

EMANCIPATION

This is the packet to be used when a minor wants the court to remove the “disability” of nonage. In other words, emancipation is the act by which a person gains all of the rights and responsibilities of an adult.

Note: Per Florida Statute 743.015, A circuit court has jurisdiction to remove the disabilities of a nonage minor age 16 or older residing in this state upon a petition filed by the minor’s natural or legal guardian or, if none, by a guardian ad litem.

- 1) The heading of the forms calls for the name of the minor. The natural or legal guardian, or if none, a guardian ad litem name should go where the documents ask for the name of the petitioner, as you are the one who is asking the court for action. The judicial circuit, case number and division may be obtained from the Clerk’s Office when you file the petition.
- 2) The completed original petition must be signed in the presence of a notary public or a deputy clerk. To obtain a court order, the minor must be at least 16 years of age. The petition for emancipation of a minor must be completed and filed by the minor’s parent(s) or legal guardian, or if none, then by a guardian ad litem.
- 3) The completed original forms must be filed with the Clerk of the Circuit Court in the county where the minor lives. In Santa Rosa County, you will file your forms in the Family Law Division, Santa Rosa County Courthouse, 6865 Caroline Street, Milton, Florida, 32570. You should keep a copy of this petition for your records.
- 4) A deputy clerk will witness signatures for a fee, collect the appropriate filing fee, and assign a Family Law case number and judge to the action.
- 5) You must pay the appropriate filing fees to the clerk’s office. If you cannot afford to pay the filing fees, you will need to fill out an Application for Determination of Indigent Status. If you are found indigent, the filing fees will be waived; however, summons issuance fees must be paid.

- 6) If the petition is filed by a guardian ad litem or next friend, service of process must be perfected on the natural parents.
- 7) If both parents are not jointly petitioning the court for the removal of the disabilities of nonage of the minor, service of process must be made upon the nonpetitioning parent. Constructive service of process may be used, provided the petitioning parent makes an actual, diligent search to discover the location of, and provide notice to, the nonpetitioning parent.
- 8) You will complete the Request for Hearing and file with the Clerk's Office. It is your responsibility to request a hearing in your case.
- 9) Within approximately 60 days after filing your Request for Hearing, you will hear from the Pro Se Coordinator, and receive a court date if the file is complete or notification requesting any documents that may be missing from the file to process your case. You may be required to attend a final hearing.
- 10) Once the final order is signed, the Clerk's Office can provide copies of the Final Judgment and collect certain fees for certifications.
- 11) 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 authorize the minor to perform all acts that the minor could do if he/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/her emancipation.
- 12) It may be helpful to compile a list of all the people and/or places that will need a copy of your final judgment. This list may include the driver's license office, social security office, banks, schools, etc. A list will help you know how many copies of your order you should get from the clerk's office after your hearing.