

DISCLAIMER

The information provided in this brochure is meant to be a source of information only. It is provided to assist juveniles and their parents in understanding the procedures required for emancipating a minor.

It is not legal advice.

“Emancipation” is a legal status which allows a minor to exercise his or her own judgment about legal, social and financial matters. An emancipated minor is not subject to parents’ custody or control.

State laws governing emancipation are found at MCL 722.1-6.

A minor can become emancipated in two ways:

- 1) By operation of law or***
- 2) By court order***

Emancipation by Operation of Law

A minor becomes emancipated when he/she:

- Reaches 18 years old.
- Is legally married.
- Is on active duty with the armed forces.

- Is in the custody of law enforcement or the State Department of Corrections and a parent cannot be located. This type of emancipation is for purposes of consenting to medical treatment only.

Emancipation by Court Order

Before the court orders emancipation, a court hearing must be held. Both parents are entitled to notice of when and where the hearing will be held, and are entitled to be present at the hearing if they wish to attend.

The court can grant an emancipation order even if parents object, and can order that parents continue to support a child even though emancipation has been ordered.

At the court hearing, the judge will determine whether the minor understands the legal effects of emancipation and has demonstrated the ability to manage his or her financial, personal and social affairs.

Evidence Required for Court-Ordered Emancipation

The following evidence must be presented by a minor requesting emancipation:

- Proof of age (must be at least 16 years old, and provide a copy of his/her birth certificate to the court).
- Proof that he/she is a resident of the State of Michigan.
- Proof of employment or a plan to support himself or herself. The minor must provide copies of pay stubs and also identify all other forms of income such as child support or social security payments.
- A budget showing all income and expenses, showing that the minor has adequate income.
- Proof of housing, including where he/she intends to live and what monthly living expenses will be. Rent receipts or a letter from the property owner are acceptable.
- The minor must provide the court with information about how his/her medical needs will be met if he/she is emancipated by the court.

A minor's petition for emancipation must include an affidavit from a professional, such as a teacher, school counselor, employer, minister, police officer, etc., who is willing to state that emancipation is in the best interest of the minor and that he/she possesses the maturity and skills to live independently.

School attendance records showing good standing and good attendance will be helpful in establishing the minor can manage his/her own affairs.

Filing Fee:

There is a \$150.00 fee required for filing a petition for emancipation.

A minor who wishes to be emancipated by court order should collect the necessary evidence. He/she should then contact **Laura Koen-Apple at (906) 225-8291** to schedule an appointment.

Ms. Koen-Apple can provide further information that is needed to proceed with emancipation. She can also furnish the appropriate court forms and assist with scheduling a hearing in the Family Division of the Circuit Court.

EMANCIPATION OF A MINOR



A Guide To Help Minors And Parents Understand the Procedures for Emancipation

Marquette County
Circuit Court
Family Division
234 W. Baraga Avenue
Marquette, MI 49855
(906) 225-8300

PUBLIC SERVICE OF
Hon. Cheryl L. Hill
Probate Judge