



Emancipation Handbook for Teens

How to take legal responsibility for yourself

2014 Edition

Five basic steps to filing for emancipation

- 1. Making the decision—is emancipation right for you?**
- 2. Getting your paperwork together**
- 3. File the petition at the courthouse**
- 4. Attend the custody interview and hearing**
- 5. Use your emancipated status to your advantage!**

FAQs: Frequently Asked Questions about Legal Independence for Teens (Emancipation)

1. How old do I have to be to file for emancipation?

You must be at least 16 years old to file a petition for emancipation in Alaska.

2. How much does it cost?

The petition filing fee is \$150. If you don't have enough money to pay the filing fee, you can fill out an application explaining your financial situation to ask that the filing fee be waived.

3. How long will it take?

This depends on how quickly you are able to get all the parts of the process completed. If you have all your paperwork and consent forms together when you do the filing, it will likely take about two months from when you turn the paperwork in to when you get the final decree. If you're disorganized and have to re-do a step or miss your appointments, it could take months longer.

4. How do I get the paperwork?

You can get copies of this handbook and the forms you'll need to fill out online at akyouthadvocates.org, or you can call Alaska Youth Advocates at (907) 929-2633.

5. I don't have a regular place to stay or a job, does that matter?

Having a stable residence and enough income to pay your bills are two factors that the judge will consider very important indicators of your ability to take care of yourself and manage your own affairs. Once you are emancipated, you'll be able to rent your own apartment, open your own bank account, and work the same hours that an 18 year-old can. Show the judge you are ready for this responsibility by making sure you have a safe and secure housing situation and that you have some income to provide for your financial needs.

6. Will I automatically be emancipated if I file the petition?

It's not automatic, but this handbook will guide you through the process of preparing the most effective and persuasive petition to the judge. The most important thing you need to show the court is that you are responsible enough to manage your own affairs. The way you present yourself and your paperwork will influence the judge's impression of you.

Read this handbook carefully, make your decision thoughtfully, and remember that asking for help when you need it is also part of being responsible for yourself!

**Not sure if emancipation is right for you?
Contact the POWER Teen Center in Anchorage at (907) 929-2633
to talk to someone about the process!**

Emancipation Petition Checklist

All the forms you will need to turn in to the court are included at the back of this Handbook and are available to download separately from akyouthadvocates.org.

Get ready supporting documents and resources

- \$150 filing fee (or a court fee waiver form)
- Government and photo IDs
- Most recent school transcript
- Financial documents (bank statements, paystubs)
- Parents' or guardian's current or most recent address (whoever has custody over you)
- Parents' official divorce, custody orders, and/or death certificates
- Domestic violence records for incidents involving you or your family
- Affidavits (legal letters of recommendation) from 2-3 adults
- Access to a printer, copy machine, envelopes, stamps (AYA can help with this)
- Consent forms for your parents or legal guardian

Fill out the petition forms

- Emancipation petition
- Budget worksheet
- Education plan worksheet

Turn in the petition for emancipation at your local courthouse

- Make copies of petition packet before you turn them in to the court (at least two other copies)
- Keep your copy of the petition paperwork organized and in a safe place
- Ask the court clerk to help notarize your documents and make copies if needed
- Send copies of the petition plus the consent forms to your parents or guardian by registered mail with return receipt
- Turn in the certificate of service to the court after you send the copies to your parents or guardian
- In Anchorage: make and attend an appointment with the custody investigator's office
- Check your mail and voicemail for a notice of when your hearing will be held; let the court know if you move or change your phone number.

Attend the hearing

- Ask a friend, family member, or other support person to attend the hearing with you
- Dress professionally
- Bring your complete copy of the petition packet
- Show up **at least 15 minutes before** the scheduled hearing start time
- Follow the judge's instructions on when to speak; ask for clarification if you don't understand something
- Ask that the court clerk send you certified copy of the final decree
- Thank the judge and everyone you come into contact with at the courthouse

After the hearing

- Store the certified copy of your emancipation decree in a safe place; keep a regular copy in your wallet and an electronic PDF copy in your email
- Touch base with everyone who supported you to thank them. Let the POWER Teen Center how your hearing went and get a high five!

Acknowledgments

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About Alaska Youth Advocates

Alaska Youth Advocates (AYA) offers the chance for a healthier life to young people who have little or no family support, often have quit school, may suffer from abuse or addiction, and/or have no place to go but the streets. Through the POWER Teen Center and health clinic in downtown Anchorage, AYA reaches out to youth, offering a caring environment and information that can help them make good decisions in their lives. At AYA, young people who have overcome their own challenges learn how to help others by becoming paid peer outreach workers.

AYA forms partnerships with other organizations to increase the opportunity for success for youth. What AYA doesn't provide, others often do. This approach keeps AYA focused on its core purpose and values and stretches resources. AYA becomes the bridge between a teen and a better life.

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Alaska Youth Advocates, 2014

Foreword

What is emancipation?

“Emancipation” is the legal status describing 16 or 17 year-olds who are living apart from their parents and take legal responsibility for themselves, and this status is given by the court system.

Until you turn 18, your parents are legally responsible for you, which means they are required to provide for your safe and healthy living environment, and to have some legal responsibility for your actions. Some parents, for many different reasons, can't provide a minimum standard of living for their children.

You are the only person who can make the decision whether your relationship with your parents is such that it'd be better if you become legally independent from them.

This is a big decision and will require some work on your part. If you are at all in contact with your parents right now, or know where they live, it will require talking with them to tell them you want to be emancipated. It will definitely require that you appear in court before a judge at a formal hearing.

The process of getting emancipated can take a few months, depending on how organized you are and how well you communicate with the court. It will require that you demonstrate the motivation, organization, and patience to get through the many steps to become a successfully emancipated teen.

The hardest part of filing a petition for emancipation for most people is getting the necessary paperwork together that will persuade the judge that you are ready to be emancipated. If you are organized, it'd be possible for you to finish the process within two months. You'll have to work hard to get it done this quickly, but if you're ready to be emancipated, you'll have no trouble taking the steps to complete this process.

Although the emancipation process is daunting and complex, take comfort—you not alone in this process. The staff at POWER Teen Center and Alaska Youth Advocates are here to help you in any way they can.

We suggest you read this handbook (taking notes as you go), take a deep breath, get organized, and get to it!

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I. What's your situation? Is emancipation the best option for you?

Emancipation is for 16- and 17-year-old teens who are living without the assistance of their parents, but face difficulties managing their day-to-day lives because they have not yet reached legal adulthood (turned 18 yet).

You may be concerned that you won't be able to contact your family after your emancipation. If you are emancipated, you can still be in contact with your parents and other family members. As an emancipated teen, you will have the legal right and responsibility to manage your own basic needs, but you don't have to completely cut your parents out of the picture if you don't want to.

Emancipation Petition Requirements

- Are you a resident of Alaska?
- Are you at least sixteen but not yet eighteen?
- Are you living apart from your parents or legal guardian?¹
- Are you capable of supporting yourself and managing your own affairs without your parents' help?
- Will your parents or legal guardian sign a consent form agreeing you should be emancipated?

or

Do you have reasons why your parents or legal guardians should not be involved in the emancipation that a judge will find persuasive?

¹ If you aren't seeking general emancipation, but instead are getting emancipated for a specific purpose (like joining the military) and are living at home with your parents, it's possible the judge will still grant your petition.

Here are some questions to ask yourself when you're considering if emancipation is the best option for you:

How long have you been living apart from your parents or legal guardian? Do you have a stable living arrangement?

How long have you been living in Alaska? (If you just moved here for the summer, the judge may decide you aren't yet an Alaska resident.)

How do you provide for your basic needs (shelter, food, clothing, education, fun)?

In what ways can you show the court that you are responsible and mature? Do you have adult friends, coaches, teachers, faith leaders and employers that will support your petition? Have you been able to maintain jobs in the past and pay your own bills?

How do your parents or guardians feel about you being emancipated? Will they agree that emancipation is the best option for you?

What about your siblings or your closest friends? Do they agree emancipation makes sense for your situation?

What are your general reasons for wanting to be emancipated? Are they reasons a judge would agree with?

How close are you to your 18th birthday? How long will it take you to get your paperwork together?

Will becoming emancipated help you be able to meet your basic needs?

Some Pros of Emancipation

- you are legally responsible for yourself
- labor laws allow you to work as though you were 18 years old
- you can sign contracts, including leases, by yourself
- you can sue people
- you can keep and manage your own money and property
- you can get a driver's license
- you can file for emancipation on your own even if your parents don't cooperate
- you can sign your own permission slips at school

Some Cons of Emancipation

- your parents are no longer legally responsible for you if you make a mistake
- start to finish, the emancipation process may take months
- if you commit a crime, the judge is more likely to sentence you as an adult instead of a juvenile
- you can be sued
- you don't get your \$150 filing fee back if the judge denies your petition
- the judge gets to decide if you're mature enough to be emancipated
- you're treated as an 18 year old for most purposes, but you still can't vote, buy or possess a gun until you're 18, smoke or use tobacco until you're 18, buy tobacco until you're 19, or buy, sell, or serve alcohol until you're 21.

Alternatives to Emancipation

If the emancipation requirements don't fit your situation, you still have options. One is "specific emancipation," which removes the control your parents have over you in one particular legal area. Another option, "guardianship," can be a good choice for a teen who has an adult in his or her life who acts like a parent, and looks out for the teen's best interests.

A. Specific Emancipation

- Are you trying to apply to college and get financial aid but you can't get access to your parents' financial information?
- Are you trying to join the military but they won't let you join till you're 18?

How does specific emancipation work?

You can petition for emancipation from one specific area of legal control your parents or guardian have over you.

If you petition for specific emancipation, you're asking the court to recognize you as an adult for a limited purpose, but your parents or guardian keep legal responsibility for you in all other ways. For example, some teens file for emancipation so that they can apply for financial aid or enlist in the military. There has been a successful emancipation petition by some Alaska Native teens for the specific purpose of receiving trust funds from a trust held for their benefit.

How do I file for specific emancipation?

The process for filing for specific emancipation is the same as filing for general emancipation. The difference is that in your petition, you explain why you are seeking specific emancipation for that purpose and provide reasons supporting that choice.

B. Guardianship

- Do you depend on an adult friend or non-parent family member who basically acts as your parent and is willing to take legal responsibility for you?

Guardianship is a court process through which another adult takes legal responsibility for you if your parents can't or don't provide you with a safe and healthy living environment.

What does a guardian do?

A guardian helps a young person (known as a "ward") manage the young person's education, medical, social, and other activities and help manage the young person's finances where necessary.

Legally, a guardian's responsibilities are described as being like those of a parent, except that the guardian isn't required to provide financial support or be responsible for the relationship between the young person and other people.

A judge will allow another adult to become your guardian when it looks like it's in your best interests to not have your parents be legally responsible for you. This may require additional court action to terminate or suspend your parents' legal responsibility for you before the court appoints you a guardian.

Who can be a guardian?

You may request that any adult be your guardian, but the courts will generally give priority to adult family members who file a petition for guardianship. If you are over fourteen you can tell the court who you would like to be your guardian. This is a good option if you have a trusted adult who is a family member or who you have a close and trusting relationship who is willing to be your guardian. The filing fee for guardianship is \$75.

This Handbook does not include information about applying for guardianship. For more information on petitioning for guardianship, take a look at the materials posed on the Alaska Court System Family Law Self-Help Center's Guardianship webpage: courts.alaska.gov/guardianship.htm.

II. How do I prepare to petition for emancipation?

A. Establish a support system

Filing a petition for emancipation takes time and effort. Before you start with the court paperwork, talk to a friend or someone you trust about why you think emancipation might be a good idea for you.

Ask your friend or a staff member at Alaska Youth Advocates' POWER Teen Center in Anchorage to help you get organized and set a target timeline for following through on your emancipation petition.

B. Get ready

Before you file your petition, you need to have some things in place so the petition process will run smoothly. Gather together as much as you can of the following:

Information

- Your parents' (or guardian's) current or most recent residential and mailing address

Resources

- A safe mailing address where you can receive mail over the next few months (you can ask the post office to hold the mail for you, or you can have it sent to a friend's address)
- Access to a printer, copy machine, envelopes, stamps (AYA can help with this)

Court Forms

- Emancipation Petition Packet forms (available at the back of this handbook and for download of the original forms at akyouthadvocates.org)

Documents

- Copies of at least two government-issued IDs (state ID, birth certificate, passport, Certificate of Indian Blood, school ID)
- Up-to-date school transcript
- Financial documents (pay stubs, printed or hand-written receipts for rent or other bills you pay, Permanent Fund Dividend receipts, bank statements)
- Parents' divorce or court custody orders or a guardianship decree
- Parents' death certificate
- Your parents or guardian's domestic violence records
- Letters of support or "affidavits" from people who know you and can explain how you are mature (teachers, bosses, coaches, case workers, advocates)
- Budget worksheet from this Handbook
- Education Plan worksheet from this Handbook

C. Talk with your parents or guardian (if you can)

Part of the judge's decision whether to grant your emancipation petition will have to do with whether you are mature enough to talk to your parents or guardian about the emancipation process itself. Talking to your parents about emancipation, and how you believe it's a good choice for you is good practice for persuading the judge.

Absent or abusive parents.

If you don't know where one or both of your parents are, or one of your parents lost touch with you when you were younger, you can explain to the judge why it'd be impossible for you to get their consent. Similarly, if your parents are incarcerated or have abused you, you can explain to the judge in your petition that your parents can't provide a safe and healthy living environment for you. Collect court records indicating domestic violence, or get affidavits from trustworthy witnesses describing how living with your parents is unsafe for you.

If you don't have proof that your parents or guardian is out of the picture or abusive *and* you don't try to get their consent, the judge will likely think you are exaggerating the situation and may not grant your emancipation petition.

Having the conversation.

Your goal is to get your parents or guardian on board with the plan for you to become independent and emancipated. Before talking to your parents or guardian, think about what you're going to say and how you're going to say it. Bringing up your desire to be emancipated immediately after you get grounded or yelled at is probably a poor time to do so. Try your best to approach the conversation calmly, and when your parent or guardian can also be calm.

Choose a good time to talk with your parents or guardian about emancipation. Do a practice talk-through session with a sibling, a friend, or a staff member at POWER Teen Center. Make plans to do something or go somewhere afterwards so if the conversation doesn't go well you have somewhere to go.

If your parents or guardian say "no" to begin with, give them some time to think it over. Try not to let yourself get frustrated. If they make unreasonable excuses for why they disagree with the emancipation, you can explain this to the judge at the hearing.

D. Preparing your life and preparing the paperwork

Paper evidence is a necessary tool to ensure court staff and the judge can evaluate your claim that you have the ability to be independently responsible for yourself. The more paperwork you turn in to the court in support of your petition, the more reasons the judge will have to grant your emancipation.

Make copies of each document you will submit to the court in support of your petition. Keep the originals in a safe place; scan and email yourself a PDF copy if you can.

Give the court as much proof as you can to show that you meet the requirements for emancipation and that you are responsible and organized.

Useful documents to attach copies of to your petition packet include:

- School transcripts and attendance records (even if these show a low GPA or a poor attendance record, these show the judge you recognize they are important, and that you were able to get your materials together.)
- Birth certificate, passport, Certificate of Indian Blood, tribal membership card, Social Security card (on the copy, black out the actual social security number)
- Driving record (you can get this from your local DMV)
- Bank statements
- Rental agreement or a letter from your landlord/the place you are staying stating the terms, conditions and/or agreement of you staying there
- Letter of support or affidavit from your work supervisor saying how long you've been working and what kind of work you do
- Letters of support or affidavits from adults who know you well
- Budget worksheet (included in this packet)
- Education plan worksheet (included in this packet)

As you collect these documents, keep them in a folder or envelope. You can also scan and email copies of the documents yourself so you have an electronic copy just in case.

About letters of support and affidavits

A petition for emancipation should be accompanied by two or three affidavits from responsible adults who know you well enough to support your petition.

An "affidavit" is basically a letter in support of your petition that is notarized (stamped and signed by a licensed notary public). These statements about your maturity, character, and ability to manage your own affairs will aid the court in deciding whether to grant your petition and emancipate you. There is no limit to the number of affidavits you can have to support your petition, but they should only be written by people who will recommend you favorably for emancipation.

Staff at the POWER Teen Center can help you brainstorm which adults might be helpful affidavit writers for you, and how to ask for their help. Some people who you may want to ask to write affidavits on your behalf include family friends, teachers, ministers, coaches, or employers. When you ask someone to write you an affidavit in support of your petition for emancipation, explain to them why you're seeking emancipation and why their help is essential to your ability to convince the judge that you are ready to be emancipated.

Each affidavit should be at least two paragraphs long, be typed or neatly handwritten, and give a detailed explanation about

- the nature of your relationship and how long you have known each other
- why the person thinks you are a mature and responsible teen who can handle your own affairs, with examples

Tell the person writing the affidavit what kind of information they should include in it and tell him or her when you would like it back. Ask the affidavit-writers to not sign the letter until they are in front of a notary. Usually banks have notaries available; local UPS stores will notarize a document for \$10.

If the affidavit-writer can't access a notary, the court clerk (or in Anchorage, the Probate Office clerk), may be able to notarize a document for you for free. If you choose this option, the person who wrote the affidavit will have to come with you to the courthouse and bring an unsigned copy of the affidavit for the court clerk to notarize.

If an affidavit writer can't come with you to the courthouse to get an affidavit notarized, you can submit an un-notarized but signed letter of support that lists the letter-writer's phone number, mailing address, and email address, and explains why it is not notarized.

You can have the person write the affidavit in letter form or on a pre-made court forms. A blank affidavit form is attached at the end of this handbook. The Alaska Court System calls this form TF-940 Affidavit; you can download it as a fillable PDF from the website at: courts.alaska.gov/forms/tf-940.pdf.

III. Filing the petition in court

The steps below outline how to go about seeking an “emancipation decree” (the document from the court with the decision stating that you are emancipated).

Filling out your emancipation petition. The most important part of your emancipation petition is the section where you explain why you are seeking emancipation, and how you are qualified to be legally responsible for yourself.

First, you should explain how you are capable of self-support and managing your own financial affairs. Explain where you’re living, how long you’ve lived there, and how you provide for your rent, food, clothes, and other expenses.

Second, you should explain why removal of disabilities (the “disability” of youth legal status, rather than a legal adult) is in your best interest. What persuasive reasons do you have why your parents or legal guardian should no longer be legally responsible for you?

Lastly, you should explain what life goals you are working towards and how you plan to reach them. The judge will want to make sure you are thinking long-term about your life choices. This includes finishing high school or getting your GED, choosing a career, and taking concrete steps towards achieving these goals. One way to think about how to persuade the judge is to ask what reasons might persuade a teacher or a doctor why you are ready to be emancipated.

Preparing your emancipation petition packet to submit to the court. The documents you need to fill out and include in the packet you turn in to the court are:

- Emancipation petition
- A copy of a government-issued ID that shows your date of birth
- Affidavits in support of petition to remove disabilities of minority
- Monthly budget and copies of your financial records, paystubs, rental agreement
- Education plan and a copy of your school transcripts
- Request for exemption from payment of fees if applicable
- Blank proposed emancipation decree

Step 1: File your Petition for Emancipation Packet

Assemble **three complete packets**. One copy is for the courthouse, and is what that the judge will look at. Another copy is yours to keep for your records. And the last copy is for your parent or legal guardian. If your affidavits are notarized before you go to court, make a copy for your records and submit the originals to the court. Nicely ask if the clerk will help you by notarizing both copies of your petition, or if s/he will notarize the original and make a photocopy for your copy. All the documents in both your packet and the court’s packet should be notarized, and have them all available if you would like the court clerk to notarize them.

Take the two packets to your local courthouse (most courts are open Monday-Friday from 8:00am to 4:30pm). The court clerk will assign your petition a case number, something like "3AN-14-01234PR." This number then needs to be written on **each page of every document** so they are put in your court file.

If you are in Anchorage

File the petition packet with the Probate Clerk at the Nesbitt Courthouse, located in the basement of 825 W. 4th Ave. (between H and I Streets downtown).

There is a \$150 filing fee that is due when you turn in your petition to the court. You can ask that the filing fee be waived by filling out court form TF-920 Request for Exemption from Payment of Fees, also available at courts.alaska.gov/forms/tf-920.pdf.

If you live outside of Anchorage

If you live outside of the Anchorage area and wish to file a petition for emancipation, you should contact the local court in your area and determine what the proper procedure is for filing.

Go to courts.alaska.gov and click on "Locations & Hours" to get the contact information for your local court. If you don't have access to the internet to find out where the closest courthouse is, you can call the Family Law Self-Help Center in Anchorage at (866) 279-0851 and ask for help getting your local court's phone number.

Step 2: Send a copy of your Petition for Emancipation to your parents or guardian

You have to provide your parents or guardian with a copy of the Petition for Emancipation after you file it with the court. In legal terms, this is known as "service of process." If you don't have a current address for a parent or guardian, send the packet to each person's last good mailing address. You also need to at least try to get your parents or guardian to sign a consent form agreeing to your emancipation.

Hopefully you've explained to your parent or guardian that you are petitioning for emancipation before you mail the paperwork. You may want to include a cover letter explaining what they're supposed to do with the petition (keep it) and consent form (sign it and send it back). It's a good idea to also give them a deadline--two weeks should be enough--for when they have to mail the consent form back to the courthouse.

The packets you send to your parents or guardian should include:

1. Complete copy of the petition packet including affidavits and supporting documents
2. Blank consent form (don't forget to include the case number)
3. Pre-stamped and addressed envelope for returning the consent forms to the court

You can give the packet to your parent or guardian in person, or send it by mail. If you mail the packet, send it **by registered mail with return receipt**. This will cost more than regular postage; you'll have to go to the post office to get the right kinds of stamps. Ask the postal worker to help. You can buy big envelopes at the post office. Keep the registered mail certificate and return receipt together with your petition paperwork.

The court then needs to know that you gave or sent the petition and consent form to your parents or guardian. After you mail the packets, submit a Certificate of Service form to the court stating which documents you've sent, to whom, and to what address. Use court form SHC-1620, available at courts.alaska.gov/shc/shc-1620n.pdf.

Step 3: Schedule the emancipation hearing

Once your petition is complete, the court clerk will mail you a calendaring notice telling you when the hearing will be held. (If you are in Anchorage, and in some other courts, you will first hear from the custody investigator's office—see Step 4 below).

Check your mail and voicemail every day for updates. Make sure your phone stays activated and that your voicemail is set up, so that the court can get in touch with you. If more than a month has passed since you filed your petition or met with the custody investigator, call the court with your case number and ask if there have been any updates. You can also go to the courthouse in person to ask for an update.

The court will also send the calendaring notice to your parents or guardian based on the addresses you provided in the certificate of service. Even if your parents or guardian have consented to your emancipation, they have the right to attend the hearing in person or by phone if they wish. There's no obligation that they do so, though if they live in the same town, the judge may ask you why they're not present. If your parents or guardian hasn't yet mailed in the consent forms to the court, they can turn them in at the hearing.

If you have an urgent situation (like if one of your parents or your guardian is moving out of state), and you would like to ask for the process to be sped up, you can ask the court clerk to move you up in the calendar by asking about filing a "motion for expedited consideration."

Step 4: Meet with the custody investigator (in Anchorage and some other courts)

Some courts will have you go through an interview with a custody investigator before you can have a hearing with the judge. The purpose of the interview is for the court's to determine whether emancipation is in your best interest. At the interview the custody investigator will ask you questions about your life, and look at your petition in the court file to make sure you're ready to be emancipated. Using the information you provide, the custody investigator will submit his or her opinion on your maturity level to the judge.

It is encouraged that your parents or guardian also attend the interview. If that's not possible, other arrangements can be made for them to meet with a custody investigator.

The custody investigator's job is to get more details from you about why you want to be emancipated, what your living situation is like, and whether you demonstrate the ability to handle your own affairs. The opinion of the custody investigator weighs heavily with the court's final decision to grant your petition, so you want to make a good impression.

The custody investigator's office will get in touch with you to schedule an interview after you file your petition with the court clerk. It is really important that you call them back as soon as possible to schedule an appointment and that you don't miss it. If you can't attend your scheduled appointment, call in advance to reschedule. If you feel nervous about going to the interview, schedule a time when a friend or other trusted person can go with you. They can wait in the waiting room during your interview.

The custody investigator, just like the judge, will want to see proof that you can support yourself. Bring any additional supporting documents that you may have got after you submitted your petition. Once the interview process is complete, the custody investigator writes a short report of his or her observations of you for the judge to read. Once the report is ready, the court clerk will schedule a hearing and send you a notice of when and where it'll be held.

Step 5: Attend the hearing

If you can't attend the hearing when the court scheduled it, call the court clerk and explain why you can't make it. If you need to reschedule the hearing, be prepared to suggest some days and times that you can actually come to court.

Prepare for the hearing.

Do a talk-through mock-interview with a friend, trusted adult, or someone at the POWER Teen Center to practice what kinds of questions you think a judge might ask about in an emancipation hearing. You can also visit the courthouse in advance to make sure you know how to find the courtroom where your hearing will be held.

The magistrate judge assigned to your case may appoint a person to represent your best interests at the hearing. This person, called a "guardian ad litem," will give the judge his or her opinion about your case.

Attend the hearing.

Even if you aren't sure you still want to be emancipated or if you think the judge won't find your reasons for being emancipated persuasive, you need to go to the hearing and explain what's going on to the judge. Just because you have some doubts doesn't mean the judge won't listen carefully to what you have to say. Remember, you are representing all teenagers to the judge, and you don't want to leave a bad impression.

It is important to show up at least 15 minutes early to your hearing and all your meetings with the court. Dress professionally. Bring a friend or a POWER Teen Center staff person for moral support. You can also ask the adults who wrote affidavits for your petition or other adults to come and give more detail as to why they agree you are mature enough to be emancipated.

What happens at the hearing. The hearing should last from a half an hour to an hour. At the hearing, the magistrate judge will ask you to explain why you're seeking emancipation in your own words. The judge will want to know more details about your life, your relationship with your parents, and your plans for the future. Basically, they just want to make sure that you wrote the petition yourself, you've explored other options and that you really want to become emancipated.

The judge's questions may range from asking about your performance in school to your ability to support yourself. Be honest, even about things that you might be embarrassed about. The judge will understand that an emancipated teen, just like an adult, can sometimes make mistakes. The judge cares more about whether you can show that you've learned from those mistakes.

Answer the judge's questions with "yes, your honor," or "no, your honor," as a sign of respect.

At the end of the hearing make sure to thank the judge and anyone in the courtroom who helped you. Ask the in-court clerk if you can get a certified copy of the decree (an official copy imprinted with the seal of the court) sent to your mailing address.

Step 6: Getting the decree of emancipation.

After the hearing, the judge who held the hearing sends his or her recommendation to superior court judge for review. That judge will either grant or deny your petition and send you a copy of the court order in the mail.

Keep the certified copy of your decree in a safe place. Make a copy to keep with you in your wallet, purse, or backpack in case you need it; scan it and email it to yourself to keep an electronic copy. You can get additional certified copies from the court clerk, but they may charge you for it.

IV. Community Resources and Information for Emancipated Youth

These listings give some general ideas of some resources available to emancipated teens. For additional and updated information, you can talk to a staff member at POWER Teen Center at 929-2633, visit anchorageyouthcentral.org, call “211” during business hours, or call the National Covenant House Nine Line at 1 (800) 999-9999 at any time.

Housing

Your decree of emancipation means you can sign a lease or rental agreement without your parent’s consent. If a landlord or renter doesn’t want to rent to you because of your age, you can give them a copy of your emancipation decree as proof that you have the legal right to sign a lease.

If once you’re emancipated your living situation changes and you need a place to stay, try community resources like the POWER Teen Center and the Child in Transition/Homeless program at your school district (see the Education section on the next page). In Anchorage, emancipated teens can stay at Covenant House without needing their parents’ consent.

Food

You can apply for food stamps through the Alaska Food Stamp Program as long as you are living separately from your parents, even if you’re living with other relatives. You’ll get money for food on a debit card called an Alaska Quest Card.

To apply for a Quest Card, you’ll need to show that you’re a U.S. citizen (with a passport or other government documentation), a resident of Alaska, and don’t make over a certain amount of income per month. You can apply through the Alaska Division of Public Assistance. Go to dhss.alaska.gov/dpa/Pages/fstamps for more information, or call 1 (800) 478-4372 and ask for information about the office nearest you.

Finances

Banking

One important step to successfully managing your money every month will be to open up your own savings and checking accounts with a bank or credit union. Each month, you’ll need income to cover your monthly expenses. In addition, you’ll need some savings in case of emergency. Most banks require minimum deposits to start an account. For example, to open a checking account, the minimum deposit may be as much as \$100.00. In addition, most banks will want to see proof of your identity. Be prepared to show the bank a copy of your emancipation decree.

Credit Union 1 in Anchorage allows anyone over 16 to open an account, even if you're not yet emancipated. Visit cu1.org or call (800) 478-2222 for more information.

Permanent Fund Dividend (PFD)

Once you are emancipated, you can file for your own PFD each year.

You also have a one year period in which you can claim any past PFDs that your parents or guardian didn't claim for you. Contact the PFD office as soon as possible to find out if you are eligible to claim any past PFDs. The Anchorage PFD office can be reached at (907) 269-0370. You will likely need to send them a copy of your emancipation decree to make them aware that you're now legally independent from your parents. For more information, go to the State Permanent Fund Dividend Program website at pfd.state.ak.us.

Taxes

Each year, the federal government requires that you file your income tax return with the Internal Revenue Service (IRS) by April 15th. On your tax return, you report the total amount of money you earned from January 1 to December 31 of the previous year. If you're working or if you have children it's important that you file a tax return because you may get money back from the government.

If you have a job, make sure your employer (each one you've worked for over that calendar year) gives you a copy of your W-2 or 1099 forms. Keep these and any other tax forms you receive (for example, your bank may send you a tax form) in a safe place.

To get free help preparing your tax returns each spring call (800) 478-2221 to find an assistance location. In Anchorage, you can obtain assistance from the federal Tax Payer Assistance Office at 949 E. 36th Avenue. Along with picture identification, you will also need to bring in a copy of your signed emancipation decree.

For general information about taxes, you can also call the IRS Taxpayer Advocate hotline at (877) 777-4778; or visit their website at irs.gov. The website is a good source for general information on how to get started.

Work

If you have an employer who would like to hire you but is worried about your age, your emancipation decree is proof that you are legally allowed to work as though you were already 18 years old.

Education

If you're in school, talk with your guidance counselor or a teacher you trust about your emancipation. It's a good idea to put a copy of your emancipation decree on file with your

school, so they know they don't need your parents' permission for certain things because you are legally independent.

Each school district is required by federal law to assist youth who may be considered homeless or in transition. These programs are often called "Child in Transition" or "Families in Transition." They provide services to teens who don't live with their parents (for the purposes of the program, this means you're "homeless."). Each school has a person who is in charge of acting as a point person. They can help you with staying in the same school, transportation assistance, signing up for free meals at school, and other services. Talk to the principal or other staff at your school to help you stay in school while finding a safe and healthy living environment.

Health Care

Health Insurance

Even after you are emancipated, you may still be eligible for health care through your parents or guardian. This will depend on the specifics of their insurance policy, so you'll likely have to negotiate this option with your parents.

Most emancipated teens are likely eligible for state Medicaid insurance. You can apply for state Medicaid at any of the Alaska Division of Public Assistance offices. In Anchorage there are four district offices where you can apply for health insurance. Check out the state website: alaska.gov and click on "Health" then "Medicaid" to get to a page that lists the application offices. Or call (888) 318-8890 and ask for help locating the closest office to you.

To apply for Medicaid you'll need

- An address where you can receive paperwork
- Proof of citizenship (a copy of your birth certificate, social security card, or passport)
- State issued IDs (school ID, driver's license, state ID, etc.)
- If you work, recent paystubs from your job
- Documents showing any other income you receive

If you don't have any proof of citizenship, or don't have access to your documents you have options. You can ask someone at the office you're applying at to see if there are alternative documents you can use to prove your identity and that you are a United States citizen, like your school records. If you were born in Alaska, you can get a copy of your birth certificate from the State Bureau of Vital Statistics; their phone number is (907) 465-3391. You may also ask your school to see if they have any copies of your enrollment paperwork that you could use as proof of citizenship.

People with Alaskan Native heritage may be eligible for health insurance through the Indian Health Service. It helps if you have your Tribal ID card. Call the Alaska Native Medical Center AT (800) 478-1636 for help determining your eligibility.

Health Care Providers

You may have to help doctors and dentists understand that your emancipation decree means you can make your own decisions about treatment, without your parents or guardian's consent. They may also think they can bill your parents for services, which they can't, because that's what they're used to. When you go for a doctor or dentist's appointment, bring a copy of your emancipation decree and ask that the office keep it in your file.

Medical Emergencies

Especially in the case of a medical emergency, you will want to make sure that you have a copy of your signed emancipation decree with you at all times. As an emancipated teen, your parents can only make health care decision for you if you want them to. If there's only one hospital in your area, you may want to ask them if you can file a copy of your emancipation decree with their records office before any emergency occurs.

Alaska Statute § 09.55.590. Removal of disabilities of minority

A “statute” means a law on the books. This table below covers what the emancipation statute says in the left column, and translates it in plain English in the right column.

What the Law Says	What It Really Means
AS § 09.55.590 Removal of disabilities of minority	This is just the name of the law that allows you to go to court to ask to get control over your own legal affairs. This is also called “emancipation.” “Disabilities of minority” just means the stuff you can’t legally do for yourself just because you’re not 18 years old. A “statute” is what we call a law as it is written on the books. The numbers just help identify the statute.
(a) A minor who is a resident of this state and is at least 16 years of age, who is living separate and apart from the parents or guardian of the minor, capable of sustained self-support and of managing one's own financial affairs, or the legal custodian of such a minor, may petition the superior court to have the disabilities of minority removed for limited or general purposes.	These are the eligibility requirements for filing for emancipation. Don’t stop here — you have to read the whole law to see what all of the requirements are.
(b) A minor or the legal custodian of a minor may institute a petition under this section in the name of the minor.	This means either you or your parent or legal custodian can file for your emancipation. This handbook describes how you can do it for yourself.
(c) The petition for removal of disabilities of minority must state (1) the name, age, and residence address of the minor; (2) the name and address of each living parent; (3) the name and address of the guardian of the person and the guardian of the estate, if any; (4) the reasons why removal would be in the best interest of the minor; and (5) the purposes for which removal is sought.	This is the list of required information you have to include in the petition form you file with the court. The petition form is included at the end of this handbook and available for download at akyouthadvocates.org .

What the Law Says cont'd	What It Really Means cont'd
<p>(d) The person who institutes a petition under this section must obtain the consent of each living parent or guardian having control of the person or property of the minor. If the person who is to consent to the petition is unavailable or the whereabouts of that person are unknown, or if a parent or guardian unreasonably withholds consent, the court, acting in the best interest of the minor, may waive this requirement of consent as to that parent or guardian.</p>	<p>Generally you'll need your parents or guardian to agree to your emancipation. However, if you try that and it doesn't work, you can explain to the judge why you shouldn't have to ask for the adult's permission.</p>
<p>(e) The court may appoint an attorney or a guardian ad litem to represent the interests of the minor at the hearing. Appointment of an attorney or guardian ad litem shall be made in accordance with AS 25.24.310.</p>	<p>It's possible that the judge will appoint a lawyer or another adult (a "guardian ad litem" could be a non-lawyer) to get more information about your case.</p>
<p>(f) If the petition under this section is filed by a minor, the court may remove the disabilities of minority as requested in the petition if the court finds on the record after a hearing that the minor is a resident of the state, at least 16 years of age, living separate and apart from the parent or guardian of the minor, and capable of sustained self-support and managing the minor's own financial affairs. (. . .)</p>	<p>This section outlines the facts that the judge is going to consider when he or she decides whether to grant your application to be legally responsible for yourself (your "Petition for Removal of Disabilities").</p> <p>It then goes on to discuss how your parent or guardian may file the petition for you. We don't address that process in this handbook.</p>
<p>(g) Except for specific constitutional and statutory age requirements for voting and use of alcoholic beverages, a minor whose disabilities are removed for general purposes has the power and capacity of an adult, including but not limited to the right to self-control, the right to be domiciled where one desires, the right to receive and control one's earnings, to sue or to be sued, and the capacity to contract.</p>	<p>This section explains that even though you may become legally emancipated and in charge of your own legal affairs, you still can't drink or smoke or vote or do other things that require you become a specific age.</p>

For the full text of the statute, visit legis.state.ak.us/basis/statutes.asp#09.55.590

Sample Emancipation Forms

Emancipation Paperwork Step 1 of 3:

Submit these documents to the court and get a case number.
The petition and affidavits should be filled out and notarized.

Copies of all of these forms can be found at our website for download of the original document at: akyouthadvocates.org

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

In the Matter of the)
Emancipation of)
)
)
A minor under the age of)
eighteen (18) years)
)
Date of Birth:)
_____)

Case No. ____ - ____ - _____ CI

PETITION TO REMOVE DISABILITIES OF MINORITY UNDER AS 9.55.590

I am a child in need of emancipation under AS 09.55.590. In support of my petition, I state the following:

1. My date of birth is _____; I am _____ years of age.
2. I am a resident of the State of Alaska.
3. I am living separate and apart from my parents or legal guardian.
I currently reside at _____
_____ in _____ Alaska, _____.
telephone _____, email _____.
4. My mother is _____, who resides at
_____ in _____,
telephone _____, email _____.

My father is _____, who resides at
_____ in _____,
telephone _____, email _____.

My legal guardian is _____,
who resides at _____ in _____,
telephone _____, email _____.

5. I am capable of self- support and of managing my own financial affairs. The reasons why removal of the disabilities of minority is in my best interest and the purpose for which I petition for emancipation are as follows:

[attach additional numbered pages if needed]

6. I request the removal of disabilities of minority for general / specific purposes (circle one). The specific purposes are:
7. I understand fully the nature and consequences of the petition to remove my disabilities of minority. The allegations in this petition are true upon information and belief. I freely and voluntarily sign this petition and in so doing, accept the rights and responsibilities of being declared an emancipated minor.

Date

Petitioner's Signature

SUBSCRIBED AND SWORN before me at _____, Alaska,
This ___ day of _____, 20____.

Notary Public in and for the State of Alaska
My Commission Expires:_____

Page 2 of 2

PETITION TO REMOVE DISABILITIES OF MINORITY AS 9.55.590

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

In the Matter of the)
Emancipation of)
)
)
A minor under the age of)
eighteen (18) years)
)
Date of Birth:)
_____)

Case No. ____ - ____ - _____ CI

**AFFIDAVIT IN SUPPORT OF PETITION
TO REMOVE DISABILITIES OF MINORITY**

I _____, have know Petitioner _____
since _____
_____. Petitioner is _____

_____.

For these reasons, I recommend that _____'s petition
for emancipation be granted.

Date

Signature

SUBSCRIBED AND SWORN before me at _____, Alaska,
This ____ day of _____, 20____.

Notary Public in and for the State of Alaska
My Commission Expires:_____

MONTHLY BUDGET

Prepared by _____

Date: _____

MONTHLY INCOME

Wages per month \$ _____

Source? (like Employer name, SSI, etc.)

Other income \$ _____

Total Income \$ _____

MONTHLY EXPENSES

Rent \$ _____

How paid for?

Utilities \$ _____

Food \$ _____

Personal (clothing) \$ _____

Transportation \$ _____

Medical \$ _____

Other: _____ \$ _____

Total Expenses \$ _____

Attach paystubs, invoices, receipts (handwritten okay) for any of the things you listed above for the past two months.

EDUCATION PLAN

Prepared by _____

Date: _____

Current grade level:

Currently attending school?

Last school attended:

Goal: Finish grade _____ by _____

Goal: Finish high school by _____

Current credits:

Credits needed:

What school?

Enrolled?

Goal: Enroll in GED Classes

What school?

Enrolled?

Goal to finish GED by _____

After high school or GED, plans for employment or continuing education (trade school, business school, college)

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

In the Matter of the)
Emancipation of)
)
)
A minor under the age of)
eighteen (18) years)
)
Date of Birth:)
_____)

Case No. ____ - ____ - _____ CI

REQUEST FOR EXEMPTION FROM PAYMENT OF FEES, AND ORDER

I, _____, request exemption from payment of the following fees due to my financial inability to pay the \$150 filing fee for a Petition for Removal of the Disabilities of Minority.

FINANCIAL STATEMENT

Phone: _____ Date of Birth: _____
Residence Address: _____
Mailing Address: _____

Present Employer: _____
(If not now employed, state last employer and date terminated)

Employer's Address: _____ Employer's Phone: _____

1. INCOME INFORMATION (after taxes, but before other deductions) during last 12 months:

- Wages
- Public Assistance
- Unemployment
- Other (Specify)

Total Income: _____

2. MONTHLY EXPENSES:

- Food
- Rent
- Utilities
- Car payments
- Furniture & Equipment payments

REQUEST FOR EXEMPTION FROM PAYMENT OF FEES, AND ORDER

Child support or alimony

Loans/Time payments

Total Expenses:

3. ASSETS (present value):

Cash on hand or in bank:

Land, buildings, trailers:

Cars:

Snow machines or other motor vehicles (except cars):

Securities (stocks, bonds, notes):

Businesses:

Other Assets:

Total Assets:

4. DEBTS

Loans

Bills

5. DEPENDENTS:

Name:

Age:

Relationship:

I swear or affirm that this financial statement is true. I understand that if I give false information in the financial statement, I may be prosecuted for perjury.

Date

Signature of Petitioner

SUBSCRIBED AND SWORN before me at _____, Alaska,
This ___ day of _____, 20____.

Notary Public in and for the State of Alaska
My Commission Expires:_____

ORDER

It is ordered that the request for exemption from payment of the following fees is:

GRANTED. Plaintiff/defendant is exempted from paying the \$150 filing fee for a Petition for Removal of Disabilities of Minority.

DENIED. Any fees now due in this case must be paid before any further action is taken. If payment is not made within 30 days after notice of the order, the court may dismiss the action. Admin. Rule 10(d).

Date

Judge/Magistrate

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

In the Matter of the)
Emancipation of)
)
)
A minor under the age of)
eighteen (18) years)
)
Date of Birth:)
_____)

Case No. ____ - ____ - _____ CI

**[PROPOSED] EMANCIPATION DECREE
REMOVING THE DISABILITIES OF MINORITY**

Upon consideration of the petition and affidavits filed in this action and the testimony of the petitioner and interested witnesses at the hearing on the ____ day of _____, 20____, the court makes the following findings of fact and conclusions of law:

1. The court has jurisdiction over the subject matter of this action;
2. The Petitioner fully understands the nature and consequences of this action;
3. _____, is a minor who is a resident of this state, is ____ years of age, lives separate and apart from his / her parents or legal guardian and is capable of self-support and managing his / her own financial affairs.
4. The court finds that it is in the Petitioner's best interest that the disabilities of minority be removed for general purposes / the specific purpose of _____
_____.
5. Petitioner's Mother and/or legal guardian _____ and
Father and/or legal guardian _____ consent to the petition
for the removal of disabilities of minority.
Petitioner's mother / father / legal guardian's consent is waived because it is
being unreasonably withheld or because _____ is unavailable / is
whereabouts unknown.

Page 1 of 2
EMANCIPATION DECREE REMOVING THE DISABILITIES OF MINORITY
THEREFORE IT IS ORDERED:

1. A final judgment is made that, except for specific constitutional and statutory age requirements the disabilities of minority of _____ are removed for general purposes / the specific purpose of _____.

2. As such, Petitioner _____ has the power and capacity of an adult including but not limited to the right to self-control, the right to choose a domicile, the right to receive and control earnings, the right to sue and be sued, and the capacity to contract.

Recommended for approval on
This _____ day of _____

Superior Court Magistrate

Dated at _____, Alaska this _____ day of _____, 20____.

Superior Court Judge

Emancipation Paperwork Step 2 of 3:

Send a copy of the completed petition packet and a copy of the consent form (with the case number added) to your parents or guardian.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

In the Matter of the)
Emancipation of)
)
)
A minor under the age of)
eighteen (18) years)
)
Date of Birth:)
_____)

Case No. ____ - ____ - _____ CI

CONSENT TO THE PETITION TO REMOVE DISABILITIES OF MINORITY

I, _____ Father / Mother / Legal Guardian of
_____, Petitioner, upon oath, depose and say:

- 1. I have read the Petition to Remove the Disabilities of Minority and agree with all of its allegations.
- 2. I agree that _____ should be declared an emancipated minor.
- 3. I understand fully the nature and consequences of this Petition to Remove the Disabilities of Minority and I hereby consent to it.
- 4. I am not under stress or coercion to sign this consent to the petition.

Date

Signature of Father / Mother / Legal Guardian

SUBSCRIBED AND SWORN before me at _____, Alaska,
this __ day of _____, 20_____.

Notary Public in and for the State of Alaska
My Commission Expires:_____

Emancipation Paperwork Step 3 of 3:

Submit an additional Certificate of Service to the court explaining that you sent a copy of the petition and consent forms to your parents or guardian.

This is the last form in this packet.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

In the Matter of the)
Emancipation of)
)
)
A minor under the age of)
eighteen (18) years)
)
Date of Birth:)
_____)

Case No. ____ - ____ - _____ CI

CERTIFICATE OF SERVICE

This is to certify that on the ____ day of _____, 20____, I mailed personally delivered a copy of this Certificate of Service and a copy of the following documents:

- Petition for Removal of Disabilities of Minority
- Proposed Decree of Emancipation from Disabilities of Minority

to the following people at the listed address:

Mother: Address:

Father: Address:

Legal Guardian: Address:

Date

Petitioner's Signature