Only if the court has ordered item 10a above.)

The court finds that the petitioner is a person described by Family Code section 7120. All notice requirements have been met or waived by the court. Emancipation is not contrary to the best interests of the child.

THE PETITION IS GRANTED. THE PETITIONER IS DECLARED TO BE EMANCIPATED FOR PURPOSES SET FORTH IN FAMILY CODE SECTION 7050 ET SEQ.

Date: _____
(JUDGE OF THE SUPERIOR COURT)

ORDER DENYING PETITION

The court finds that the petition on its face fails to establish that the petitioner is a person described by Family Code section 7120.
THE PETITION IS DENIED.

Date: _____
(JUDGE OF THE SUPERIOR COURT)

[SEAL]

**CLERK'S CERTIFICATE
(Of Declaration of Emancipation)**

I certify that the foregoing is a true and correct copy of the original on file in my office.

Date: _____ Clerk, by _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
IN THE MATTER OF (NAME): <div style="text-align: right;">Petitioner, a minor</div>	
NOTICE OF HEARING-EMANCIPATION OF MINOR <input type="checkbox"/> CONSENT AND WAIVER OF NOTICE	CASE NUMBER:

1. The minor (name): _____ has filed a petition asking the court to declare the minor an **EMANCIPATED MINOR**. If the petition is granted, the minor will be considered to be over the age of majority for purposes set forth in California Family Code section 7050.

2. A HEARING for the court to consider the petition will be held:
 on (date): _____ at (time): _____ in Dept.: _____ Room: _____

TO PARENTS:

IF THE PETITION IS GRANTED, THE MINOR, THE MINOR'S REPRESENTATIVE, OR THE DISTRICT ATTORNEY MAY LATER PETITION THE COURT TO RESCIND THE DECLARATION OF EMANCIPATION AND YOU MAY BE LIABLE FOR SUPPORT AND MEDICAL COVERAGE FOR THE MINOR.

Date: _____

 (TYPE OR PRINT NAME)



PETITIONER CLERK

CONSENT AND WAIVER OF NOTICE

The undersigned give up the right to notice of a hearing on the Petition for Declaration of Emancipation, and consent to a declaration of emancipation without a hearing.

- a. Mother: Signature: _____ Dated: _____
 Address: _____
 Telephone number: _____
- b. Father: Signature: _____ Dated: _____
 Address: _____
 Telephone number: _____
- c. Legal guardian: Signature: _____ Dated: _____
 Address: _____
 Telephone number: _____
- d. Social worker: Signature: _____ Dated: _____
 Probation officer: Address: _____
 Telephone number: _____
- e. District attorney: Signature: _____ Dated: _____
 Address: _____
 Telephone number: _____

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (<i>name</i>):	STATE BAR NUMBER:	<i>FOR COURT USE ONLY</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
IN THE MATTER OF (<i>NAME</i>): <div style="text-align: right;">Petitioner, a minor</div>		
EMANCIPATION OF MINOR INCOME AND EXPENSE DECLARATION		CASE NUMBER:

1. My name and address are:

My telephone number is:

I have been living at this address since:

I live there with (*name and relationship of all persons, including children*):

2. My date of birth is:

3. a. I am attending school (*name of school and grade*):

b. I am not attending school. The highest year of education I have completed is:

4. My occupation is:

5. a. I am employed. My place of employment is (*name and address*):

I started work there on (*date*):

b. I am not employed at the present time. I last worked from (*starting month and year*):

to (*ending month and year*):

My gross monthly earnings were: \$

6. a. I am not receiving welfare or AFDC and I do not intend to apply for welfare or AFDC.

b. I am receiving welfare or AFDC. Monthly amount received: \$

c. I have applied for welfare or AFDC.

d. I intend to apply for welfare or AFDC.

IN THE MATTER OF <i>(name)</i> :	CASE NUMBER:
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7. The average of my gross monthly earnings is: Amount
- a. Salary and wages, including bonuses and overtime \$
 - b. Money received from parents or other adults assisting me \$
(name and relationship):
 - c. Other *(specify source and amount):* \$

8. I have the following assets: Value
- a. Cash \$
 - b. Checking account \$
 - c. Savings account \$
 - d. Stocks, bonds \$
 - e. Vehicle *(year, make, model):* \$
 - f. Other *(specify):* \$

9. My monthly expenses are: Amount
- a. Rent or Mortgage \$
 - b. Food \$
 - c. Clothing \$
 - d. Phone and utilities \$
 - e. Vehicle \$
 - (1) Loan payments \$
 - (2) Maintenance \$

I declare under penalty of perjury that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
IN THE MATTER OF (NAME): <p style="text-align: right;">Petitioner, a minor</p>	
DECLARATION OF EMANCIPATION OF MINOR AFTER HEARING	CASE NUMBER:

1. This proceeding came on for hearing as follows:
 - a. Date: _____ Time: _____ Dept.: _____ Room: _____
 - b. Judge (name): _____
 - c. Present in court:

<input type="checkbox"/> Petitioner	<input type="checkbox"/> Attorney (name):
<input type="checkbox"/> Father	<input type="checkbox"/> Attorney (name):
<input type="checkbox"/> Mother	<input type="checkbox"/> Attorney (name):
<input type="checkbox"/> Probation officer (name):	
<input type="checkbox"/> Social worker (name):	
<input type="checkbox"/> County counsel (name):	
<input type="checkbox"/> District attorney (name):	
<input type="checkbox"/> Other (name and relationship to minor):	
2. **THE COURT FINDS THAT:**
 - a. Notice was given as prescribed by the court.
 - b. Warning has been given to the petitioner's Mother Father that a court may rescind the declaration of emancipation and the parents may become liable for the minor's support and medical coverage.
 - c. The petitioner is a person described by Family Code section 7120.
 - d. Emancipation is not contrary to the best interests of the petitioner.
3. **THE PETITION IS GRANTED. THE PETITIONER IS DECLARED TO BE EMANCIPATED FOR THE PURPOSES SET FORTH IN FAMILY CODE SECTION 7050 ET SEQ.**

Date: _____ _____
(JUDGE OF THE SUPERIOR COURT)

(SEAL)

CLERK'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the original on file in my office.

Date: _____ Clerk, by _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406) <i>(Name, State Bar number, and address).</i> TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR <i>(Name)</i> : _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER: <i>(If applicable, provide):</i> HEARING DATE: HEARING TIME: DEPT.:
PROOF OF PERSONAL SERVICE	

1. I am at least 18 years old, not a party to this action, and not a protected person listed in any of the orders.
2. Person served *(name)*:
3. I served copies of the following documents *(specify)*:

4. By personally delivering copies to the person served, as follows:
 - a. Date: _____ b. Time: _____
 - c. Address: _____

5. I am

<ol style="list-style-type: none"> a. <input type="checkbox"/> not a registered California process server. b. <input type="checkbox"/> a registered California process server. c. <input type="checkbox"/> an employee or independent contractor of a registered California process server. 	<ol style="list-style-type: none"> d. <input type="checkbox"/> exempt from registration under Business & Profession Code section 22350(b). e. <input type="checkbox"/> a California sheriff or marshal.
--	---

6. My name, address, and telephone number, and, if applicable, county of registration and number *(specify)*:

7. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
8. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date:

 (TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)



 (SIGNATURE OF PERSON WHO SERVED THE PAPERS)

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
IN THE MATTER OF (NAME):	
EMANCIPATED MINOR'S APPLICATION TO CALIFORNIA DEPARTMENT OF MOTOR VEHICLES	CASE NUMBER:

On _____ I was declared to be emancipated for the purposes set forth in Family Code
 (DATE OF EMANCIPATION ORDER)

section 7050 et seq. by order of the Honorable _____,
 (NAME OF JUDICIAL OFFICER)

Judge of the Superior Court of _____ County.
 (NAME OF COUNTY)

I apply to the California Department of Motor Vehicles for entry of identifying information in its law enforcement computer network and for inclusion of the fact of my emancipation on any identification card issued to me by the Department. I have attached a certified copy of the Declaration of Emancipation.

Date: _____
 (SIGNATURE OF EMANCIPATED MINOR)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Minor's full legal name FIRM NAME: STREET ADDRESS: Minor's address CITY: Minor's city of residence STATE: CA ZIP CODE: Minor's zip code TELEPHONE NO.: Minor's telephone number FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name): In Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF TULARE STREET ADDRESS: Address of court where you are filing MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
IN THE MATTER OF (NAME): <p style="text-align: center;">Minor's full legal name</p> <p style="text-align: right;">Petitioner, a minor</p>	
PETITION FOR DECLARATION OF EMANCIPATION OF MINOR <input type="checkbox"/> ORDER PRESCRIBING NOTICE <input type="checkbox"/> ORDER DENYING PETITION <input type="checkbox"/> DECLARATION OF EMANCIPATION	CASE NUMBER: <p style="text-align: center;">Leave blank for clerk to stamp</p>

1. My name: **Minor's full legal name**
 My address: **Minor's address**
 I am a resident of or temporarily domiciled in this county.
2. I request that the court declare me to be emancipated.
3. a. I am at least 14 years of age and my date of birth is:
 b. I am willingly living separate and apart from my parents or legal guardian, with the consent of my parents or legal guardian. I have been living apart from them since (date): **Write the date when minor began to live separately from parents**
 c. I am managing my own financial affairs. I have completed my declaration of income and expenses on form EM-115 and attached it to this petition.
 d. No part of my income comes from any activity that is a crime under the laws of the State of California or of the United States.
4. My mother's name is: **Full legal name of minor's mother**
 Her address is: **Street address, city, state, zip code of minor's mother**
 Her consent to my emancipation is attached. Check this box, file signed EM-109 if minor's mother consents
 Notice to her should not be required because (state reasons): **OR Check this box and attach an explanation**
5. My father's name is: **Full legal name of minor's father**
 His address is: **Street address, city, state, zip code of minor's father**
 His consent to my emancipation is attached. Check this box, file signed EM-109 if minor's father consents
 Notice to him should not be required because (state reasons): **OR Check this box and attach an explanation**
6. I have a legal guardian. Check this box if you have a legal guardian
 My guardian's name is: **Full name of minor's guardian**
 My guardian's address is: **Street address, city, state, zip code of minor's mother**
 My guardian's consent to my emancipation is attached. Check this box, file signed EM-109 if guardian consents
 Notice to my guardian should not be required because (state reasons): **OR Check this box and attach an explanation**
7. Other person entitled to notice.
 This person's name is: **Full name of person entitled to notice**
 This person's address is: **Street address, city, state, zip code of other person**
 This person's consent to my emancipation is attached. Check this box, file signed EM-109 if other person consents
 Notice to this person should not be required because (state reasons): **OR check this box and attach an explanation**
8. I am a dependent child [probation] ward of the Juvenile Court of **County where Juvenile case is filed** County.
 Case number (if known): **Check here if you are a dependent child or probation ward of the Juvenile court**
 My social worker probation officer is (name): **List name of minor's social worker/probation officer if applicable and file signed EM-109 signed by that individual**
 His/her consent is attached.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed at (place): **Write the city where you signed**, California.

Date: **Write the date you signed**

▶ **Sign here**

(SIGNATURE)

Page 1 of 2

NAME OF MINOR Full name of minor	CASE NUMBER:
--	--------------

ORDER PRESCRIBING NOTICE

9. The court finds that

- a. All persons entitled to notice of this proceeding have consented to the emancipation and waived notice of hearing.
- b. The addresses of the following are unknown.
 - (1) Father
 - (2) Mother
 - (3) Legal guardian
- c. Notice to the following persons cannot or should not be given:
- d. Other (*specify*):

10. **IT IS ORDERED that notice of this proceeding**

- a. is not required. The declaration of emancipation may proceed without hearing.
- b. is required to the following persons:

(1) <input type="checkbox"/> Father	(4) <input type="checkbox"/> Juvenile Court of _____ County	
(2) <input type="checkbox"/> Mother	for service on social worker or probation officer	
(3) <input type="checkbox"/> Legal guardian	(5) <input type="checkbox"/> District attorney	
- c. This matter is set for hearing on (*date*): _____ at (*time*): _____ in (*dept*): _____

Date: _____
(JUDGE OF THE SUPERIOR COURT)

DECLARATION OF EMANCIPATION WITHOUT HEARING

(Only if the court has ordered item 10a above.)

The court finds that the petitioner is a person described by Family Code section 7120. All notice requirements have been met or waived by the court. Emancipation is not contrary to the best interests of the child.

THE PETITION IS GRANTED. THE PETITIONER IS DECLARED TO BE EMANCIPATED FOR PURPOSES SET FORTH IN FAMILY CODE SECTION 7050 ET SEQ.

Date: _____
(JUDGE OF THE SUPERIOR COURT)

ORDER DENYING PETITION

The court finds that the petition on its face fails to establish that the petitioner is a person described by Family Code section 7120. **THE PETITION IS DENIED.**

Date: _____
(JUDGE OF THE SUPERIOR COURT)

[SEAL]

**CLERK'S CERTIFICATE
(Of Declaration of Emancipation)**

I certify that the foregoing is a true and correct copy of the original on file in my office.

Date: _____ Clerk, by _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Minor's full name FIRM NAME: STREET ADDRESS: Minor's street address CITY: City where Minor resides STATE: CA ZIP CODE: Minor's zip code TELEPHONE NO.: Minor's telephone number FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name): In Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF TULARE STREET ADDRESS: Address of court where you are filing MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
IN THE MATTER OF (NAME): <p style="text-align: center;">Minor's full legal name</p> <p style="text-align: right;">Petitioner, a minor</p>	
Check if parents etc. are consenting <input type="checkbox"/> NOTICE OF HEARING-EMANCIPATION OF MINOR <input type="checkbox"/> CONSENT AND WAIVER OF NOTICE	CASE NUMBER: <p style="text-align: center;">Leave blank</p>

1. The minor (name): **Minor's full legal name** has filed a petition asking the court to declare the minor an **EMANCIPATED MINOR**. If the petition is granted, the minor will be considered to be over the age of majority for purposes set forth in California Family Code section 7050.

2. A HEARING for the court to consider the petition will be held:
 on (date): _____ at (time): _____ in Dept.: _____ Room: _____

TO PARENTS:

IF THE PETITION IS GRANTED, THE MINOR, THE MINOR'S REPRESENTATIVE, OR THE DISTRICT ATTORNEY MAY LATER PETITION THE COURT TO RESCIND THE DECLARATION OF EMANCIPATION AND YOU MAY BE LIABLE FOR SUPPORT AND MEDICAL COVERAGE FOR THE MINOR.

Date: Write date here

Write your name here

Sign here

(TYPE OR PRINT NAME)

PETITIONER CLERK

CONSENT AND WAIVER OF NOTICE

The undersigned give up the right to notice of a hearing on the Petition for Declaration of Emancipation, and consent to a declaration of emancipation without a hearing.

- a. Mother: **Mother's name** Signature: Mother signs here Dated: **Mother dates here**
 Address: **Mother's address**
 Telephone number: **Mother's telephone number**
- b. Father: **Father's name** Signature: Father signs here Dated: **Father dates here**
 Address: **Father's address**
 Telephone number: **Father's telephone number**
- c. Legal guardian: **Guardian's name** Signature: Guardian signs here Dated: **Guardian dates here**
 Address: **Guardian's address**
 Telephone number: **Guardian's telephone number**
- d. Social worker: **Social worker, probation officer and/or district attorney must sign if you are a dependent or**
 Probation officer: Signature: _____ Dated: **ward of the court**
 Address: _____
 Telephone number: _____
- e. District attorney: Signature: _____ Dated: _____
 Address: _____
 Telephone number: _____

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Minor's full legal name FIRM NAME: STREET ADDRESS: Minor's street address CITY: Minor's city of residence STATE: CA ZIP CODE: Minor's zip code TELEPHONE NO.: Minor's telephone number FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name): In Pro Prer	STATE BAR NUMBER: 	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF TULARE STREET ADDRESS: Address of court MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
IN THE MATTER OF (NAME): Minor's full legal name Petitioner, a minor		
EMANCIPATION OF MINOR INCOME AND EXPENSE DECLARATION		CASE NUMBER:

1. My name and address are: **Minor's full legal name and address**

My telephone number is: **Minor's telephone number**

I have been living at this address since: **date when minor began living at this address**

I live there with (name and relationship of all persons, including children):

List names and addresses of all people with whom minor is currently living

2. My date of birth is: **Minor's birth date**

3. a. I am attending school (name of school and grade): **Check here if minor is currently enrolled in school, list school name and minor's current grade**

b. I am not attending school. The highest year of education I have completed is: **List highest grade of school completed if not attending currently**

4. My occupation is: **Minor's job title**

5. a. I am employed. My place of employment is (name and address):
Check here and list name and address of minor's employer if minor is currently working.

I started work there on (date): **Write the date minor began working at this employer**

b. I am not employed at the present time. I last worked from (starting month and year): **Check here and state beginning and ending dates of prior work**
to (ending month and year): **My gross monthly earnings were: \$ ending dates of prior work and earnings if minor is not currently working**

6. a. I am not receiving welfare or AFDC and I do not intend to apply for welfare or AFDC.

b. I am receiving welfare or AFDC. Monthly amount received: \$

c. I have applied for welfare or AFDC.

d. I intend to apply for welfare or AFDC.

Check the appropriate box in section 6 to indicate whether minor is, was, may or will be receiving cash aid.

IN THE MATTER OF <i>(name)</i> :	CASE NUMBER:
----------------------------------	--------------

7. The average of my gross monthly earnings is:

- a. Salary and wages, including bonuses and overtime \$
- b. Money received from parents or other adults assisting me
(name and relationship): \$
- c. Other *(specify source and amount)*: \$

Amount

List ALL of minor's sources of income and the amount per month received BEFORE taxes and deductions.

8. I have the following assets:

- a. Cash \$
- b. Checking account \$
- c. Savings account \$
- d. Stocks, bonds \$
- e. Vehicle *(year, make, model)*: \$
- f. Other *(specify)*: \$

Value

List all of minor's possessions of and dollar value of each.

9. My monthly expenses are:

- a. Rent or Mortgage \$
- b. Food \$
- c. Clothing \$
- d. Phone and utilities \$
- e. Vehicle \$
- (1) Loan payments \$
- (2) Maintenance \$

Amount

List all of minor's monthly expenses with amount of each.

I declare under penalty of perjury that the foregoing is true and correct.

Date: Date here

Minor's full legal name here

(TYPE OR PRINT NAME)



Minor signs here

(SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Minor's full legal name FIRM NAME: STREET ADDRESS: Minor's street address CITY: City of minor's residence STATE: CA ZIP CODE: Minor's zip code TELEPHONE NO.: Minor's telephone number FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name): In Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF TULARE STREET ADDRESS: Court address MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
IN THE MATTER OF (NAME): <div style="text-align: center;">Minor's full legal name</div> <div style="text-align: right;">Petitioner, a minor</div>	
DECLARATION OF EMANCIPATION OF MINOR AFTER HEARING	CASE NUMBER:

1. This proceeding came on for hearing as follows:
 - a. Date: _____ Time: _____ Dept.: _____ Room: _____
 - b. Judge (name): _____
 - c. Present in court:

<input type="checkbox"/> Petitioner	<input type="checkbox"/> Attorney (name): _____
<input type="checkbox"/> Father	<input type="checkbox"/> Attorney (name): _____
<input type="checkbox"/> Mother	<input type="checkbox"/> Attorney (name): _____
<input type="checkbox"/> Probation officer (name): _____	
<input type="checkbox"/> Social worker (name): _____	
<input type="checkbox"/> County counsel (name): _____	
<input type="checkbox"/> District attorney (name): _____	
<input type="checkbox"/> Other (name and relationship to minor): _____	
2. **THE COURT FINDS THAT:**
 - a. Notice was given as prescribed by the court.
 - b. Warning has been given to the petitioner's Mother Father that a court may rescind the declaration of emancipation and the parents may become liable for the minor's support and medical coverage.
 - c. The petitioner is a person described by Family Code section 7120.
 - d. Emancipation is not contrary to the best interests of the petitioner.
3. **THE PETITION IS GRANTED. THE PETITIONER IS DECLARED TO BE EMANCIPATED FOR THE PURPOSES SET FORTH IN FAMILY CODE SECTION 7050 ET SEQ.**

Date: _____ _____
(JUDGE OF THE SUPERIOR COURT)

(SEAL)

CLERK'S CERTIFICATE
 I certify that the foregoing is a true and correct copy of the original on file in my office.

Date: _____ Clerk, by _____, Deputy

