

Emancipation of Minors

In 2005, ACAPP successfully worked with legislators and other advocacy organizations to pass House Bill 2428, which allows minors to petition the courts to emancipate. The law became effective August 12, 2005. Below is an overview of the process:

Qualifications to Emancipate:

- 1) Be at least 16
- 2) An Arizona resident
- 3) Financially self-sufficient
- 4) Acknowledge in writing that the petitioner has read and understands the rights and obligations of emancipation
- 5) The minor is not a ward of the court or in the state's custody

Cost to Emancipate:

- 1) \$46 filing fee, but the court may waive the fee

Minor Must Demonstrate to the Court the Ability to:

- 1) Manage financial, personal and social affairs
- 2) Live wholly independent of parent or guardian
- 3) Obtain or maintain health care, education, training or employment

Required Documentation:

The minor must provide at least one (1) of the following:

- 1) Documentation of the minor's independent living for at least three consecutive months
- 2) Statement explaining why the minor believes the home of the parent or legal guardian is unsafe
- 3) A notarized statement of written consent from the parent or guardian in addition to an explanation by the parent or guardian

Court Process:

- 1) Minor may represent self or be represented by an attorney
- 2) The court may appoint a lawyer for the petitioner
- 3) The court has up to 90 days to hear the petition
- 4) At least 2 months prior to the hearing, the court must notify the minor's parents
- 5) The parents have up to 30 days to object to the emancipation
- 6) The parents may request mediation or the court may order mediation

Basis for the Court Decision:

The decision to grant emancipation must be in the best interests of the minor and the court must weigh the:

- 1) Potential risks and consequences of emancipation
- 2) Wishes of the minor
- 3) Opinions and recommendations of the minor's parents or guardian
- 4) Financial resources of the minor and the minor's ability to be financially self-sufficient
- 5) Employment, education and criminal history of the minor

Rights of Emancipated Minors

An emancipated minor is entitled to:

1. Enter a contract
2. Sue and be sued
3. Buy and sell real estate
4. Establish a legal residence
5. Pay child support
6. Incur debts
7. Apply for social services
8. Obtain a job-related license
9. Apply for school
10. Apply for loans
11. Access medical treatment and records
12. Consent to medical treatment
13. A driver's license or non-operating license with the words:
Emancipated Minor

For more information, contact the ACAPP office at 602-265-4337 or acapp@azteenpregnancy.org