SO YOU WANT TO BECOME EMANCIPATED?
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What is emancipation?

Emancipation is a way you legally separate from your parents or guardian, before you turn 18 years old. Some people call this a “divorce” between you and your parents or guardian, and like a divorce, emancipation may improve or strain the personal relationship you have with your parents, guardian or other family.

Once you become emancipated, you free yourself from the custody and control of your parents or guardian. You also give up the right to have your parents or your guardian support you financially. At the same time, you gain the right to control most BUT NOT ALL aspects of your life.

How will my life change if I become emancipated?

Emancipation changes your relationship with your parents or guardian, and your relationship with public agencies. Specifically:

- You will lose your right to have your parents or guardian financially support you for your basic living expenses and health care.

**Note:** Becoming an emancipated minor does not automatically make you eligible for public benefits.

- You may be held legally and financially responsible for any injuries you cause to others.

- You will gain the right to handle your own affairs. For example, you will be able to:
  - Live where you choose
  - Sign binding contracts (such as mobile phone plans)
  - Keep and spend your own earnings
  - Get a work permit without your parent’s consent
  - Sue someone in your own name
  - Consent to all of your own medical, dental and mental health care
  - Stay out as late as you want
  - Sign up for school or college
What will not change if I become emancipated?

Certain laws always apply to you as a minor, even after you become emancipated:

- **You Must Go To School.** Education laws require you to stay in school until you graduate from high school or turn eighteen.

- **You Cannot Work As Many Hours As You Want.** You still have to follow all child labor laws and work permit rules.

- **You Are NOT EXEMPT from Statutory Rape Laws.** If you have sex, you or your partner could get in trouble with the law, especially if there is a big age difference (unless you are married to your partner) or the relationship is abusive.

- **You Cannot Drink Alcohol Legally.** Even if emancipated, you may not legally drink alcohol until you turn twenty-one.

- **You Cannot Vote.** Emancipation does not lower the voting age. You still must be eighteen to vote.

SOME LEGAL RIGHTS YOU MAY NOT REALIZE YOU ALREADY HAVE

You don’t need to be emancipated to get some kinds of health care!

Even if you are living with your parents and are not emancipated, you can get some kinds of health care for free without anyone informing your parents. This health care program is called “Medi-Cal Minor Consent Services.” It covers family planning, birth control, abortion, and pregnancy care, as well as treatment for drug or alcohol problems, mental health problems, sexually transmitted diseases, rape and sexual assault. You can apply for Medi-Cal Minor Consent Services at health clinics, family planning clinics, or county welfare offices.

So, if you are thinking about emancipation just to get health care, you may want to see if you can get the care you need without having to be emancipated.
Do I qualify for emancipation?

There are three ways you may become emancipated:

1. **If You Are Married.** If you are under eighteen you must get the written consent of your parents or guardian and a court order to get married.

2. **By Enlisting In The Armed Services.** Your parents and the armed forces must give you permission to enlist if you are under eighteen.

3. **By Going To Court And Having The Judge Declare You Emancipated** ("Judicial Declaration"). To use this method for emancipation, you must first satisfy the following six requirements:
   
   a. **You must be at least 14 years of age at the time you begin to seek legal emancipation.**

   b. **You must NOT be living with your parents or legal guardian.** The court wants to be sure you have made a living arrangement where you plan to stay indefinitely. In other words, they want to see more than a temporary address. Saying you are “staying with a friend” is not enough.

   c. **Your parents or legal guardian must have consented or acquiesced to your living away from them.** Parental consent is generally required for a teen to become emancipated. This can be shown in two ways. One way is to get your parents to sign a consent and attach it to the Petition for Emancipation. If your parents sign this form, it may be easier for you to become emancipated. If your parents won’t sign this form, you may be able to show the court that your parents have “acquiesced.” If you are living away from home and your parents know all about this but they are not objecting or trying to bring you back home to live, a judge MAY interpret their lack of action as “acquiescence” or agreement to your living arrangement.

   d. **You must manage your own finances.** The court needs to be sure you have income earned only by you and that you make the decisions on how that income is spent. You will need to show evidence that you pay your own bills, especially for housing, food and clothing. It is best if you can show that you actually use your money for the things you need. Even if you could argue that you trade housework for room and board, it is better if you can arrange to receive money for the work you do and
then use that money to pay rent. While there is no set amount of money you must earn, the judge will examine your finances closely to make certain you make enough money to pay for expenses. Some judges may deny your request to be emancipated if your only source of income is welfare (CalWORKs).

e. **Your source of income must be legal.** This means you must not earn your living from criminal activities.

f. **The emancipation must be in your best interest.** This requirement allows the judge a great deal of freedom in deciding whether to declare you emancipated. Even if you meet the other five requirements, a judge who feels it is not in your best interest to become emancipated can deny your petition. In court, your parents or anyone else may object to your emancipation and try to persuade the judge that it is not in your best interest.

### Myths About Emancipation

*I heard that if a girl has a baby, she is automatically emancipated when she gives birth. Is this true?*

**ABSOLUTELY NOT!** Having a baby does not mean you are automatically emancipated. Any teen under 18 who has a baby must still legally live with her parents or guardian. Also, if you need cash aid, the law says you must live with a parent or relative, or in an adult-supervised program such as a group home. But this rule does not apply to Medi-Cal or Food Stamps and there are exceptions. For example, if you or your child’s health or safety would be at risk if you lived with a parent, or you have already lived apart from your parents for 12 months. If you need cash aid and don’t live with a parent or relative, ask the CalWORKs eligibility worker to refer you to a MINOR PARENT SERVICES caseworker to see if you qualify for one of the exceptions.

### My parents say they want me to be emancipated. Can they do that?

**NO.** There are some parents who would like their child to be emancipated because it means the parents are no longer legally responsible for supporting their child. However, emancipation is meant to be an improvement in your life, not a way for parents to get out of their responsibilities.
Some things to think about

♦ Be sure you can realistically support yourself without financial help from your parents (including health insurance) as emancipation means giving up your rights to parental support.

♦ When considering emancipation, you should think about worst case scenarios such as job loss or illness that might prevent you from working or taking care of yourself.

♦ There is a way of undoing emancipation after it has been granted. However, you should think of emancipation as a permanent situation when you are deciding whether or not to file a petition.

♦ Here are some questions you should consider: Have you given up on trying to make your relationship with your parents work? Are you willing to risk having a complete break with them, that could be permanent, and perhaps upset other family members as well?

♦ Keep this in mind: All teenagers become “emancipated” on their 18th birthday without filing a petition or going through this process.

♦ So take your time in making this decision. If you will be 18 in six months or less, there isn’t time to complete the court process, which takes four to six months.
What you need to do
If you decide emancipation is the right option for you, you must go through some specific court procedures. If you (1) meet all the requirements outlined above and (2) have lived in Los Angeles County for at least 6 months, you can file for emancipation at the Juvenile Division of the Superior Court of Los Angeles. The emancipation forms and procedures are fairly simple and you can prepare them on your own. You do not need a lawyer, but if you are having a hard time, you can call Public Counsel at (213) 385-2977 ext. 500 to ask for help.

This section of the brochure will walk you through some of the necessary steps for filing an emancipation petition. The court materials will also provide explanations for you to follow.

1. **Obtain the necessary forms.** Emancipation forms are free at the Children’s Court Clerk’s Office at 201 Centre Plaza Drive, 2nd Floor Adoptions & Abandonment window 2100, Monterey Park, Los Angeles, California 91754; telephone (323) 526-6343. You can also download the forms for free at [http://www.courts.ca.gov/1222.htm](http://www.courts.ca.gov/1222.htm).

2. **Complete the forms.** The court packet will contain the forms you need, along with detailed instructions on how to complete them. Be prepared to explain why you want to be emancipated.

You must complete the following forms: (See the Appendix for a complete set of forms)

- Petition for Declaration of Emancipation of Minor, Order Prescribing Notice, Declaration of Emancipation, and Order Denying Petition (MC-300) (See Appendix B)

- Emancipation of Minor – Income and Expense Declaration (MC – 306) (See Appendix C)

- Notice of Hearing—Emancipation of Minor, Consent and Waiver of Notice (MC – 305) (See Appendix D)

- Declaration of Emancipation of Minor After Hearing (MC – 310) (See Appendix E)

- Request to Waive Court Fees (FW—001) (See Appendix F).
3. **Emancipation Checklist.** (See appendix A) In addition to the Court forms, you will need to provide the Court with the documents in the emancipation checklist, which is also in the appendix of this booklet. These forms include your birth certificate, social security card, work permit, and last report card from school. If some of the documents on the Emancipation Checklist, like a “headshot” or a “trust account statement” are not things that apply to you, just write that you do not have these things. **Please note,** these documents must be filed with the Court with the Petition for Emancipation.

4. **Consent and Waiver of Notice.** If your parents are agreeing to your emancipation, they need to **sign the Consent and Waiver of Notice form** (bottom part of Appendix D) in front of a notary public.

This form also allows your parents to waive their right to notice of the emancipation hearing — if they sign it, you will not be required to give them written notice of the hearing, and file a proof of service form.

Once the consent form is signed in front of the notary public, attach it to the Petition for Declaration of Emancipation of Minor (Appendix B) and file it with the other court forms.

**You may find a notary public in the ways listed below:**

1. To locate a Notary Public in your area, you may go online to [www.thenotarylist.com](http://www.thenotarylist.com) or [www.123notary.com](http://www.123notary.com). You can also dial (888) 838-1458. By providing your zip code, you will receive a list of notaries in your area.

2. You may check with your local court house to see if they have a notary public on site.

3. You may also visit any UPS store near you or log on [www.theupsstore.com](http://www.theupsstore.com) and ask if that office provides notary services.

**By law for any notarization conducted, the notary public may only charge $10.00 per signature.** So, if the document you need notarized requires you to sign two times, you will be charged $20.00. If you only need to sign once, then you will be charged $10.00. If you request that the notary come to your home, then the notary can charge mileage fees.
5. **File these forms with the Court.** Take the completed forms to file at the Clerk’s Office of the Children’s Court, Juvenile Court Services, at 201 Centre Plaza Drive, Monterey Park, second floor Adoptions & Abandonment window 2100. Unless you are applying for a waiver of court costs and fees, you must pay the $350.00 filing fee by check, cash or money order. The current judge handling emancipation cases is Judge Amy Pellman but you will want to contact the Clerk at Judge Pellman’s’ Courtroom: (323) 526-6343 to make sure this will be the judge handling your case.

6. **Hearing on the Order Prescribing Notice.** (See Appendix B) After the clerk has filed your petition (the form you fill out and sign for the court), the petition goes to the court for review. The court will then decide whether to have a hearing. If the court decides not to have a hearing you will be notified by mail. If there is to be a hearing, the court will decide who must be officially notified that you filed a Petition for Emancipation.

   Your parent(s) or legal guardians have a right to receive official notice of the proceedings, as will the Department of Children and Family Services or the Probation Department if they are supervising you.

   If you did not get the Consent and Waiver of Notice form signed, the court will set another hearing date in about four to six weeks. This gives you time to notify your parents—and anyone else the court requires you to notify—by mail so they can appear at the hearing if they want their opinions heard in court.

7. **Hearing on Emancipation.** You must appear at the time and place set by the court for the emancipation hearing. Be on time.

   The judge will probably ask you to testify (talk in court). He or she may ask you why you think you are doing well enough to be in charge of your own life and may even ask you to explain some recent decisions you have made. The judge is trying to make sure the emancipation is really in your best interest. All you need to do is answer the questions honestly.
The judge may also ask your parents to speak in court. Be sure you are prepared to respond to any issues your parents may have with you being emancipated.

Bring an **additional copy of all of the documents that you filed** with the court, which should include proof that you are in school, proof of your earnings or income, like pay stubs, and a list of your expenses.

You can also bring other witnesses, like a landlord, employer, or teacher, and any other responsible adults to testify in your favor. If you are under the supervision of the juvenile court, your probation officer or social worker will submit a report and recommendation to the court. After hearing the evidence, the judge will either grant or deny your Petition for Emancipation.

8. **After the hearing.** Once the hearing has taken place and your petition has been approved or denied, both you and your parents will have an opportunity to challenge the decision.

- If the petition is approved, you may obtain a certified copy of the Declaration of Emancipation at the Clerk’s Office on the second floor for $25.00 plus the cost of the copy. You may then take the certified copy of the Declaration of Emancipation to the Department of Motor Vehicles (DMV) where you can get a new I.D. card to show you are emancipated. You must complete an emancipated minor’s application to California Department of Motor Vehicles (Form MC-315). You will be able to present this I.D. card to future landlords and employers or others to prove that you are an emancipated minor.

- If the emancipation petition is denied: The law gives you the right to file a different petition (an official written request) for what is called a writ of mandate. This means a different judge must be allowed to review the decision and may overturn it.

- Your parents also have the right to petition for a writ of mandate if the emancipation was approved. If they oppose approval of your petition, their application for a writ of mandate will also result in your petition’s review by a new judge with, possibly, a new decision. However, they can only petition for this review if they appeared at the court hearing and opposed your emancipation.
The Bottom Line!

As you can see, emancipation is a fairly complicated process. There are lots of things to think about and requirements to fulfill before a court decision can be made. It is a natural and common experience to have mixed feelings about it and to go back and forth many times while trying to decide whether to bring up the subject with your family and whether to start the emancipation process.

Assistance

If you have any questions about the emancipation process in Los Angeles or would like assistance, you can call the Children’s Rights Project at Public Counsel, 213/385-2977 ext. 500 or 800/870-8090 ext. 500.

For emancipation forms and instructions visit the California courts self-help center at: 
http://www.courts.ca.gov/selfhelp-emancipation.htm. See the Appendix for a complete set of forms.

Additional Resources

Teen Line .......................... (800) TLC-TEEN  
(800) 852-8336

Youth crisis line (24 hours) .................. (800) 843-5200

211 LA County .............................. Dial 211
For shelter and counseling information.
EMANCIPATION CHECKLIST

Appendix A

Los Angeles County court list of documents to support emancipation petition:

1. ____ Photo identification
2. ____ Birth certificate
3. ____ Social security card
4. ____ Last report card from school
5. ____ Work permit
6. ____ Last pay stub or letter from employer verifying your salary, working hours and employment status (full or part time)
7. ____ Checking and/or savings account statement
8. ____ Trust account statement
9. ____ Medical insurance card
10. ____ Death certificate (if a parent is deceased)
11. ____ Headshot (minor in the entertainment industry)
12. ____ Entertainment contract (if working in the entertainment industry)
13. ____ Letter from the minor stating:
   i. Why he/she wants to be emancipated
   ii. Where he/she lives, and who else lives there,
   iii. How he/she earns money, and what rent, bills, and other expenses he/she pays.
   iv. If the minor has children, how he/she supports them.
14. ____ Letter from parent(s), legal guardian(s), or other adult willing to provide some support after emancipation is granted
15. ____ Notarized signature from parent(s) or legal guardian(s) if they are consenting to your emancipation. (You may notarize the “Notice of Hearing—Consent and Waiver of Notice” form or notarize a separate letter)
16. ____ Letter from adult and/or another minor, if the applicant is currently residing with or plans to reside with them after the emancipation is granted. The letter must include:
   i. The reason for the living arrangement
   ii. Any verbal or written agreement or responsibility the minor has, in exchange for housing
   iii. The date of birth and social security number of the adult and/or other minor (This number is for criminal background check)
17. ____ Any reference letter(s) in support of the emancipation
18. ____ The filing fee of $350.00 or the completion of the “application for waiver of court fees and costs”
### Appendix B

**MC 300**

<table>
<thead>
<tr>
<th>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)</th>
<th>TELEPHONE NO.: FOR COURT USE ONLY</th>
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<td></td>
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</tbody>
</table>

**ATTORNEY FOR (Name):**

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF:**

**STREET ADDRESS:**

**MAILING ADDRESS:**

**CITY AND ZIP CITY:**

**BRANCH NAME:**

**IN THE MATTER OF (NAME):** Petitioner, a minor

<table>
<thead>
<tr>
<th>CASE NUMBER</th>
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<table>
<thead>
<tr>
<th>PETITION FOR DECLARATION OF EMANCIPATION OF MINOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ ORDER PRESCRIBING NOTICE</td>
</tr>
<tr>
<td>☐ DECLARATION OF EMANCIPATION</td>
</tr>
<tr>
<td>☐ ORDER DENYING PETITION</td>
</tr>
</tbody>
</table>

1. My name:  
   My address:

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 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 MC-306 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, on (date):

<table>
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<tr>
<th>SIGNATURE OF PETITIONER</th>
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</table>

Form Adopted for Mandatory Use

[Caption: MC-300 (Rev. January 1, 2018)]

PETITION FOR DECLARATION OF EMANCIPATION OF MINOR,
ORDER PRESCRIBING NOTICE, DECLARATION OF EMANCIPATION, AND ORDER DENYING PETITION

[Caption: Family Code § 7000, et seq.]

www.mcojiten.cagov.gov
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
   (5) ☐ District attorney
   (6) ☐ Service on social worker or probation officer

   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)

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
<table>
<thead>
<tr>
<th><strong>1.</strong> My name and address are:</th>
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<tbody>
<tr>
<td>My telephone number is:</td>
</tr>
<tr>
<td>I have been living at this address since:</td>
</tr>
<tr>
<td>I live there with (name and relationship of all persons, including children):</td>
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</table>

<table>
<thead>
<tr>
<th><strong>2.</strong> My date of birth is:</th>
</tr>
</thead>
</table>

| **3. a.** I am attending school (name of school and grade): |
| **3. b.** I am not attending school. The highest year of education I have completed is: |

<table>
<thead>
<tr>
<th><strong>4.</strong> My occupation is:</th>
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</table>

| **5. a.** I am employed. My place of employment is (name and address): |
| **5. b.** I am not employed at the present time. I last worked from (starting month and year): |
| **5. c.** 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. |
| **6. b.** I am receiving welfare or AFDC. Monthly amount received: $ |
| **6. c.** I have applied for welfare or AFDC. |
| **6. d.** I intend to apply for welfare or AFDC. |
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): .............................................................. $

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): ............................................................................................. $ 

9. My monthly expenses are:
   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]
### Appendix D

**ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):**

**TELEPHONE NO.:**

**FOR COURT USE ONLY:**

**ATTORNEY FOR (Name):**

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF**

**STREET ADDRESS:**

**MAILING ADDRESS:**

**CITY AND ZIP CODE:**

**BRANCH NAME:**

**IN THE MATTER OF (NAME):**

<table>
<thead>
<tr>
<th>Petitioner, a minor</th>
</tr>
</thead>
</table>

**CASE NUMBER:**

**NOTICE OF HEARING — EMANCIPATION OF MINOR**

<table>
<thead>
<tr>
<th>CONSENT AND WAIVER OF NOTICE</th>
</tr>
</thead>
</table>

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:

<table>
<thead>
<tr>
<th>on (date):</th>
<th>at (time):</th>
<th>in Dept.:</th>
<th>Room:</th>
</tr>
</thead>
</table>

**TO PARENTS:**


**Date:**

<table>
<thead>
<tr>
<th>(TYPE OF PRINT NAME)</th>
<th>PETITIONER</th>
<th>CLERK</th>
</tr>
</thead>
</table>

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**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: [Date]
  - Address: [Address]
  - Telephone number: [Number]

- **b.** Father: [Signature] Dated: [Date]
  - Address: [Address]
  - Telephone number: [Number]

- **c.** Legal guardian: [Signature] Dated: [Date]
  - Address: [Address]
  - Telephone number: [Number]

- **d.** Social worker: [Signature] Dated: [Date]
  - Address: [Address]
  - Telephone number: [Number]

- **e.** District attorney: [Signature] Dated: [Date]
  - Address: [Address]
  - Telephone number: [Number]

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*Form Approved by the Judicial Council of California MC-305 (Rev July 1, 1994)*

**NOTICE OF HEARING — EMANCIPATION OF MINOR**

Family Code § 7050 et seq.
Appendix E

DECLARATION OF EMANCIPATION OF MINOR AFTER HEARING

1. This proceeding came on for hearing as follows:
   a. Date: ____________________________ Time: __________ Dept.: ______ Div.: ______ Room: ______
   b. Judge (name): ____________________
   c. Present in court:
      □ Petitioner
      □ Father
      □ Mother
      □ Probation officer (name):
      □ Social worker (name):
      □ County counsel (name):
      □ District attorney (name):
      □ Other (name and relationship to minor):
      □ Attorney (name):
      □ Attorney (name):
      □ Attorney (name):

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)

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
# Appendix F

## FW-001 Request to Waive Court Fees

If you are getting public benefits, are a low-income person, or do not have enough income to pay for your household’s basic needs and your court fees, you may use this form to ask the court to waive your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for $10,000 or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.

### 1. Your Information
(person asking the court to waive the fees):

- **Name:**
- **City:**
- **State:**
- **Zip:**
- **Phone number:**

### 2. Your Job, if you have one (job title):

- **Name of employer:**
- **Employer’s address:**

### 3. Your Lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number):

### A. The lawyer has agreed to advance all or a portion of your fees or costs (check one):

- [ ] Yes
- [ ] No

### B. (If yes, your lawyer must sign here) Lawyer’s signature:

- **If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.**

### 4. What court’s fees or costs are you asking to be waived?

- [ ] Superior Court (See Information Sheet on Waiver of Superior Court Fees and Costs (Form FW-001-INFO).)
- [ ] Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See Information Sheet on Waiver of Appellate Court Fees (Form AP-015/FW-015-INFO).)

### 5. Why are you asking the court to waive your court fees?

- [ ] I receive (check all that apply; see Form FW-001-INFO for definitions):  
  - [ ] Food Stamps  
  - [ ] Supp. Sec. Inc.  
  - [ ] SSP  
  - [ ] Medi-Cal  
  - [ ] County Relief/Gen. Assist.  
  - [ ] IHSS  
  - [ ] CalWORKS or Tribal TANF  
  - [ ] CAPI  
- [ ] My gross monthly household income (before deductions for taxes) is less than the amount listed below. (If you check 5b, you must fill out 7, 8, and 9 on page 2 of this form.)

<table>
<thead>
<tr>
<th>Family Size</th>
<th>Family Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$1,298.05</td>
</tr>
<tr>
<td>2</td>
<td>$1,593.38</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Family Size</th>
<th>Family Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>$2,092.71</td>
</tr>
<tr>
<td>4</td>
<td>$2,520.05</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Family Size</th>
<th>Family Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>$2,959.38</td>
</tr>
<tr>
<td>6</td>
<td>$3,362.75</td>
</tr>
</tbody>
</table>

- [ ] If more than 6 people at home, add $433.34 for each extra person.

### 6. I do not have enough income to pay for my household’s basic needs and the court fees. I ask the court to:

- [ ] Waive all court fees and costs
- [ ] Waive some of the court fees
- [ ] Let me make payments over time

- [ ] Check here if you asked the court to waive your court fees for this case in the last six months.

(If your previous request is reasonably available, please attach it to this form and check here.)

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

**Date:**

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Revised March 1, 2016, Mandatory Form
Government Code, § 68933 Cal. Rules of Court, rules 3.91, 8.02, and 8.18
Your name:__

Case Number:__

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. If you checked 5c, you must fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

7  □  Check here if your income changes a lot from month to month. If it does, complete the form based on your average income for the past 12 months.

8  Your Gross Monthly Income
   a. List the source and amount of any income you get each month, including: wages or other income from work before deductions, spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.
      (1) $ ____________
      (2) $ ____________
      (3) $ ____________
      (4) $ ____________
   b. Your total monthly income: $ ____________

9  Your Household Income
   a. List the income of all other persons living in your home who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.
      Name: ____________  Age: ____________  Relationship: ____________  Gross Monthly Income $ ____________
      (1) ____________  (2) ____________  (3) ____________  (4) ____________
   b. Total monthly income of persons above: $ ____________
   Total monthly income and household income (8b plus 9b): $ ____________

To list any other facts you want the court to know, such as unusual medical expenses, etc., attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top. Check here if you attach another page. □

Important! If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

10 Your Money and Property
   a. Cash $ ____________
   b. All financial accounts (List bank name and amount):
      (1) ____________  (2) ____________  (3) ____________
   c. Cars, boats, and other vehicles
      Make / Year $ ____________  Fair Market Value $ ____________  How Much You Still Owe $ ____________
      (1) ____________  (2) ____________  (3) ____________
   d. Real estate
      Address $ ____________  Fair Market Value $ ____________  How Much You Still Owe $ ____________
      (1) ____________  (2) ____________
   e. Other personal property (jewelry, furniture, cars, stocks, bonds, etc.)
      Describe: ____________  Fair Market Value $ ____________  How Much You Still Owe $ ____________
      (1) ____________  (2) ____________

11 Your Monthly Deductions and Expenses
   a. List any payroll deductions and the monthly amount below:
      (1) ____________  (2) ____________  (3) ____________  (4) ____________
   b. Rent or house payment & maintenance $ ____________
   c. Food and household supplies $ ____________
   d. Utilities and telephone $ ____________
   e. Clothing $ ____________
   f. Laundry and cleaning $ ____________
   g. Medical and dental expenses $ ____________
   h. Insurance (life, health, accident, etc.) $ ____________
   i. School, child care $ ____________
   j. Child, spousal support (another marriage) $ ____________
   k. Transportation, gas, auto repair and insurance $ ____________
   l. Installment payments (list each below):
      Paid to: ____________  (1) ____________
      (2) ____________  (3) ____________
   m. Wages/earnings withheld by court order $ ____________
   n. Any other monthly expenses (list each below):
      Paid to: ____________  How Much? ____________
      (1) ____________  (2) ____________  (3) ____________
   Total monthly expenses (add 11a–11n above): $ ____________

Request to Waive Court Fees

FW-001, Page 2 of 2

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INFORMATION SHEET ON WAIVER OF SUPERIOR COURT FEES AND COSTS

If you have been sued or if you wish to sue someone, if you are filing or have received a family law petition, or if you are asking the court to appoint a guardian for a minor or a conservator for an adult or are an appointed guardian or conservator, and if you (or your ward or conservatee) cannot afford to pay court fees and costs, you may not have to pay them in order to go to court. If you (or your ward or conservatee) are getting public benefits, are a low-income person, or do not have enough income to pay for your (or his or her) household’s basic needs and your court fees, you may ask the court to waive all or part of those fees.

1. To make a request to the court to waive your fees in superior court, complete the Request to Waive Court Fees (form FW-001) or, if you are petitioning for the appointment of a guardian or conservator or are an appointed guardian or conservator, complete the Request to Waive Court Fees (Ward or Conservatee) (form FW-001-GC). If you qualify, the court will waive all or part of its fees for the following:
   - Filing papers in superior court (other than for an appeal in a case with a value of over $25,000)
   - Making and certifying copies
   - Sheriff’s fee to give notice
   - Court fee for telephone hearing
   - Reporter’s fee for attendance at hearing or trial, if a reporter is provided by the court.
   - Assessment for court investigations under Probate Code section 1513, 1826, or 1851.
   - Preparing, certifying, copying, and sending the clerk’s transcript on appeal.
   - Holding in trust the deposit for a reporter’s transcript on appeal under rule 8.833 or 8.834.
   - Making a transcript or copy of an official electronic recording under rule 8.835

2. You may ask the court to waive other court fees during your case in superior court as well. To do that, complete a Request to Waive Additional Court Fees (Superior Court) (form FW-002) or Request to Waive Additional Court Fees (Superior Court) (Ward or Conservatee) (form FW-002-GC). The court will consider waiving fees for items such as the following, or other court services you need for your case:
   - Jury fees and expenses
   - Fees for court-appointed experts
   - Other necessary court fees
   - Fees for a peace officer to testify in court
   - Court-appointed interpreter fees for a witness

3. If you want the Appellate Division of Superior Court or the Court of Appeal to review an order or judgment against you and you want the court fees waived, ask for and follow the instructions on Information Sheet on Waiver of Appellate Court Fees, Supreme Court, Court of Appeal, Appellate Division (form APP-015/FW-015-INFO).

IMPORTANT INFORMATION!

- You are signing your request under penalty of perjury. Answer truthfully, accurately, and completely.
- The court may ask you for information and evidence. You may be ordered to go to court to answer questions about your ability, or the ability of your ward or conservatee, to pay court fees and costs and to provide proof of eligibility. Any initial fee waiver you or your ward or conservatee are granted may be ended if you do not go to court when asked.
- You or your ward’s or conservatee’s estate may be required to repay amounts that were waived if the court finds you were not eligible for the fee waiver.
- Public benefits programs listed on the application form. In item 8 on the Request to Waive Court Fees (item 8 of the Request to Waive Court Fees (Ward or Conservatee)), there is a list of programs from which you (or your ward or conservatee) may be receiving benefits, listed by the abbreviations they are commonly known by. The full names of those programs can be found in Government Code section 68632(a), and are also listed here:
  - Medi-Cal
  - Food Stamps—California Food Assistance Program, CalFresh Program, or SNAP
  - SSP—State Supplemental Payment
  - County Relief/General Assistance—County Relief, General Relief (GR) or General Assistance (GA)
  - IHSS—In-Home Supportive Services
  - CalWORKS—California Work Opportunity and Responsibility to Kids Act
  - Tribal TANF—Tribal Temporary Assistance for Needy Families
  - CAPI—Cash Assistance Program for Aged, Blind, or Disabled Legal Immigrants
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Do you have any questions on:

- What is emancipation?
- Do I qualify for emancipation?
- What are the steps for emancipation?
- What forms do I need to fill out to become emancipated?

This booklet will answer those questions you might have about becoming emancipated.

We are here to help.

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OR VISIT: WWW.PUBLICCOUNSEL.ORG