

Emancipation

Terms

- Emancipation: Process that allows a minor to gain almost all of the rights and responsibilities of an adult. As known as the “removal of disability of nonage”.
- Service of process: Procedure where a party to a lawsuit gives an appropriate notice of legal action to another party.
- Minor: A person who has not reached the age of 18.
- Petitioner: The individual or entity (typically a minor, parent, or guardian) who formally requests something from the Court.

Who Can Seek Emancipation?

- Minors, who are at least 16 years old, are eligible to apply for emancipation. Minors under the age of 16 **OR** a minor **not** able to provide sufficient evidence that they are able to support themselves are **not eligible**.
- The minor must be able to demonstrate the ability to support themselves, and provide evidence of their character, habits, education, income, and mental capacity for business, along with a statement explaining why they seek emancipation.

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. If there is no such guardian, the petition shall be made in the circuit court having guardianship jurisdiction, in the circuit the minor resides.
- 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))
- ***see page 3 for Form Resources**
- 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**.

Please note: 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.

How to submit forms to the Clerk

- To submit the forms above to the Palm Beach County Clerk, you can either e-file them through the Palm Beach County Clerk's e-filing portal or mail them to the Clerk's office.
- The Palm Beach County Clerk's office recommends the e-filing portal to submit any of the forms above.

***see page 3 for Form Resources**

- **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, a 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. (see page 3)
 - 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 minor does not have an attorney, they can acquire one by attending a court hearing with a Motion for Hearing filed by the Petitioner. The court will appoint an attorney to represent the minor.
 - 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.

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 (DCF).
- Emancipation does not change the effect of certain laws, i.e. drinking and voting ages.

Helpful Contacts

Office of the Clerk & Comptroller

Main Courthouse
205 North Dixie Highway
West Palm Beach, FL 33401
(561) 355-2996

Court Administration

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

Guardian Ad Litem

205 North Dixie Highway
Suite #2.2100
West Palm Beach, FL 33401
(561) 355-2773

Legal Aid Society

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

Palm Beach County Sheriff's Office

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

Resources

Family Law Forms

- https://www.flcourts.gov/Resources-Services/Office-of-Family-Courts/Family-Court-in-Florida/Family-Law-Forms?sort=&view=embed_custom&searchtype=form&limit=50&query=&offset=0

Sample Petition

- www.15thcircuit.com

E-filing Portal

- www.15thcircuit.com

Florida Statute

- **Chapter 743.015**
 - A circuit court has jurisdiction to remove the disabilities of nonage of a minor age 16 or older residing in this state upon a petition filed by the minor's natural or legal guardian or, if there is none, by a guardian ad litem.