

# **EMANCIPATION INSTRUCTIONS/FORMS**

## **“EMANCIPATION PACKET”**

**USE “EMANCIPATION PACKET”  
INSTRUCTIONS AND FORMS IF YOU ARE  
A MINOR AND WANT TO BE  
EMANCIPATED FROM YOUR PARENT(S)  
OR GUARDIAN(S)**

**IT IS STRONGLY RECOMMENDED THAT  
YOU CONTACT ATTORNEY  
CONNECTION AT (717) 854-8755 FOR A  
LOW-COST INITIAL CONSULTATION  
WITH AN ATTORNEY BEFORE  
PROCEEDING FURTHER.**

*The information in this packet is not a substitute for professional legal advice. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their content.*

## EMANCIPATION PACKET – INSTRUCTIONS

Use Emancipation Packet Forms and instructions if you are a minor and want to obtain emancipation from your parents or guardians.

### Who can petition?

Only a minor child is able to petition the court for emancipation. The minor child must be at least sixteen years of age, and a parent cannot petition on behalf of a child.

### Overview:

1. File petition
2. Send copies of filed petition to all parents, guardians, and interested parties
3. File proof of service with Clerk of Courts Office
4. Hearing will be scheduled by Judge
5. Clerk of Courts will serve Notice of Hearing to petitioner (you) and parent or guardian
6. Guardian ad Litem (GAL) will be assigned/appointed
7. Attend hearing.

**Note.** Be prepared to present evidence at hearing establishing the following conditions:

- a) This Court has jurisdiction over the matter
- b) You are at least 16 years of age
- c) Marital status
- d) Evidence of economic self-sufficiency (i.e. ability to support yourself)
- e) Show your desire and ability to live independently of a parent or guardian
- f) Prove that you are independent of the need for support, care, custody, and maintenance
- g) Whether either parent or any other person is obligated under an order for support in any jurisdiction to pay support for you
- h) Whether any dependency or delinquency matter under the Juvenile Act of any jurisdiction is currently active or pending
- i) Show an understanding of your rights and responsibilities as an emancipated minor
- j) Establish the fact that emancipation is in your best interest

**IMPORTANT:** All forms are available on-line in portable document format (pdf). You will need Adobe Acrobat© or Adobe Reader© to open the forms. You can download and install Adobe Reader© for free at <http://get.adobe.com/reader/>. A link to each form appears in the instructions for that form, below. Just click on the name of the form and it will open in a separate window. The forms are “interactive.” That means you can fill in the blanks on the forms using your computer, and then print the form. You will NOT be able to save the filled-in version of the form unless you have Adobe Acrobat©. Use Adobe Reader© “Help” for instructions on how to fill in forms. Use the checklist on the last page of these instructions to keep track of the forms you use.

## SPECIFIC INSTRUCTIONS

Take the following steps to obtain emancipation of a minor:

### Step 1. Starting the Action

Complete the following forms (form numbers correspond to the checklist that appears at the end of these instructions):

1.1 - Petition for Emancipation of a Minor

1.2 - Order Scheduling Hearing on Petition for Emancipation of a Minor

1.3 - Order for Emancipation

#### A. Completing the Caption.

1. The caption is the top part of the first page of the Petition for Emancipation of a Minor and both Orders. The minor petitioner's name, the docket number (which will be assigned by the Clerk of Courts when document is filed), the type of document, and the court's name are contained in the caption.
2. You are "the Petitioner" since you are filing this action. Type your full, legal name, including initial, after "IN RE:" and above the word "Name" in the caption of the Petition for Emancipation of a Minor, as well as the 2 orders.
3. DO NOT fill anything in the space next to "No." This is the space for the docket number, and will be assigned by the Clerk of Courts when the documents are filed.

**YOU MUST COMPLETE THE CAPTION ON EVERY FORM YOU FILE.  
THE DOCKET NUMBER WILL BE PROVIDED TO YOU BY THE CLERK  
OF COURTS OFFICE WHEN YOU FILE THE PETITION FOR  
EMANCIPATION OF A MINOR.**

#### B. Completing the Petition for Emancipation of a Minor.

In the blank following "The petition of" type your full, legal name, including middle initial if the form did not automatically complete it.

1. In paragraph 1 type in your full, legal name, including middle initial above "Petitioner's Name." Next, type your social security number where indicated.
2. In paragraph 2, type your date of birth. Next, type in the County and State where you were born.

**Note.** You are required to attach a certified copy of your birth certificate to this petition.

3. In paragraph 3, type the name(s) and the last known address(es) of your parents or guardians.
4. In paragraph 4, type your present address within York County and the date you moved to your current address.

**Note.** You must have lived in York County for at least the previous six months to use this form.

5. In paragraph 5, you must establish that you are able to manage your own financial affairs, and include your current employer.
6. In paragraph 6, you must demonstrate with specific facts that you are able to manage your own personal and social affairs.
7. In paragraph 7, type where you are living.

**Sign and Date.** At the end of the Petition for Emancipation of a Minor, date the form & sign your name. Type your name below your signature.

## **Step 2. Filing.**

### **A. Filing the Petition for Emancipation of a Minor**

1. Make copies of the completed Petition for Emancipation of a Minor. You will need a copy for yourself, one for the judge, and one for each parent, guardian, & any other interested party.
2. Take the original & the copies of the Petition for Emancipation of a Minor AND the originals of the Proposed Order Scheduling Hearing and the Proposed Order Granting Emancipation + 1 copy of each Order to the Clerk of Courts Office, located on the 1<sup>st</sup> floor of the Judicial Center.
3. The Clerk of Courts will take and keep the original and return all of the time-stamped copies of the Petition for Emancipation of a Minor to you.
4. The Clerk of Courts will keep both of the Orders and copies of the Orders as well and will forward the Orders along with the Petition to the Judge for review.

### **B. Paying filing fee**

1. You will have to pay the filing fee at this time. You can pay the filing fee by cash, certified check, money order, or credit card (you will be charged an additional fee for using a credit card). The fee to file is approximately \$25.50. You can find out the exact amount of the filing fee by calling the Clerk of Courts Office at (717) 771-9612.

## **Step 3. Service.**

### **A. Serving the Initial Documents (the Petition for Emancipation of a Minor)**

“Service” means that the other interested parties received a copy of your Petition for Emancipation that you filed with the Clerk of Courts. Service must be made (you must deliver the petition) within thirty days of the filing of the Petition. The Judge will not schedule a hearing on your petition until you have first served each parent, guardian, and other interested party & filed proof with the Clerk of Courts that service was completed. **The Clerk of Courts will send a copy of the Proof of Service to the Judge.** Service can be accomplished in any one of the following ways:

1. **Acceptance of Service Form 3.1.** If you are on cordial (good) terms with your parents or guardians or other interest parties, an easy way to accomplish service is to mail or hand deliver the Petition for Emancipation of a Minor to them and have them, **in the presence of a notary**, sign, date, and return to you the Acceptance of Service Form.

Before sending or handing the Acceptance of Service Form to your parents, guardians, or other interested parties, fill in the caption, including the docket number and the date the Petition was filed. Instruct the parent/guardian to fill in the date he/she received the Petition for Emancipation, his/her address and telephone number when signing the document, and to have his/her signature notarized. Once the parent/guardian/other party has returned the signed form to you, make a copy and take the original form and the copy to the Clerk of Courts Office for filing. The Clerk of Courts staff will date-stamp the original and copy, keep the original and return the copy to you for your records.

2. **Personal Service Form 3.2.** Service can also be accomplished by a person, other than you, **(AN ADULT)** personally handing a date-stamped copy of your Petition for Emancipation to your parents/guardians and any other interested parties. The adult who handed the papers to the other parties must fill out and sign the Affidavit of Personal Service after you have filled in the caption and docket number on the Affidavit of Personal Service. Make a copy of the completed Affidavit of Personal Service and take the original and the copy to the Clerk of Courts Office for filing. The staff will date-stamp the original and copy, keep the original and return the copy to you for your records.

3. **Service by Mail — Both Regular & Certified Mail Form 3.3.**

Service of the Petition for Emancipation can be accomplished by sending the extra date-stamped copies of your Petition to your parents/guardians and/or other interested parties **by certified mail, return receipt requested, restricted delivery AND by regular first class mail.** **The addressee is the only person who is permitted to sign for the delivery of the Petition for Emancipation of a Minor. To accomplish service by Mail, do the following:**

- a) Prepare 2 envelopes for each parent/guardian/other interested party with each party's name and address on the envelopes, using your own address as the return address for each parent, guardian, or other interested party.
- b) Insert a date-stamped copy of the Petition for Emancipation into each envelope and seal.

- c) Print the words “Restricted Delivery” on the lower left hand corner of **only ONE** of the envelopes in each set of 2. It is best to do this with red ink.
- d) The other envelope just needs to be mailed regular first class mail with a stamp or stamps—be sure you put enough postage on the envelope.
- e) Take the envelopes to the Post Office. Mail the regular ones and tell the postal worker that you want to send the others “**certified mail, return receipt requested, restricted delivery.**”
- f) The postal worker will help fill out the “green card” & attach it to your envelopes.
- g) The postal worker will provide you with a receipt after you have paid the fee for mailing. **OCMG'UWTG'[ QWMGGR'VJ KUTGEGRRV0** You will need to attach it to your Affidavit of Service by Certified Mail (See letter “h”, below).
- h) When the green card is returned to you, completely fill out and sign the Affidavit of Service by Certified Mail and attach the receipt and the green card to it. Make a copy of the completed Affidavit of Service by Certified Mail and take the original and the copy to the Clerk of Courts Office for filing. The Clerk of Courts staff will date-stamp the original and copy, keep the original and return the copy to you for your records.

**4. Service by York County Sheriff.** The most certain way to ensure service is to pay the York County Sheriff’s Office to deliver the papers to all of the other interested parties. Take a date-stamped copy of the Petition for Emancipation to the Sheriff’s Office located on the first floor of the York County Judicial Center. You will need to pay the Sheriff’s fee in advance. After the Sheriff has served the Petition for Emancipation, he/she will file his/her affidavit of service at the Clerk of Courts Office.

#### **Step 4. The Hearing**

##### **A. Receiving the Order for a Hearing on Petition for Emancipation of a Minor.**

1. After you have filed proof of service of the Petition to your parent(s)/guardian(s) and/or any other interested parties, the Judge will issue an Order Scheduling a Hearing on the Petition for Emancipation of a Minor.
2. The Clerk of Courts will send copies of the Order Scheduling a Hearing on the Petition for Emancipation of a Minor to you and to your parent/guardian and/or any other interested parties.
3. The Order for a Hearing on Petition for Emancipation of a Minor will tell you the date, time and location of the hearing.
4. The minor will be given a Guardian ad Litem (GAL).

**Note.** While the Guardian ad Litem appointed to you by the Court is an attorney, he/she does NOT represent you in the action for Emancipation. The Guardian ad Litem is an

advocate for what he/she believes to be in your best interest. Therefore, the Guardian ad Litem might take a position adverse to you in the action for emancipation. **IN OTHER WORDS**, if the Guardian ad Litem believes it is in your best interest to deny the emancipation, he/she will inform the judge of their findings. We strongly encourage you to seek independent counsel for your Emancipation action.

## **Emancipation Packet – Checklist**

### Step 1 Forms – Starting the Action:

- 1.1 Petition for Emancipation of a Minor
- 1.2 Proposed Order Scheduling Hearing on Petition for Emancipation
- 1.3 Proposed Order for Emancipation

### Step 2 – Filing the Initial Documents

### Step 3 Forms – Proof of Service: (choose 1 for each person to be served)

- 3.1 Acceptance of Service
- 3.2 Affidavit of Personal Service
- 3.3 Affidavit of Service by Certified Mail & by First Class Mail

**Note.** If you choose to serve your parent(s) or guardian(s) by the York County Sheriff, they will have their own form.



\_\_\_\_\_ and has lived there continuously since \_\_\_\_\_.  
(City+\*\*\*\*\*State+\*\*\*\*Zipcode) (date moved to current address)

5. Petitioner is able to manage his/her own financial affairs as shown by the following facts:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Petitioner is employed by: \_\_\_\_\_.

6. Petitioner is able to manage his/her own personal and social affairs as shown by the following facts:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

7. Petitioner's housing arrangements are:

\_\_\_\_\_.

WHEREFORE, Petitioner requests that the court order his/her emancipation. Petitioner declares that this petition has been examined and that its contents are true to the dguv'qh' his/her information, knowledge, and belief. "

""Kxgtkh{ 'vj cv'j g'ucvgo gpw'o cf g'lp'j ku'o qvqp"ctg"twg"cpf "eqttgev'vq'vj g'dguv'qh'o { " mpqy rgi g. lphqto cvqp"cpf "dgngh0"Kwpf gtucpf 'vj cv'hcng'ucvgo gpw'j gtgk"ctg"uwdlgev'vq" r gpcnkv'wpf gt'3: RcEUE6; 26.'tgrvpi "vq'wpuy qtp'Hcnkhec'vq'vq'w'j qt'kkgu0"" "

\_\_\_\_\_  
"Date

\_\_\_\_\_  
""Minor's Signature

\_\_\_\_\_  
Minor's Printed Name

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

IN RE: \_\_\_\_\_  
[Name]

No. \_\_\_\_\_

EMANCIPATION OF A MINOR

**ORDER SCHEDULING A HEARING ON A  
PETITION FOR EMANCIPATION OF A MINOR**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, a hearing on the Petition for Emancipation of a Minor, \_\_\_\_\_, filed on \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, is hereby scheduled before the undersigned Judge for the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ .m. in Courtroom No. \_\_\_\_\_ in the York County Judicial Center, 45 North George Street, York, PA.

Under the law of the Commonwealth of Pennsylvania, there is a presumption against the emancipation of a child under the age of eighteen (18) years [*Nicholason v. Follweiler*, 735 A.2d 1275, 1999 PA Super 1998 (1999)]. At the time of the hearing, Petitioner has the burden of proof to overcome the presumption against emancipation of a minor. Therefore, Petitioner shall, at the time of the hearing, be prepared to meet Petitioner's burden of proof with respect to the following:

- A. Jurisdiction of this Court.
- B. The age of the minor seeking emancipation.
- C. Marital status of the minor seeking emancipation.
- D. Evidence of economic self-sufficiency, i.e. ability of the minor to support himself/herself.
- E. The minor's desire and ability to live independently of a parent or guardian.
- F. Whether the minor is dependent on a parent or guardian for support, care, custody, and/or maintenance or is independent in such needs.
- G. Whether either parent or any other person is obligated under an order for support in any jurisdiction to pay support for the minor petitioner.

H. Whether any dependency or delinquency matter under the Juvenile Act of any jurisdiction is currently active or pending.

Prior to the hearing, Petitioner shall file a certification of service of the Petition upon any natural parent, guardian, or any other party in interest with respect to the minor for whom emancipation is sought. Service shall be in accordance with Pa.R.C.P. 400 et seq. (original process shall be served within the Commonwealth only by the Sheriff) or Pa.R.C.P. 402 (acceptance of service), by personal service, or by certified and first class mail. Notice of the hearing by service of a copy of this Order and a copy of the Petition upon any natural parent, guardian, or other party of interest shall be given at least five (5) calendar days prior to the date of the hearing.

\_\_\_\_\_, Esq., of the York County Bar Association is hereby appointed as Guardian ad Litem for the child. The Guardian ad Litem shall have the same rights and responsibilities as if appointed under Pa.R.C.P. No. 1915.11-2.

The Clerk of Courts shall provide a copy of this Order upon the Petitioner,

\_\_\_\_\_, and \_\_\_\_\_.

BY THE COURT,

\_\_\_\_\_  
J.



**IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA**

IN RE: \_\_\_\_\_  
[Name]

No. \_\_\_\_\_

EMANCIPATION OF A MINOR

**ACCEPTANCE OF SERVICE**

I, \_\_\_\_\_, accept service of the  
Name of parent(s) or guardian(s)

Petition for Emancipation of a Minor filed on \_\_\_\_\_.  
Date of Filing

\_\_\_\_\_  
Date of Receipt

\_\_\_\_\_  
Signature of Parent(s) or Guardian(s)

\_\_\_\_\_  
Mailing Address of Parent(s) or Guardian(s)

\_\_\_\_\_  
City, State and Zip Code

COMMONWEALTH OF PENNSYLVANIA

SS

COUNTY OF YORK

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned officer, personally appeared \_\_\_\_\_ known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, and acknowledged that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

**IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA**

IN RE: \_\_\_\_\_  
[Name]

No. \_\_\_\_\_

**EMANCIPATION OF A MINOR**

**AFFIDAVIT OF PERSONAL SERVICE**

I, \_\_\_\_\_, hereby verify that on \_\_\_\_\_ day  
(Name of Person who Served the Petition for Emancipation) (Date)  
\_\_\_\_\_, 20\_\_\_\_, I served \_\_\_\_\_ with a true and correct  
(Month) (Year) (Name of Parent/Guardian/Other Party)  
copy of the Petition for Emancipation filed on \_\_\_\_\_ by the following method:  
(Date of Filing of Petition)

The party was personally served with a true and correct copy of the above pleading by hand-delivering the same to the party by **someone other than the Petitioner**. Personal service was made at the following location and time:

\_\_\_\_\_  
(Location of Service)

on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock.  
(Date) (Month) (Year) (Time)

**(PERSONAL SERVICE CANNOT BE MADE BY PETITIONER)**

I verify that the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18Pa.C.S.A. §4904, relating to unsworn falsifications to authorities.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Person Who Made Service

\_\_\_\_\_  
Print Name

**IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA**

No. \_\_\_\_\_

**IN RE:**

**EMANCIPATION OF A MINOR**

**AFFIDAVIT OF SERVICE BY CERTIFIED & FIRST CLASS MAIL**

I, \_\_\_\_\_, hereby verify that on the  
(Name of Petitioner)

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I served \_\_\_\_\_ with a true & correct copy of  
(Date) (Month) (Party who was served)

the Petition for Emancipation of a Minor filed on \_\_\_\_\_ by the following method:  
(Date of filing Petition)

Service was made by first class mail and **United States Postal Service**, first class mail, postage prepaid, **restricted delivery**, return receipt requested, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. The return receipt (postal green card) signed by Addressee and the receipt from the Post Office are attached hereto.

I verify that the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsifications to authorities.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Print Name