



THE
15TH JUDICIAL CIRCUIT
OF FLORIDA

EMANCIPATION

(Removal of disabilities of nonage of minor)

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**INSTRUCTIONS FOR
EMANCIPATION PACKET
(Removal of disabilities of nonage of minor)**

IMPORTANT -PLEASE READ

**IF NOT PROPERLY COMPLETED AND PARTIES NOT PROPERLY SERVED,
YOUR CASE MAY BE DISMISSED OR YOU MAY NOT OBTAIN YOUR FINAL
JUDGMENT.**

Emancipation is the removal of disability of nonage. In other words, emancipation is the act by which a person gains all rights and responsibilities of an adult. Early emancipation can be obtain through court order.

In Florida, emancipation automatically occurs when a minor reaches 18 years of age or when they marry. A minor seventeen years of age can get married if the parents or legal guardian provides a verified written consent and the older party to the marriage is not more than 2 years older than the younger party to the marriage. However, a minor 16 years of age or older can get married if the court approves the marriage pursuant to section 743.015, Florida Statutes.

A minor parent of a child is not considered emancipated except to seek a child support proceeding for the child; consent to the child's medical care; consent to the minor pregnant mother's own medical care for her pregnancy; and consent to the child's adoption.

Unless emancipated by court order, a minor must have a parent (natural guardian) or a legal guardian to make sure they are taken care of; provided housing, clothing, and meals; and to take responsibility for the minor's property and all legal actions. The parent or legal guardian has the right to set rules for the minor, make decisions on their behalf, and control the minor's earnings. The minor does have the right to protection and care from their parent or guardian.

A minor cannot be held responsible for most contracts; cannot bring a legal action in their own behalf; or make a will. A minor may consent to some medical decisions and treatments. Also, a minor can purchase car insurance, borrow money for college (if 16 years or older), or purchase necessities such as food.

An emancipated minor has the legal capacity to act as an adult, be in control of his or her affairs and free of the legal control and custody of his or her parents. Emancipated minors do 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.

FILING YOUR CASE: Using black ink, please complete the **CIVIL COVER SHEET, NOTICE OF PERMANENT MAILING ADDRESS** and **STATEMENT OF RESPONSIBILITY** forms included in this packet. There is a filing fee due **Clerk of Court**. Please check with the Clerk. The Clerk can accept cash, personal or business checks, Cashier Checks or money orders.

VENUE Venue is in the county where the minor resides.

To obtain a court order the minor must be at least 16 years of age. The **PETITION FOR EMANCIPATION OF A MINOR**, enclosed in this Packet, must be completed and filed by the minor's parent(s) or legal guardian, or if none then by a guardian ad litem.

The petition must show the court:

1. That the minor is independent and able to support him or herself, and his or her child, if any.
2. A specific plan for meeting the needs of the minor if the minor is not supporting him or herself at the time of petitioning.
3. That he or she is not dependent on public benefits.
4. The reasons why the minor needs to be emancipated.
5. Evidence that the removal of disabilities of nonage is in the best interest of the minor.

If the petition is not signed by both parents, the nonpetitioning parent will need Service of Process...to be served by means of a Summons and a copy of the petition and all accompanying documents, if any, by a Deputy Sheriff. See **INSTRUCTIONS FOR SUMMONS: PERSONAL SERVICE ON AN INDIVIDUAL** enclosed in this Packet. The nonpetitioning parent will have twenty (20) days from date of service of the Summons in which to file an Answer to the petition. The **SUMMONS**, included in this Packet, must be executed by the Clerk or a Deputy Clerk. If the whereabouts of the nonpetitioning parent are unknown, the petitioning parent may use Constructive Service provided the petitioning parent makes an actual, diligent search to discover the location of, and provide notice to, the nonpetitioning parent. See **INSTRUCTIONS FOR CONSTRUCTIVE SERVICE** enclosed in this Packet.

If the petition is filed by a guardian ad litem or next friend, Service of Process by use of Summonses must be made on the natural parents of the minor.

If a nonpetitioning parent, after having Service of Process by either Summons or Constructive Service, has not responded to the petition, the Petitioner may file the **MOTION FOR DEFAULT** and **DEFAULT** included within this Packet with the Clerk of Court.

During the proceeding, an attorney ad litem will need to be appointed by the court to represent the minor in all related proceedings. You will need to retain an attorney that would be willing to serve as the attorney ad litem. Please fill out the caption at the top of the **ORDER APPOINTING ATTORNEY AD LITEM** and insert the attorney's name and address where indicated. This will be an expense incurred by the Petitioner(s).

A hearing will be scheduled by the Court upon Petitioner filing a **MOTION FOR HEARING** included in this Packet. The minor must attend the hearing, together with the Petitioner(s) and attorney ad litem.

If the court is satisfied that emancipation is in the minor's best interest, it will enter an order removing the disabilities of nonage and shall authorize the minor to perform all acts that the minor could do if he or she were 18 years of age.

The order will be recorded in the public records of the county where the action is filed. The minor will need to obtain certified copies of the order to show proof of his or her emancipation.

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

Clerk of the Circuit Court & 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.*

**INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE
FORM 12.928
COVER SHEET FOR FAMILY COURT CASES (11/20)**

When should this form be used?

The Cover Sheet for Family Court Cases and the information contained in it does not replace nor supplement the filing and service of pleadings or other documents as required by law. This form shall be filed by the petitioner/party opening or reopening a case for the use of the clerk of the circuit court for the purpose of reporting judicial workload data pursuant to Florida Statutes section 25.075.

This form should be typed or printed in black ink. The petitioner must file this cover sheet with the first pleading or motion filed to open or reopen a case in all domestic and juvenile cases.

What should I do next?

Follow these instructions for completing the form:

- I. **Case Style.** Enter the name of the court, the appropriate case number assigned at the time of filing of the original petition, the name of the judge assigned (if applicable), and the name (last, first, middle initial) of the petitioner(s) and respondent(s).

- II. **Type of Action /Proceeding.** Place a check beside the proceeding you are initiating. If you are filing more than one type of proceeding, (such as a modification and an enforcement proceeding) against the same party at the same time, then you must complete a separate cover sheet for each action being filed.
 - (A) Initial Action/Petition
 - (B) Reopening Case. If you check "Reopening Case," indicate whether you are filing a modification or supplemental petition or an action for enforcement by placing a check beside the appropriate action/petition.
 1. Modification/Supplemental Petition
 2. Motion for Civil Contempt/ Enforcement
 3. Other – All reopening actions not involving modification/supplemental petitions or petition enforcement.

- III. **Type of Case.** Place a check beside the appropriate case. If the case fits more than one category, select the most definitive. Definitions of the categories are provided below.
 - (A) Simplified Dissolution of Marriage- petitions for the termination of marriage pursuant to Florida Family Law Rule of Procedure 12.105.
 - (B) Dissolution of Marriage - petitions for the termination of marriage pursuant to Chapter 61, Florida Statutes, other than simplified dissolution.

- (C) Domestic Violence - all matters relating to injunctions for protection against domestic violence pursuant to section 741.30, Florida Statutes.
- (D) Dating Violence - all matters relating to injunctions for protection against dating violence pursuant to section 784.046, Florida Statutes.
- (E) Repeat Violence - all matters relating to injunctions for protection against repeat violence pursuant to section 784.046, Florida Statutes.
- (F) Sexual Violence - all matters relating to injunctions for protection against sexual violence pursuant to section 784.046, Florida Statutes.
- (G) Stalking-all matters relating to injunctions for protection against stalking pursuant to section 784.0485, Florida Statutes
- (H) Support - IV-D - all matters relating to child or spousal support in which an application for assistance has been filed with the Department of Revenue, Child Support Enforcement under Title IV-D, Social Security Act, except for such matters relating to dissolution of marriage petitions (sections 409.2564, 409.2571, and 409.2597, Florida Statutes), paternity, or UIFSA.
- (I) Support-Non IV-D - all matters relating to child or spousal support in which an application for assistance has **not** been filed under Title IV-D, Social Security Act.
- (J) UIFSA- IV-D - all matters relating to Chapter 88, Florida Statutes, in which an application for assistance has been filed under Title IV-D, Social Security Act.
- (K) UIFSA - Non IV-D - all matters relating to Chapter 88, Florida Statutes, in which an application for assistance has **not** been filed under Title IV-D, Social Security Act.
- (L) Other Family Court - all matters involving time-sharing and/or parenting plans relating to minor child(ren), support unconnected with dissolution of marriage, annulment, delayed birth certificates pursuant to Florida Statutes section 382.0195, expedited affirmation of parental status pursuant to Florida Statutes section 742.16, termination of parental rights proceedings pursuant to Florida Statutes section 63.087, declaratory judgment actions related to premarital, marital, post-marital agreements, or other matters not included in the categories above.
- (M) Adoption Arising Out Of Chapter 63 - all matters relating to adoption pursuant to Chapter 63, Florida Statutes, excluding any matters arising out of Chapter 39, Florida Statutes.
- (N) Name Change - all matters relating to name change, pursuant to section 68.07, Florida Statutes.
- (O) Paternity/Disestablishment of Paternity – all matters relating to paternity pursuant to Chapter 742, Florida Statutes.
- (P) Juvenile Delinquency - all matters relating to juvenile delinquency pursuant to Chapter 985, Florida Statutes.
- (Q) Petition for Dependency - all matters relating to petitions for dependency.
- (R) Shelter Petition – all matters relating to shelter petitions pursuant to Chapter 39, Florida Statutes.
- (S) Termination of Parental Rights Arising Out Of Chapter 39 – all matters relating to termination of parental rights pursuant to Chapter 39, Florida Statutes.
- (T) Adoption Arising Out Of Chapter 39 – all matters relating to adoption pursuant to Chapter 39, Florida Statutes.
- (U) CINS/FINS – all matters relating to children in need of services (and families in need of services) pursuant to Chapter 984, Florida Statutes.

- (V) Petition for Temporary or Concurrent Custody by Extended Family-all matters relating to petitions for temporary or concurrent custody pursuant to Chapter 751.
- (W) Emancipation of a Minor-all matters relating to emancipation of a minor pursuant to Chapter 743.

ATTORNEY OR PARTY SIGNATURE. Sign the Cover Sheet for Family Court Cases. Print legibly the name of the person signing the Cover Sheet for Family Court Cases. Attorneys must include a Florida Bar number. Insert the date the Cover Sheet for Family Court Cases is signed. Signature is a certification that filer has provided accurate information on the Cover Sheet for Family Court Cases.

Nonlawyer Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out these forms, that person must give you a copy of **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900(a), before he or she helps you. A nonlawyer helping you fill out these forms also **must** put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete.

A copy of this form must be filed with the court and served on the other party or his or her attorney. The copy you are serving to the other party must be either mailed, e-mailed, or hand-delivered to the opposing party or his or her attorney on the same day indicated on the certificate of service. If it is mailed, it must be postmarked on the date indicated in the certificate of service.

IMPORTANT INFORMATION REGARDING E-FILING

The Florida Rules of Judicial Administration now require that all petitions, pleadings, and documents be filed electronically except in certain circumstances. **Self-represented litigants may file petitions or other pleadings or documents electronically; however, they are not required to do so.** If you choose to file your pleadings or other documents electronically, you must do so in accordance with Florida Rule of Judicial Administration 2.525, and you must follow the procedures of the judicial circuit in which you file. The rules and procedures should be carefully read and followed.

IMPORTANT INFORMATION REGARDING E-SERVICE ELECTION

After the initial service of process of the petition or supplemental petition by the Sheriff or certified process server, the Florida Rules of Judicial Administration now require that all documents required or permitted to be served on the other party must be served by electronic mail (e-mail) except in certain circumstances. **You must strictly comply with the format requirements set forth in the Florida Rules of Judicial Administration.** If you elect to participate in electronic service, which means serving or receiving pleadings by electronic mail (e-mail), or through the Florida Courts E-Filing Portal, you must review Florida Rule of Judicial Administration 2.516. You may find this rule at www.flcourts.org through the link to the Rules of Judicial Administration provided under either Family Law Forms: Getting Started, or Rules of Court in the A-Z Topical Index.

SELF-REPRESENTED LITIGANTS MAY SERVE DOCUMENTS BY E-MAIL; HOWEVER, THEY ARE NOT REQUIRED TO DO SO. If a self-represented litigant elects to serve and receive documents by email, the procedures must always be followed once the initial election is made.

To serve and receive documents by e-mail, you must designate your e-mail addresses by using the Designation of Current Mailing and E-mail Address, Florida Supreme Court Approved Family Law Form 12.915, and you must provide your e-mail address on each form on which your signature appears. Please **CAREFULLY** read the rules and instructions for: **Certificate of Service (General), Florida Supreme Court Approved Family Law Form 12.914; Designation of Current Mailing and E-mail Address, Florida Supreme Court Approved Family Law Form 12.915; and Florida Rule of Judicial Administration 2.516.**

Where can I look for more information?

Before proceeding, you should read “General Information for Self-Represented Litigants” found at the beginning of these forms. For further information, see Rule 12.100, Florida Family Law Rules of Procedure.

COVER SHEET FOR FAMILY COURT CASES

I. Case Style

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No.: _____
Judge: _____

Petitioner

and

Respondent

II. Type of Action/Proceeding. Place a check beside the proceeding you are initiating. If you are filing more than one type of proceeding (such as a modification and an enforcement proceeding) against the same party at the same time, then you must complete a separate cover sheet for each action being filed. **If you are reopening a case, choose one of the three options below it.**

- (A) ___ Initial Action/Petition
- (B) ___ Reopening Case
 - 1. ___ Modification/Supplemental Petition
 - 2. ___ Motion for Civil Contempt/Enforcement
 - 3. ___ Other

III. Type of Case. If the case fits more than one type of case, select the most definitive.

- (A) ___ Simplified Dissolution of Marriage
- (B) ___ Dissolution of Marriage
- (C) ___ Domestic Violence
- (D) ___ Dating Violence
- (E) ___ Repeat Violence
- (F) ___ Sexual Violence
- (G) ___ Stalking
- (H) ___ Support IV-D (Department of Revenue, Child Support Enforcement)
- (I) ___ Support Non-IV-D (**not** Department of Revenue, Child Support Enforcement)
- (J) ___ UIFSA IV-D (Department of Revenue, Child Support Enforcement)
- (K) ___ UIFSA Non-IV-D (**not** Department of Revenue, Child Support Enforcement)
- (L) ___ Other Family Court
- (M) ___ Adoption Arising Out Of Chapter 63
- (N) ___ Name Change
- (O) ___ Paternity/Disestablishment of Paternity
- (P) ___ Juvenile Delinquency

- (Q) ___ Petition for Dependency
- (R) ___ Shelter Petition
- (S) ___ Termination of Parental Rights Arising Out Of Chapter 39
- (T) ___ Adoption Arising Out Of Chapter 39
- (U) ___ CINS/FINS
- (V) ___ Petition for Temporary or Concurrent Custody by Extended Family
- (W) ___ Emancipation of a Minor

IV. Rule of Judicial Administration 2.545(d) requires that a Notice of Related Cases Form, Family Law Form 12.900(h), be filed with the initial pleading/petition by the filing attorney or self-represented litigant in order to notify the court of related cases. Is Form 12.900(h) being filed with this Cover Sheet for Family Court Cases and initial pleading/petition?

- ___ No, to the best of my knowledge, no related cases exist.
- ___ Yes, all related cases are listed on Family Law Form 12.900(h).

ATTORNEY OR PARTY SIGNATURE

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief.

Signature _____ FL Bar No.: _____
 Attorney or party (Bar number, if attorney)

 (Type or print name) (E-mail Address(es))

 Date

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW: [fill in all blanks]

This form was prepared for the: {choose only one} ___ Petitioner ___ Respondent

This form was completed with the assistance of:

{name of individual} _____
 {name of business} _____
 {address} _____
 {city} _____, {state} _____, {zip code} _____, {telephone number} _____

*****NOTICE*****

ALL PAPERWORK PROVIDED BY THIS OFFICE IS USED FOR 'PRO SE' LITIGANTS ONLY. 'PRO SE' MEANS THAT YOU ARE ACTING AS YOUR OWN ATTORNEY. ACTING AS YOUR OWN ATTORNEY MAKES YOU RESPONSIBLE FOR EVERYTHING THAT INVOLVES YOUR CASE FILE. FOR EXAMPLE, IF YOU DO NOT RECEIVE A COURT DATE OR NOTICE FROM THE CLERK'S OFFICE OR THE JUDGE, IT IS UP TO YOU TO CONTACT THE JUDGE FOR A HEARING DATE.

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.

IN THE COUNTY COURT IN AND FOR _____ COUNTY, FLORIDA

IN RE: EMANCIPATION OF :

CASE NO. _____

a Minor
_____ /

NOTICE OF PERMANENT MAILING ADDRESS

I/We, _____, the Plaintiff(s) in the above styled cause of action hereby certify that my/our permanent mailing address is as follows:

Phone: _____

I/WE UNDERSTAND THAT ONLY THIS ADDRESS WILL BE USED BY THE COURT, THE OPPOSING PARTY, AND ANY INTERVENING PARTIES TO THIS CASE FOR THE PURPOSE OF PROVIDING ME WITH:

- a. Notice of all future hearings in this case, and
- b. Any Court documents and papers pertaining to this case.

I/We understand that all notices and court papers in this case will be sent to me/us only at the above address and that in the event personal service of any court documents is necessary that they will first be attempted to be served at the above listed address unless and until I/We notify the court of my/our new address. I/We also understand that if I/We change my/our permanent mailing address or residence address, I/We must notify the Clerk of Court of my/our new address **in writing** by completion of another form similar to this form at the following address within one week of the change of address and with a copy being furnished to all parties:

CLERK OF COURT

I/We have read this document and I/We understand that it is my/our responsibility to keep the Court informed of any change in my/our current address. I/We understand that copies of any court documents and notice of all future hearings which are mailed to my/our current address set forth herein will constitute proper notice and service, and the Court may proceed on all matters noticed and mailed to the above address even if I/We do not appear for said hearing.

Dated: _____

Signature

IN THE CIRCUIT COURT IN AND FOR _____ COUNTY, FLORIDA

IN RE: EMANCIPATION OF:

CASE NO. _____

_____ /
a Minor

STATEMENT OF RESPONSIBILITY

Before filing this case, I have considered the following matters and acknowledge that:

1. This case is being filed in the Circuit Court under the removal of disabilities of nonage of minors, Chapter 743 Florida Statutes. That the conduct of this case will be in accordance with the rules of procedure and laws of Florida which apply to this case.
2. The naming of proper parties is an important element of the case and the responsibility for naming the proper plaintiff(s) and defendant(s) in this case is mine.
3. I am responsible for the furnishing of a correct address or location at which the defendant(s) can be served or given notice of this suit.
4. I assume responsibility as to my right to file this case for myself or for the named plaintiff(s) realizing that if the plaintiff is a corporation that such plaintiff may be required to be represented by an attorney.
5. I do not expect the Clerk who receives and files this claim to give me legal advice as to how to prosecute this case and acknowledge that the Clerk is not acting as my attorney or legal advisor.
6. I am solely responsible for the collection of any judgment entered in my favor.

Dated: _____

Signature

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT OF
THE STATE OF FLORIDA, IN AND FOR _____ COUNTY

IN RE: EMANCIPATION OF:

CASE NO. _____
a Minor _____
_____ /

PETITION FOR EMANCIPATION OF A MINOR

1. Petitioner, _____, whose address is _____,
and whose relationship to the above minor is _____,
petitions this Court to remove the disabilities of nonage of the above minor.

2. The minor, _____, is 16 years of age or older,
and whose date of birth is: _____; currently resides at: _____
_____ ; whose mailing address is: _____
_____ ; and is a resident of _____ County, Florida.

3. The parents of the above minor are: _____,
father, whose residence is: _____ and
whose mailing address is: _____,
and _____, mother, whose residence is: _____
_____ and whose mailing address is: _____

4. The name, date of birth, custody and location of any children born to the minor
are as follows:

- a. Name: _____
- b. Date of Birth: _____
- c. Custody and location: _____

(Attach extra sheet if additional children.)

5. The minor's character, habits, education, income, and mental capacity for
business are as follows: _____

6. The minor's needs with respect to food, shelter, clothing, medical care, and other necessities will be met as follows: _____

7. With respect to whether or not the minor is a party to or subject of a pending judicial proceeding in this State or any other jurisdiction or the subject of a judicial order of any description issued in connection with such judicial proceeding, such as a child support order, custody or visitation order or guardianship, is as follows: (check **one** only)

- a. The minor is not a party or subject to pending judicial proceedings.
- b. The minor is a party to or subject to a pending judicial proceeding, namely,

Nature of proceedings _____

Court or jurisdiction where proceeding is pending _____

Names and addresses of parties to such judicial proceeding _____

8. The disabilities of nonage should be removed from the minor for the following reason: _____

9. The above minor has joined in this petition and consents to the Court granting an Order of Emancipation as indicated and evidenced by the minor's signature on this petition.

WHEREFORE, the Petitioner(s) and the Minor hereby request that this Court enter an Order of Emancipation removing the disabilities of nonage of said Minor.

Signed this _____ day of _____, 20__.

Signature of Petitioner

Printed name of Petitioner

Address of Petitioner

Signature of Petitioner

Printed name of Petitioner

Address of Petitioner

STATE OF FLORIDA,
COUNTY OF _____.

BEFORE ME, the undersigned authority, personally appeared _____, who has acknowledged before me that he/she is the Petitioner in the above Petition for Emancipation of a Minor and executed the same, and said person is _____ personally known to me OR _____ produced identification: _____.

Witness my hand and official seal this _____ day of _____, 20__.

Notary Public/Deputy Clerk

STATE OF FLORIDA,
COUNTY OF _____.

BEFORE ME, the undersigned authority, personally appeared _____, who has acknowledged before me that he/she is the Petitioner in the above Petition for Emancipation of a Minor and executed the same, and said person is _____ personally known to me OR _____ produced identification: _____.

Witness my hand and official seal this _____ day of _____, 20__.

Notary Public/Deputy Clerk

CONSENT BY MINOR

I, _____, the above named minor, do hereby consent to the entry by this Court of an Order of Emancipation and I am fully ready to assume my responsibilities as an adult.

Signed this _____ day of _____, 20__.

Minor's signature

Minor's printed name

Minor's address

STATE OF FLORIDA,
COUNTY OF _____.

BEFORE ME, the undersigned authority, personally appeared _____, who has acknowledged before me that he/she is the Minor that is the subject of the Petition for Emancipation of a Minor and that he/she executed the foregoing Consent, and said person is personally known OR ____ produced identification:

Witness my hand and official seal this _____ day of _____, 20__.

Notary Public/Deputy Clerk

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT OF
THE STATE OF FLORIDA, IN AND FOR _____ COUNTY

IN RE: EMANCIPATION OF _____

CASE NO. _____

_____ /
a Minor

ORDER APPOINTING ATTORNEY AD LITEM FOR MINOR

THIS CAUSE came before the Court on the Petition for Emancipation of a Minor filed in this case, and the court having been fully informed in the premises, finds that:

1. An attorney ad litem should be appointed to represent the minor.
2. _____, a practicing attorney in the State of Florida, whose address is: _____, will accept such an appointment.

Therefore, the Court ORDERS and DECREES that _____, Esquire, is appointed as attorney at litem to represent the above minor in this matter.

DONE AND ORDERED in Palm Beach County, Florida, this _____ day of _____, 20____.

CIRCUIT JUDGE

**INSTRUCTIONS FOR SUMMONS:
PERSONAL SERVICE ON AN INDIVIDUAL**

When should this form be used?

This form should be used to obtain personal service on the parents of the minor that is the subject of the removal of disabilities of nonage. Service is required for all documents filed in your case. Service means giving a copy of the required papers to the parents using the procedure that the law requires. Generally, there are two ways to make service: (1) personal service, or (2) constructive service.

You will need to find out how much the Sheriff charges to serve the papers. The fees to the Sheriff's Department must be paid separately from the filing fee and are paid directly to the Sheriff's Department. Personal checks are not acceptable. You should attach a cashier's check or money order made payable to the Sheriff to the Summons and deliver all of the paperwork and the fee to the Sheriff's Department yourself.

You cannot serve the paperwork filed in this case on the parents yourself or by mail or by hand delivery. Personal service must be made by the Sheriff's Department in the county where the parent(s) lives or works.

IF THE PARENT(S) CANNOT BE LOCATED OR DO NOT LIVE IN FLORIDA: If, after you have made **diligent effort** to locate the parent(s), and you absolutely cannot locate them, you may serve them by publication. Service by publication is also known as constructive service. You may also be able to use constructive service if the parent does not live in Florida. See **INTRUCTIONS FOR CONSTRUCTIVE SERVICE FOR EMANCIPATION** in the enclosed Packet.

Special notes...

If you have been unable to obtain proper service on the parent within **120 days** after filing your lawsuit, the court will dismiss your lawsuit unless you can show the court a good reason why service was not made within **120 days**. For this reason, if you had the sheriff serve the papers, you should check with the Clerk every couple weeks after completing the service papers to see if service has been completed. You may need to supply the sheriff with a new or better address.

If the parent fails to respond, i.e., fails to file a written response with the court, within **20 days** after the service of the Summons, you are entitled to a **default**. Complete the Motion for Default included in this Packet and file it with the Clerk.

IN THE CIRCUIT COURT IN AND FOR _____ COUNTY, FLORIDA

IN RE: EMANCIPATION OF:

_____ CASE NO. _____
a Minor

SUMMONS

IMPORTANT

A lawsuit has been filed against you. You have 20 calendar days after this summons is served on you to file a written response to the attached complaint with the Clerk of this Court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the court you must also mail or take a copy of your written response to the "Plaintiff/Plaintiff's Attorney" named below.

IMPORTANTE

Usted ha sido demandado legalmente. Tiene 20 dias, contados a partir del ricibo de esta notificacion, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefonica no lo protegera. Si usted desea que el tribunal considere su defense, debe presentar su respuesta por escrito, incluyendo el numero del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, podria perder el caso y podria ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guia telefonica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante al tribunal, debera usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney" (Demandante o Abogado del Demandante).

IMPORTANTE

Des poursuites judiciaires ont ete enterprises contre vous. Vous avez 20 jours consecutifs a partir de la date de l'assignation de cette citation pour déposer une reponse

ecrite a la plainte ci-jointe aupres de ce tribunal. Un simple coup de telephone est insuffisant pour vous proteger. Vous etes obliges de déposer votre reponse ecrite, avec mention du numero de dossier ci-dessus et du nom des parties nommees ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne deposez pas votre reponse ecrite dans le relai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent etre saisis par la suite, sans aucun preavis ulterieur du tribunal. Il y a d'autres obligations juridiques et vous pouvez requerir les services immediats d'un avocat. Si vos ne connaissez pas d'avocat, vous pourriez telephoner a un service de reference d'avocats ou a un bureau d'assistance juridique (figurant a l'annuaire de telephones).

Si vous choisissez de déposer vous-meme une reponse ecrite, il vous faudra egalement, en meme temps que cette formalite, faire parvenir, ou expediter une copie de votre reponse ecrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou a son avocat) nomme cidessous.

Plaintiff/Plaintiff's Attorney

Address

Florida Bar No. _____

THE STATE OF FLORIDA:

To Each Sheriff of the State:

YOU ARE COMMANDED to serve this summons and a copy of the complaint in this lawsuit on the above-named defendant.

DATED on _____.

CLERK OF COURT

(SEAL)

By: _____
Deputy Clerk

INSTRUCTIONS FOR CONSTRUCTIVE SERVICE FOR EMANCIPATION

When should this form be used?

This form may be used to obtain constructive service (also called service by publication) in your case if you do not know where the parent(s) live or if the parent(s) lives outside Florida and you are unable to obtain personal service. This is a complicated area of the law and you may wish to consult an attorney before using constructive service.

You must complete and file an **AFFIDAVIT OF DILIGENT SEARCH AND INQUIRY** which is included in this Packet. This form includes a checklist of places you can look for information on the location of the parent(s). While you do not have to look in all of these places, the Court must believe that you have made a very serious effort to get information about the parent(s) location and that you have followed up on any information you received.

You should also complete and file a **NOTICE OF ACTION** with the Clerk for their execution of same. After the Clerk has signed this form you must deliver it to a qualified local newspaper to be published for four (4) consecutive weeks. When in doubt, ask the Clerk which newspapers in your area are "qualified". The newspaper will charge you for the publication.

You should keep a copy of the Affidavit of Diligent Search and Inquiry and the Notice of Action for your records.

Special notes...

If the parent(s) fail(s) to respond to your petition within the time limit stated in the Notice of Action that is published, you may request a **default** by completing and filing the Motion for Default.

IN THE CIRCUIT COURT IN AND _____ COUNTY, FLORIDA

IN RE: EMANCIPATION OF:

CASE NO. _____

_____ /
a Minor

AFFIDAVIT OF DILIGENT SEARCH AND INQUIRY

Petitioner(s), _____, being
sworn, certify that the following information is true:

1. I have made diligent search and inquiry to discover the name and current residence of the parent(s), _____, of the above minor. Refer to checklist below and identify all actions taken (any additional information included such as the date the action was taken and the person with whom you spoke is helpful). Attach additional sheet if necessary.

[X all that apply]

- United States Post Office inquiry through Freedom of Information Act for current address or relocations.
- Last known employment of parent(s), including name and address of employer. You should also ask for any addresses to which W-2 Forms were mailed, and, if a pension or profit-sharing plan exists, then for any addresses to which any pension or plan payment is and/or has been mailed.
- Unions from which parent(s) may have worked or that governed particular trade or craft.
- Regulatory agencies, including professional or occupational licensing.
- Names and addresses of relatives and contacts with those relatives, and inquiry as to parent(s) last known address. You are to follow up any leads of any addresses where parent(s) may have moved. Relatives included, but are not limited to: parents, brothers, sisters, aunts, uncles, cousins, nieces, nephews, grandparents, great-grandparents, former in-laws, stepparents, stepchildren.
- Information about the parent(s) possible death and, if dead, the date and location of the death.
- Telephone listings in the last known locations of parent(s) residence.
- Internet at <http://www.switchboard.com> or other Internet people finder or the library checked for me.
- Law enforcement arrest and/or criminal records in the last known residential area of parent(s).
- Highway Patrol records in the state of parent(s) last known address.
- Department of Motor Vehicle records in the state of parent(s) last known address.
- Department of Corrections records in the state of parent(s) last known address.
- Title IV-D (child support enforcement) agency records in the state of parent(s) last known address.
- Hospitals in the last known area of parent(s) residence.
- Utility companies, which include water, sewer, cable TV, and electric, in the last known area of parent(s) residence.
- Letters to the Armed Forces of the U.S. and their response as to whether or not there is any information about the parent(s).
- Tax Assessor's and Tax Collector's Office in the area where parent(s) last resided.

____ Other: (explain) _____

2. The age of the parent(s) is { one only } _____ known (enter age) _____ or _____ unknown.

3. The parent(s) current residence _____
[one only] _____

____ a. Parent(s) current residence is unknown to me.

____ b. Parent(s) current residence is in some state or country other than Florida, and parent(s) last known address is:

____ c. The Parent(s), having residence in Florida, have been absent from Florida for more than 60 days prior to the date of this affidavit, or conceals him or herself so that process cannot be served personally upon him or her, and I believe there is no person in the state upon whom service of process would bind this absent or concealed parent(s).

I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Dated: _____

Signature of Petitioner

Printed name of Petitioner

Address of Petitioner
Phone: _____

Signature of Petitioner

Printed name of Petitioner

Phone: _____

STATE OF FLORIDA,
COUNTY OF _____

Sworn to or affirmed and signed before me on _____ by _____

Notary Public/Deputy Clerk

____ Personally known
____ Produced identification

Type of identification produced: _____

IN THE CIRCUIT COURT IN AND FOR _____ COUNTY, FLORIDA

IN RE: EMANCIPATION OF:

_____ CASE NO. _____
a Minor _____ /

NOTICE OF ACTION

TO: _____
Whose address is:

YOU ARE NOTIFIED that an action for removal of disabilities of nonage of the above minor has been filed and you are required to serve a copy of your written defenses, if any, to it on Petitioner(s), _____, whose address is: _____, on or before _____, 20__, and file the original with the Clerk of this Court immediately thereafter; otherwise a Default will be entered against you for the relief demanded in the Complaint.

DATED on _____.

Clerk of Court

By: _____
Deputy Clerk

IN THE COUNTY COURT IN AND FOR _____ COUNTY, FLORIDA
IN RE: EMANCIPATION OF :

_____ CASE NO. _____
a Minor
_____ /

MOTION FOR DEFAULT

TO THE CLERK OF THE COURT:

PLEASE ENTER A DEFAULT AGAINST DEFENDANT WHO HAS FAILED TO RESPOND TO THE COMPLAINT.

I certify that a copy of this document was [one only] (mailed (faxed and mailed (hand delivered to the Parent(s) of the above minor, _____ on _____.

Dated: _____

Signature of Plaintiff _____

Address _____

Phone: _____

DEFAULT

A default is entered in this action against Parent(s) of the above minor, _____ for failure to serve or file a response or any paper as required by law.

Dated: _____

Clerk of Court

(SEAL)

By: _____
Deputy Clerk

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT OF
THE STATE OF FLORIDA, IN AND FOR _____ COUNTY

IN RE: EMANCIPATION OF :

_____ CASE NO. _____
a Minor _____
_____ /

MOTION FOR HEARING

Petitioner(s), _____,
file(s) this motion for hearing and allege(s):

1. Petitioner(s) have filed a Petition for Emancipation of a Minor with this court.
2. That Petitioner(s) are entitled to a hearing on this matter because: (check **one** only)

___ a. Both natural parents of the minor that is the subject of this case, as well as the minor, have executed the Petition for Emancipation of a Minor and consent to the removal of his/her disabilities of nonage.

___ b. The nonpetitioning parent(s) has been served by Service of Process and has failed to file a written response and a default has been entered against him/her.

WHEREFORE, Petitioner(s) ask(s) this court to set a hearing in this matter.

Signed this _____ day of _____, 20__.

Petitioner

Petitioner

Sworn to and subscribed before me this _____ day of _____, 20__.

Notary Public/Deputy Clerk