

# **SO, YOU WANT TO BE EMANCIPATED?**

---

**AN INFORMAL GUIDE TO MAKING THE RIGHT DECISION**

**ALASKA YOUTH & PARENT FOUNDATION  
3745 COMMUNITY PARK LOOP  
SUITE 202  
ANCHORAGE, ALASKA 99508-3466  
(907) 274-6541**

*Updated September 2002 by  
AYPF Intern, Leila Kimbrell*

## Table of Contents

<b>I.</b>	<b>Our Purpose</b>	<b>Page</b>	<b>3</b>
<b>II.</b>	<b>Introduction</b> -Why Offer This Service?	<b>Page</b>	<b>4</b>
<b>III.</b>	<b>A Brief Overview</b> -What Emancipation Means -Is Emancipation in Your Best Interests? -Statutory Requirements	<b>Page</b>	<b>6</b>
<b>IV.</b>	<b>Background Information</b> -The Role of Law -The Impact on You and Your Parents	<b>Page</b>	<b>9</b>
<b>V.</b>	<b>The Process</b> -The Alaska Statutes -The Initial Interview -Filing the Petition -The Custody Investigator -The Hearing	<b>Page</b>	<b>11</b>
<b>VI.</b>	<b>Some Practical Advice</b> -Legal Restrictions -Housing -Employment -Health Care -Money Matters	<b>Page</b>	<b>16</b>
<b>VII.</b>	<b>Getting Started</b> -Forms and worksheets to assist you in the emancipation process.	<b>Page</b>	<b>22</b>
<b>VIII.</b>	<b>Quick Resource Guide</b>	<b>Page</b>	<b>37</b>

## **I. Our Purpose:**

**Emancipation was what Abraham Lincoln proclaimed for all black slaves in the 1800s. This was an important step in bringing equality to people of all races in the United States. However, in the context of this information packet, emancipation is considered a freeing of minors from certain legal restrictions that are imposed because they have not yet reached the age of majority (18 years old). In other words, when a youth under the age of 18 is legally emancipated, he or she acquires the same civil (non-criminal) status as an adult.**

## II. Introduction:

This packet is designed to inform you about the process of emancipation and to provide you, as a minor, with a framework for evaluating your chances of being emancipated. It contains a statement of our purpose, some background information about emancipation, a copy of the Alaska emancipation statute, a sample petition that you can utilize to write your own, and a series of factors to weigh in deciding whether to petition for emancipation. This is a chance to take a look at yourself in the context of what society considers is a young person who is mature enough to be declared an adult. It is not, however, a means of escape from the sometimes frustrating, often times confusing legal limitations placed on youth under the age of eighteen. Most important of all, it may provide you with an opportunity to exercise more control over your own life and be more responsible for your own actions.

The Alaska Youth & Parent Foundation wants to ensure that emancipation is available to those for whom the statute was written. In giving life to the letter and spirit of the law, AYPF hopes to reach youth who can truly benefit from emancipation.

The Alaska Youth & Parent Foundation (AYPF) has been serving Alaskan youth and their families since 1972. Much of our effort has been directed towards informing youths of the resources and services available to them. This would include: explaining their rights and responsibilities under the juvenile justice system and providing individual and family counseling to young people and their families who live in the Anchorage area. In preparing our Alaska juvenile law handbook: One Nation Under Age. AYPF has researched the emancipation process for minors. One Nation Under Age publication can be obtained for \$5.50 by contacting AYPF.

## **Why offer this service?**

Given the economic and sociological stresses and strains on families living in Alaska it is not surprising that a certain percentage of all adolescents leave home before reaching the age of majority. For some it may be to get married, join the military, or to accept a job opportunity in another region of the state. For others, it may stem from irreconcilable family conflicts.

Whatever the reason, it must be acknowledged that some young people need the emancipation process. In most cases, it is a sixteen or seventeen year-old living apart from the family. In spite of the fact that they are living on their own and are managing their own affairs, they are still not accorded a separate or different legal status, except as a juvenile. Thus, these minors are placed in the perplexing position of living in Alaska as an adult with very few of the legal rights that an adult possesses.

Fortunately, in 1976, this problem came to the attention of the Alaska State Legislature. In response to the absence of legal status for these minors, the Legislature passed Alaska Statute 9.55.590. By developing the emancipation process, the Legislature saw this as an opportunity to clarify the rights and responsibilities of parents\* whose children are living outside the home. At the same time, it extended legal rights and responsibilities to sixteen and seventeen year-old youths who meet the criteria of the statute.

In August 1994, the Alaska State Legislature made changes to the emancipation law. Although the welfare of the minor is still the primary question of the court, the change allows parents to begin the emancipation process. Previously, only minors could begin the emancipation process. Now, in addition, if parents petition the Court to emancipate their youth, they need to prove to the Court that they have an "interpersonal conflict" that both parties have "been unable to resolve satisfactorily through other means." The definition of "other means" is family counseling, mediation or another formal process in which issues are negotiated.

\*In this document, the term parents also refer to legal guardians.

### **III. A Brief Overview**

#### **A. Statutory Requirements to be Emancipated**

Alaska law AS 09.55.590 sets forth certain requirements that must be met before emancipation will be granted. The following list is a brief description of those requirements. However, the law is more detailed and you should read the law carefully. A copy of the statute is provided later in this packet.

1. A RESIDENT OF ALASKA
2. SIXTEEN OR SEVENTEEN YEARS OF AGE AT THE TIME OF APPLICATION.
3. LIVING SEPARATE AND APART FROM PARENTS OR GUARDIAN.
4. CAPABLE OF SUPPORTING YOURSELF AND MANAGING YOUR OWN AFFAIRS
5. CONSENT FROM EACH LIVING PARENT OR GUARDIAN.

**\*\* (WITH LIMITED EXCEPTIONS, SEE AS 09.55.590) \*\***

## **B. WHAT DOES EMANCIPATION MEAN?**

Emancipation will affect your life in several ways. It is important to understand the full meaning of emancipation in order to determine if emancipation is in your best interests. The following list summarizes what emancipation means to you.

1. YOU ARE COMPLETELY RESPONSIBLE FOR YOURSELF.
2. YOU CAN SUE AND BE SUED.
3. YOU CAN SIGN CONTRACTS
4. YOU WILL BE HELD RESPONSIBLE FOR YOUR ACTIONS.
5. YOU CAN CHOOSE WHERE TO LIVE (SIGN LEASE CONTRACTS).
6. YOU CAN LIVE ON YOUR OWN.
7. YOU CAN OBTAIN A DRIVER'S LICENSE.
8. YOU CAN KEEP AND MANAGE YOUR OWN MONEY AND PROPERTY.
9. YOUR PARENTS ARE NO LONGER LEGALLY RESPONSIBLE FOR YOU AND YOUR ACTIONS.
10. YOU ARE ON YOUR OWN!!!!!!

### **C. IS EMANCIPATION IN YOUR BEST INTEREST?**

In making your decision, it is important to weigh all of the pros and cons of being emancipated. The following list are some of the factors you will want to consider and are definitely factor the court will take into consideration when making its decision whether to grant your petition for emancipation.

1. How long have you been living apart from you family? Is it a stable living arrangement?
2. Do you have a steady job? How much income do you make a month?
3. What are your expenses? Do you have a car? Insurance? Food and lodging expenses? What other expenses can you anticipate?
4. In what ways can you show the court that you accept responsibility well? Do you have adult friends, teachers, ministers and employers that will support your petition? Have you been able to maintain jobs in the past and pay your own bills?
5. How do your parents feel about you being emancipated?
6. What are your general reasons for wanting to be emancipated? Do you feel you are capable and mature enough to support yourself? Have you lived long enough on your own to know what the demands on you may be if you are emancipated?

## **IV. Background Information:**

### **A. The Role of the Law**

Being a minor in the State of Alaska means being under the age of 18 (AS 25.20.010). While you are a minor, the court system of Alaska and the United States will generally uphold your basic right to have someone take care of you. In almost every case, this is the responsibility of your parents or someone who has been appointed by the court to be your legal guardian.

Until you turn 18, there are several areas of state law that apply uniquely to you. These laws acknowledge the relative inexperience, vulnerability and emotional turmoil of adolescent and youth. They serve to protect minors and, in some cases, treat their behavior without the use of punishment.

Protection is most often needed if your parents are neglecting or physically abusing you. If you do need protection, a court, with the assistance of the Department Health and Social Services, Division of Family and Youth Services can declare you a *Child In Need Of Aid (CINA)* and intervene to monitor changes or take you out of the family.

Should you break a criminal law, a court, with the assistance of the Court Intake Office, can adjudicate you a delinquent and order the necessary treatment for your behavior. This means you may be placed on probation or possibly in an institution.

### **B. The Impact on You and Your Parents**

Emancipation means you are no longer subject to your parents' authority and they cease to have the legal duty to take care of you. Emancipation terminates their duty to support, maintain, protect and educate you. For most parents, giving their minor child the legal status of an adult will not cut off the emotional support they provide. Emancipation is not a tool intended to be used by a parent who merely wants to avoid taking responsibility for a youth and a court will not apply it that way.

It cannot be emphasized enough that your parents may no longer be responsible for your debts or medical care, and in the future, you may not legally require them to resolve a financial crisis that you have once you are emancipated.

The net result of emancipation is that you are released from some or all of the disabilities of childhood and you receive the rights and duties of adulthood before you reach the age 18. Whatever expenses you may have are your responsibility. You must pay your own way.

Therefore, it is critically important, as it is for all adults, that emancipation grants you the right to seek gainful employment and to manage your own affairs: As an emancipated minor, you are able to get married, sign contracts, to sue and be sued, be held responsible for your own actions, choose where to live, and obtain a driver's license. You are treated as an eighteen year old under the child labor statutes of the State of Alaska and are not restricted from working in certain occupations denied to minors under eighteen years of age. Although you obtain the legal right to contract in your own name, you will still have to establish your credit and financial responsibility in negotiating for the purchase of any item of moderate cost or in obtaining a loan from any lending institution.

Even if emancipated by a judge, however, you cannot vote or serve on a jury until you reach age eighteen. Further, you cannot purchase or use tobacco products until you are nineteen and cannot use, buy, sell, or serve alcohol until you reach twenty-one.

Emancipation is a major step in a young person's life. It has serious and immediate consequences both for the minor and the parents. Consequently, it is very important that you and your parents talk to each other openly about emancipation and discuss this packet thoroughly with a counselor, teacher, minister, or other trusted adult.

The responsibilities of adulthood can be overwhelming for a person who does not have a stable living situation and a steady source of income. For this reason, emancipation will only be granted to a minor who is living responsibly on his or her own.

## **V. The Process:**

### **A. The Alaska Statute**

There are two ways recognized by statute to become formally emancipated in Alaska before you reach the age of eighteen. The first is by getting married. The second is by obtaining a court order saying that you are emancipated.

Courts in Alaska have traditionally applied common law principles in determining whether a minor should be formally emancipated. This changed in 1976, when the state legislature passed Alaska Statute 9.55.590. This statute sets out specific criteria, which the court uses in removing the disabilities of minority.

The statutory requirements are:

1. You have to be a resident of Alaska
2. At least 16 years of age
3. Living separate and apart from your parents or guardian
4. Capable of supporting yourself and managing your own affairs
5. Have the consent of each living parent or guardian (with certain exceptions)

The statutory requirements are satisfied if you are a resident in the state of Alaska, you are sixteen or seventeen years of age at the time you file your petition, you are living outside your parents' home, you have a job or you can otherwise show that you can provide for your own support. Additionally, you will need to get your parents consent to your emancipation. However, if one or both parents do not consent, you may still petition the court. You will have to allege in your petition that the parent or guardian withholding consent is doing so unreasonably. This might be the case if your parent has not seen you in several years and is not reasonably aware of your present level of maturity and your ability to manage your own affairs.

If a living parent or guardian is withholding consent unreasonably or their whereabouts are unknown, the court may waive the requirement of consent as to that particular parent or guardian.

### **B. The Initial Interview**

This is not required by statute but an interview is necessary so

that you get the most accurate information about emancipation. A counselor or other trusted adult will ask you to examine very honestly your need for emancipation and encourage you to talk it over with your parents. Without consulting with your parents, it would be extremely difficult for you to make the right decision.

### **C. The Petition**

If you decide you meet the criteria of the statute, you have the right to file a petition for emancipation. The petition should state why you think you should be emancipated, for what purpose, and why it is in your best interest.

The most common emancipation petition is for general purposes. If successful, this petition allows you to be treated as an adult and receive all the rights of adulthood with some exceptions: you still cannot vote until you are 18, possess or use tobacco products until you are 19, and/or drink or possess alcoholic beverages in the State of Alaska until the age of 21. Federal law does not permit any person under the age of 18 to possess a firearm.

You can also petition for emancipation for a specific purpose. If you petition for a specific purpose, you are asking the court to recognize you as an adult for a limited purpose. For example, this limited purpose might be to acquire a driver's license. There has been a successful emancipation petition by one or more native youths for the specific purpose of receiving funds from a trust held for their benefit.

Neither specific nor general emancipation changes your status under the criminal laws of the state. In most cases, until the age of eighteen you will still be under the jurisdiction of the juvenile justice system. However, if you are emancipated, under eighteen, and do commit a serious act of delinquency, your status as an emancipated minor may be one factor which the court will consider in deciding whether to waive juvenile court jurisdiction and hear your case in adult criminal court. In the past, this decision was made after a waiver hearing at which you are allowed a full range of due process rights (i.e. notice, legal representation). However, recent changes in the law and criminal procedure have created what it known as an Automatic Waiver. This means that for some crimes, you will be automatically be tried as an adult, rather than as a juvenile, and held to a higher level of accountability for such criminal activity. Examples of crimes in which automatic waiver will be invoked includes arson, crimes against persons, and crimes involving deadly weapons. See AS 47.12.030 for more information.

**Remember, emancipation directly changes your legal status as to civil matters. Emancipation may change your legal status for select criminal matters, for example automatic waiver of juvenile delinquency jurisdiction.**

#### **D. Affidavits**

A petition for emancipation should be accompanied by affidavits from responsible adults who know you well enough to support your petition. An affidavit is a written statement under oath. These adults may be family friends, teachers, ministers, or employers. Their 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 people who can recommend you favorably should write them and their signatures must be notarized.

#### **E. Filing the Petition**

The petition, along with any supporting affidavits must be filed with the clerk of the Alaska Court System in the Boney Memorial Courthouse, 303 K Street, Probate/ Children's Court Clerk, Rm. 203, Anchorage. There is a one time, one hundred dollar (\$100.00) filing fee that will be required at the time you file your petition. If you live in another judicial district, you need to file your petition with the appropriate court.

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, as it may be slightly different. You will also have to change the forms that come with this packet to reflect the correct judicial district and place of filing.

The petition will be reviewed for its legal sufficiency, whether it alleges everything that is required by the statute. Therefore, it is important that you read the statute carefully and that you understand each and every section. Once the petition has been found sufficient, the clerk will have you schedule a meeting with a custody investigator. After this meeting, the court will schedule a hearing. The Superior Court Master assigned to rule on your emancipation petition may appoint a guardian ad litem or a lawyer to represent you at the hearing. If he or she does not make such an appointment, you can represent yourself at the hearing.

Although it is not specified in the statute, it is advisable that you provide your parents with a copy of the Petition for Emancipation after you file it with the court. In legal jargon, this is known as process of service. You can serve your petition in a couple different ways: One way is to personally give your parents a copy; the other way, especially if a parent lives outside Alaska, or outside the Anchorage area, is to send them a copy via certified mail. The court clerk or custody investigator can help you do this.

### **E. The Custody Investigator**

It is common practice of the Court that you go through an assessment interview prior to your hearing. This interview is conducted by a Custody Investigator. It is encouraged that your parents also attend the interview. If this is not possible, other arrangements can be made for them to meet with the Custody Investigator. The purpose of the interview is to determine whether emancipation is in your best interest. Once the interview process is complete, the custody investigator makes a recommendation in the form of a report to the court. The report of the custody investigator weighs heavily with the court's final decision to grant your petition. Once the report is ready, a hearing will be scheduled with the court.

The custody investigator will want to see proof that you can support yourself. You should be prepared to submit financial records, identification, documentation showing who presently holds custody of you, references, and other relevant information. The custody investigator will want to know about your history, your employment record, financial record and status, how you will support yourself, education level, how you will finish your education, etc. In sum, the custody investigator wants to know why you are seeking emancipation and will determine if you are or are ready to independently support yourself. After this is done, then a hearing may be scheduled with the court.

### **F. The Hearing**

At the hearing, you will be requested to appear before a Superior Court Master to give evidence under oath in support of your emancipation petition. Your lawyer and (or) guardian ad litem may also appear and give comment. The Master will want to know about the following: your employment and living status, your budget, your relationship with your family, your knowledge of adult responsibilities, and why you want to be emancipated. The Master's questions may range from performance in school to your ability to support yourself.

The Custody Investigator will also present his or her assessment. The Superior Court Master oversees your hearing and makes a recommendation for your emancipation to a Superior Court Judge. This recommendation will form the basis of the Judge's decision to grant emancipation. Your petition, however, is not final until the Judge signs the order.

If the petition is granted, you may submit a list of proposed findings of fact and conclusions of law. This is called an Order for Relief and it may be submitted when the petition is first filed or any time thereafter. The Order for Relief will become the emancipation decree of the court once a judge signs it. It is a written statement, which says that you meet the requirements of the statute and that the Master concludes that emancipation is in your best interest. The decree will be yours to keep as proof of your emancipation. The court will also keep a copy, which must be filed with the clerk of the court at no extra charge. You can obtain a certified copy of the decree at any time for a fee.

The whole process may take six to twelve weeks depending upon the specific facts of your individual situation and the volume of all court cases being scheduled.

### **G. The Conclusion:**

The court will grant a petition for emancipation only if there is sufficient evidence to support legitimate reasons for emancipation. If you have questions or concerns, wait to file a petition. An Alaska Youth & Parent Foundation counselor is more than willing to discuss with you the pros and cons. Utilize a counselor to find answers to any questions you might have about the information in this packet. Emancipation is a permanent status and it should only be proposed after much discussion with your parents.

## VI. Some Practical Advice

You have decided you want to be emancipated. You are already living on your own and supporting yourself. You decide to go through the emancipation process through the courts. Through the eyes of the law, once you are emancipated, you will be an adult capable of providing for yourself even though you are not actually of the age of majority (18). However, while the law may recognize you as an adult in most instances, some limitations exist and the real world can be quite another story.

Once you become emancipated, you will need to find housing and employment, as well as receive health care and other services. Despite the fact the court has deemed you emancipated from your parents, there are limitations as to what you can do and you may meet resistance when dealing with every day life.

### A. Legal Restrictions

First of all, emancipation means that you are legally treated as an adult when in reality you are only sixteen or seventeen. However, this does not mean that you can do everything someone eighteen or older can do.

Even though you are emancipated, you will not be able to do the following activities:

- 1) **Vote.** Until you reach the age of 18, you are not eligible to vote under current Alaska law.
- 2) **Buy cigarettes or other tobacco products.** Under current Alaska law, no one under the age of 19 can purchase or sell tobacco products –even minors who have been emancipated.
- 3) **Buy alcohol or alcoholic beverages.** Under current Alaska law, no one under the age of 21 can purchase or sell alcohol or alcoholic beverages.

- 4) **Purchase or possess firearms.** Under current federal law, no one under the age of 18 can purchase or possess a firearm.

## **B. Housing**

Even though you are emancipated and should be treated as an 18 year-old, some renters simply will not rent to young people. Much of the reason for the refusal to rent to young people is as much a preference by the renter as it is for insurance or safety reasons. Most likely, before any renter will rent to you, you will need to provide them with a copy of your emancipation decree that was signed by the judge when you received emancipation to assure them of your legal status and responsibility. Just because a judge has ordered you emancipated does not require a landlord to rent to you.

## **C. Employment**

For many of the same reasons why renters hesitate to rent to young people, employers may not employ people under a certain age. This can be attributed to reasons related to safety, legal constraints, insurance, and experience. Just as you should be prepared to show a potential renter your emancipation decree, you should also be prepared to present it to any potential employer.

## **D. Health Care**

Another common problem area for emancipated youth is in the health care arena. Typically, when a young person (who is not emancipated) seeks health care services from a doctor or a dentist, or similar person, the health care provider is usually required to receive a parent's permission before treating. Often, health care providers are not allowed to provide any treatment until parental consent is received. As an emancipated youth, you no longer need this consent. But how does your health care provider know this? You will need to provide them with a copy of your emancipation decree which was signed by the judge when you received your emancipation.

Especially in the case of an hospital emergency, you will want to make sure that you have your signed emancipation decree with you at all

times.

## **E. Money Matters**

### **1. Setting a Budget**

Another responsibility you will assume with emancipation will be to manage your own money. In addition to a monthly rent bill, there may also be separate bills for utilities, such as electricity, heating, water, and telephone. You may even have car payments and car insurance payments to worry about. Plus, on top of all this, you also need to make sure you have enough money left over to buy groceries. Not paying your bills on time each month can have damaging and lasting effects on your credit rating that could prevent you from receiving bank loans, or other financial assistance in the future. You will need to create a responsible method to manage your money so that you are able to pay your bills on time every month.

If you have questions on how to create a successful budget, please contact the Alaska Youth and Parent Foundation or a local credit counseling center, such as the Consumer Credit Counseling Center of Alaska, who provides many free services to the public regarding budget issues.

### **2. Open a Bank Account**

One important step in the right direction to successfully managing your money every month will be to open up your own savings and checking accounts with a bank. Each month, a certain amount of your income should be placed in your checking account to cover your monthly expenses. It is wise to place the remaining amount into a savings account for the future, and for unanticipated expenses such as your car breaking down.

If you have questions about how to do this, contact a local bank and speak with a representative there about opening an account. 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 legal status. Be prepared to show the bank a copy of your emancipation

decree, along with two forms of picture identification, such as a driver's license and a school identification card.

### **3. Taxes**

Once you are emancipated, supporting yourself and earning your own income, you need to be aware that every year the federal government requires that you file an Income Tax Return with the Internal Revenue Service (I.R.S.). This is a report to the government on how much money you earned the previous year. Depending on how much you earned, you may owe money, called taxes, to the government; or, the government may owe you money called a tax refund. Income taxes help the government to provide services to the public. Filing your taxes is a very important responsibility. Failure to file your income tax return with the federal government every year is against the law and can have serious consequences.

Each year, the federal government requires that you file your income tax return with the I.R.S. by April 15. Your income tax return will report the total amount of income you earned from January 1 to December 31 of the previous year. For example, your tax return for 2001 would be due no later than April 15, 2002. There are specific forms you must fill out that are provided by the government.

If you need help completing your taxes, or finding out where to start, it is recommended that you contact your local I.R.S. Tax Payer Assistance Office, or a private tax preparation service such as H & R Block, well in advance of the April 15 deadline to find out what you will need to do to file your taxes on time. The I.R.S. Tax Payer Assistance Office provides several services at no cost to you. These services include the following: Help to prepare your I.R.S. tax return if your annual income meets certain criteria; provide help resolve your tax law questions; help to make any necessary adjustments to your account –to name a few. These services are free to the public. Other private tax preparation services usually charge a fee for advice and service.

To obtain assistance from the I.R.S. Tax Payer Assistance Office, you can go to their office at 949 E. 36<sup>th</sup> Avenue, Anchorage, Alaska. Along with picture identification, you will also need to bring in a copy of your signed emancipation decree. You can also call the I.R.S. Tax Payer

Assistance hotline at 1-800-829-1040; or visit their website at [www.irs.gov](http://www.irs.gov). The website is a good source for general information on how to get started.

#### 4. Permanent Fund Dividend

Unique to the state of Alaska, is the Permanent Fund Dividend (PFD). The PFD is a yearly check the state of Alaska gives to every eligible resident as a percentage from earnings received from the sale of oil. As a minor, normally your parents apply for your PFD. However, once you are emancipated, it will be your responsibility to apply for your own PFD. There is usually a deadline by which you need to file your application to receive the PFD and it is important to make sure you file your application on time, otherwise, you will not be eligible to receive a PFD check for that year. In the past, it has been the norm that applications are due by April 1 and checks are later distributed in October or November.

To receive an application or find out more information, you can go to Alaska's Permanent Fund Dividend Program website at [www.pfd.state.ak.us](http://www.pfd.state.ak.us). Here you will find a downloadable application form and complete instructions on how to fill it out. Before you submit your application, be sure to attach a copy of your emancipation decree to make the PFD office aware of your new legal status as an emancipated youth.

Also, it is important to note that once you become emancipated, state law allows you one year from the date of your emancipation to file for any past PFD's that were not received by you. For example, if your parents forgot to file for your PFD any year during your childhood when you were eligible to receive the PFD, you now have one year from the time you are legally emancipated to receive it. You should contact the PFD office as soon as possible to find out if you have any past PFD's you may be eligible to apply for.

In sum, as can be seen from the above, just because you are emancipated it does not necessarily mean you can do everything that adults can do. You will encounter limitations and roadblocks. **YOU WILL FIND IT VERY IMPORTANT AND EXTREMELY USEFUL TO ALWAYS KEEP A COPY OF YOUR SIGNED DECREE OF REMOVAL OF**

**DISABILITIES OF MINORITY WITH YOU AT ALL TIMES.** You never know when you may need to go to the hospital emergency room, or may have a problem with a police officer or other legal or governmental agency where you will need to present proof of your emancipated status.

At the end of this packet, you will find a Resource Guide to assist you with the above concerns. If you need more assistance, contact AYPF directly, a counselor there may be able to help you with any problems you encounter. Another good resource is the POWER Pages, a teen resource guide that is a directory to a number of services available from health and survival resources to education, employment and legal resources. To obtain a copy of the POWER Pages, contact the Alaska Youth and Parent Foundation.

## VII. Getting Started

The following checklist, worksheets, statute and sample petition, consent, affidavit and order for relief forms are included to assist you in filing your own emancipation petition. **The Alaska statute for the Removal of Disabilities of Minority should be read very carefully.** All questions you might have about anything that are mentioned in this emancipation packet can be directed to the Alaska Youth and Parent Foundation's Peer Outreach Program. You may also want to refer to our juvenile law handbook, *One Nation Under Age*.

On the following pages, you will find the following:

- 1) Statute on the Emancipation of Minors, AS 09.55.590
- 2) Emancipation Outline
- 3) Emancipation Checklist  
-Use this checklist to help you with the court process.
- 4) Emancipation Worksheet  
-Complete and attach this to your Petition.
- 5) Financial Statement  
-Complete and attach this to your Petition.
- 6) Educational Planning Worksheet  
-Complete and attach this to your Petition.
- 7) Court Forms for filing with the court  
-These are sample forms of what you will need to file with the court.  
-Petition to Remove Disabilities of Minority AS 09.55.590 (Petition for Emancipation)  
-Consent to the Petition to Remove Disabilities of Minority  
-Notice of Filing Petition to Remove Disabilities of Minority  
-Affidavit in Support of Petition to Remove Disabilities of Minority  
-Decree of the Removal of Disabilities of Minority

It is highly recommended that you work through the following pages to come up with a realistic assessment on whether you are ready for emancipation. Once you have completed the following worksheets, it is recommended that you attach them to your Petition for Emancipation as evidence to support your position to the court.

## EMANCIPATION STATUTE AND RELEVANT SECTIONS

Effective August 6, 1994, AS 09.55.590 pertaining to Emancipation of Minors was amended to read:

### **\*Section 2. AS 09.55.590 (a):**

- (a) a minor who 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.

### **\*Section 3. AS 09.55—590 (b):**

- (b) A minor or the legal custodian of a minor may institute a petition under this section in the name of the minor.

### **\*Section 4. AS 09.55.590 (c):**

- (c) The petition for removal of disabilities of minority must state:
  - (1) the name, age and residence address of the minor [PETITIONER];
  - (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 purpose for which removal is sought.

### **\*Section 5. AS 09.55.590 (d.):**

- (d) The person who institutes a petition under this section [PETITIONER] must obtain the consent of each living parent or guardian having control of the person or property of the minor [PETITIONER]. If the person who is to consent 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 [PETITIONER] may waive this requirement of consent as to that parent or guardian.

(Emancipation Statute continued)

**\*Section 6. AS 09.55.590 (e):**

- (e) The court may appoint an attorney or a guardian ad litem to represent the interest of the minor [PETITIONER] at the hearing. Appointment of an attorney or guardian ad litem shall be made in accordance with AS 25.24.310.

**\*Section 7. AS 09.55.590 (f):**

- (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. If the petition under this section is filed by the legal custodian of a minor, the court may remove the disabilities of minority as requested in the petition only if the minor consents on the record to the removal of disabilities and the court, in addition to making the other findings required under this subsection for a petition filed by a minor, makes a finding on the record that there is interpersonal conflict involving the legal custodian and the minor that the custodian and the minor have been unable to resolve satisfactorily through other means; the finding must include a description of the efforts that were made by the legal custodian to resolve the interpersonal conflict before the custodian filed the petition under this section. If the court determines that removal of disabilities is in the best interests of the minor, the court may waive the requirement for the minor's consent that is otherwise imposed under this subsection. In making its decision under this subsection, the court may consider whether a noncustodial parent of the minor is able and willing to petition for custody of the minor.

**ALASKA YOUTH AND PARENT FOUNDATION**

**INDEPENDENT LIVING PROGRAM**

**EMANCIPATION OUTLINE**

**A. Statutory Requirements to be emancipated require that you be:**

1. A Resident of Alaska
2. Sixteen years of age at time of application.
3. Living separate and apart from parents and guardian.
4. Capable of supporting yourself and managing your own affairs and: have consent from each living parent or guardian. (With limited exceptions)

**B. What does emancipation mean?**

1. You are totally/completely responsible for yourself.
2. You can sue and be sued.
3. You can sign contracts.
4. You will be held responsible for your actions.
5. You can choose where to live. (Sign lease agreements)
6. You can live on your own.
7. You can obtain a drivers license.
8. You can keep and manage your own money and property.

**C. What do you have to do to become emancipated?**

1. Talk with your parents. Ask them to sign the consent form for emancipation.
2. Decide what type of petition (general or specific) you want to file.
3. Fill out emancipation worksheet. This will include your budget, educational goals, and explanation of why you should be emancipated.
4. Have affidavits completed by three or more adult friends/professionals that know you.
5. Complete "Order for Relief."
6. File your petition and get a case number assigned. There is a \$100 one-time filing fee.

Clerk of the Probate/Children's Court  
Boney Memorial Courthouse  
303 K Street, Room 203  
Anchorage. AK 99501

7. Set a date to meet with the Custody Investigator, 264-0428, room 222. If there is a problem with consent, they may recommend you be appointed an attorney. An affidavit will need to be filled out as an application for an attorney.
8. Set up hearing date. Call calendar department at **264-0461** or **264-0420**. You will need to give your case number.
9. Attend your hearing.
10. The judge will make the decision. If granted, you receive a copy of the Decree of the Removal of Disabilities of Minority.

## EMANCIPATION CHECKLIST

- \_\_\_ At least 16 years of age
- \_\_\_ Resident of Alaska
- \_\_\_ Housing (Living Separate and Apart From Parents)
- \_\_\_ Consent of Both Parents
- \_\_\_ Capable of Supporting Yourself and Managing Your Own Affairs:
  - \_\_\_ Presently Employed
  - \_\_\_ State of Alaska picture I. D.
  - \_\_\_ Open a Bank Account
  - \_\_\_ Prepare a Financial Statement (Budget)
  - \_\_\_ Prepare a plan for completing you education
- \_\_\_ Complete Emancipation Worksheet Drafts
- \_\_\_ Three (3) affidavits to show that you are a responsible person
- \_\_\_ Complete Petition to Remove Disabilities of Minority
- \_\_\_ Have Parents Complete Consent to Remove Disabilities of Minority
- \_\_\_ File petition with court and get assigned a case number  
(Boney Memorial Courthouse – 303 K Street, Room 203 – Clerk of AK Court System)
- \_\_\_ Complete “Order for Relief” (later to become your Decree to Removal of Disabilities of Minority after judge signs it, if you are emancipated)
- \_\_\_ Pay \$100.00 one-time filing fee (at the time you file your petition at courthouse)
- \_\_\_ Set date to meet with the Custody Investigator (264-0428 room 222)
- \_\_\_ Set up a hearing date (264-0461 or 0420)
- \_\_\_ Attend your hearing
- \_\_\_ Judge will make decision (If yes, you will receive a copy of the “Decree of the Removal of Disabilities of Minority in a couple of weeks by mail.)
- \_\_\_ File a copy of the ‘Decree’ with the Clerk of the Court (no cost to you)

# EMANCIPATION WORKSHEET

NAME: \_\_\_\_\_

AGE: \_\_\_\_\_

DATE: \_\_\_\_\_

REFERRED BY: \_\_\_\_\_

\_\_\_\_\_

**MINOR'S FACTS:** Date of birth, living separate and apart address, manage own affairs, jobs, income, expenses, school, quality of relationship with parents, and reasons for emancipation.

**PARENTAL FACTS:** Who has custody, present addresses, is support being paid, has minor talked to parents, have they consented, why not, etc.

**COMMENTS:**

## FINANCIAL STATEMENT

Prepare a financial statement. This will show your knowledge of urban skills and show your accountability to prepare for future financial security. The following format is an example of how to present the information:

<b>INCOME</b> (Cash In)	\$ _____	
Wages	\$ _____	
Other	\$ _____	
<b>Total</b>		<b>\$ _____</b>

<b>EXPENSES</b> (Cash Out)	\$ _____	
Rent	\$ _____	
Utilities	\$ _____	
Food	\$ _____	
Clothing	\$ _____	
Personal	\$ _____	
Transportation	\$ _____	
Medical	\$ _____	
Miscellaneous	\$ _____	
<b>Total</b>		<b>\$ _____</b>

<b>DIFFERENCE:</b> (Net Cash Flow)		<b>\$ _____</b>
------------------------------------	--	-----------------

(Hopefully, the net cash flow will be positive, showing your ability to manage your finances properly. Any money left over should be put into a savings account.)

## EDUCATIONAL PLANNING WORKSHEET

Prepare a plan for completing your education. Decide if you want to complete high school (we strongly urge this, finish through the grade you are in), get a GED (set a definite date for enrolling and completing this) or maybe go to vocational school. Set goals for yourself and then go about meeting the deadlines. You might even prepare a short paper showing the time frame of your education plan:

Finish high school by \_\_\_\_\_

Finish grade \_\_\_\_\_ by \_\_\_\_\_

Enroll in GED classes \_\_\_\_\_

Finish GED by \_\_\_\_\_

Plans for continuing education (trade school, business school, college)

---

---

---

---

---

---

---

---

---

---

**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE**

In the Matter of the	)	
	)	
(Your Name)	)	
A minor under the age of	)	Case No.
_____	)	
eighteen (18) years	)	
	)	
Date of Birth:	)	
_____	)	

**PETITION TO REMOVE  
DISABILITIES OF MINORITY  
AS 09.55.590**

(Your Name, whose address is \_\_\_\_\_, Alaska alleges that he or she is a child in need of emancipation under AS 09.55.590 and in support of (his or her) petition state as follows:

1. The minor named above, whose date of birth is \_\_\_\_\_ years of age, and is a resident of the State of Alaska. The minor is living separate and apart from (his or her) parents or legal guardian and currently resides at \_\_\_\_\_ (street address).
2. The minor's mother is \_\_\_\_\_, who resides at \_\_\_\_\_ (current address).
3. The minor's father is \_\_\_\_\_, who resides at \_\_\_\_\_ (current address).
4. The minor's guardian or custodian if not the parent or parents named above is \_\_\_\_\_, who resides at \_\_\_\_\_ (current address).
5. The minor considers (himself or herself) capable of self-support and of managing (his or her) own financial affairs. The reasons why removal of the disabilities of minority would be in the minor's best interest and the purpose for which removal is sought are as follows:

(State facts showing you can support yourself, your income, expenses, present job, past jobs, reasons why you want to be emancipated, etc.)

5. **(Continued)** . (Use as much space as necessary.)

6. Wherefore the petitioner prays for the removal of disabilities of minority for specific or general purposes (if specific, state specific purpose, except for specific constitutional and statutory age requirements for voting, use of alcoholic beverages, and prosecution in criminal court. Included with my petition are signed affidavits by \_\_\_\_\_ (names of people), which help to substantiate my ability to support myself and to manage my own financial affairs.

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.

Dated \_\_\_\_\_  
\_\_\_\_\_ Petitioner

SUBSCRIBED AND SWORN to before this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_

Notary Public in and for the State of Alaska

My Commission Expires: \_\_\_\_\_

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

In the Matter of the )  
)  
(Your Name) )  
A minor under the age of ) Case No. \_\_\_\_\_  
eighteen (18) years )  
)  
Date of Birth: )  
\_\_\_\_\_

CONSENT TO THE PETITION  
TO REMOVE DISABILITIES OF MINORITY

\_\_\_\_\_ upon oath. deposes and  
says:  
Father. Mother. or Legal Guardian

1. I have read the Petition to Remove the Disabilities of Minority and agree with all of its allegations.
2. I agree that \_\_\_\_\_ (Minor's name) deserves to 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.

Dated \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Father, Mother, or Legal Guardian

SUBSCRIBED AND SWORN TO before me this place and date written above.

\_\_\_\_\_  
Notary Public in and for the state of  
Alaska.  
My Commission Expires: \_\_\_\_\_

**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE**

In the Matter of the )  
 )  
 (Your Name) )  
 A minor under the age of ) Case No. \_\_\_\_\_  
 eighteen (18) years )  
 )  
 Date of Birth: )  
 \_\_\_\_\_ )

**Notice of Filing Petition to Remove  
Disabilities of Minority**

To \_\_\_\_\_, parent and/or legal guardian  
of \_\_\_\_\_, a minor child.

Notice is hereby given that on \_\_\_\_\_, a petition  
was filed in this court by \_\_\_\_\_ requesting that  
she/he have the disabilities of minority removed. The petition has been set  
for hearing on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_  
in Courtroom \_\_\_\_\_, Room \_\_\_\_\_ of the Boney  
Memorial Courthouse, 303 K Street, Anchorage, Alaska, at which time and  
place all interested in said proceeding may appear and give reasons why  
the petition should or should not be granted.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Judge for Superior Court

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

THIRD JUDICIAL DISTRICT AT ANCHORAGE

In the Matter of the )  
)  
(Your Name) )  
A minor under the age of ) Case No. \_\_\_\_\_  
eighteen (18) years )  
)  
Date of Birth: )  
\_\_\_\_\_ )

Affidavit in Support of Petition To  
Remove Disabilities of Minority

(SAMPLE AFFIDAVIT)

I have known Peter Jones for a period of two years. He has been a student of mine for the past six months at West High School. I have always found him to be responsible and capable to show mature judgment. He does reliable and conscientious work and I believe he is quite capable to managing his money and his own affairs.

Peter is a very capable young man and I fully recommend his petition for emancipation to the court.

\_\_\_\_\_  
Date

\_\_\_\_\_  
William Barnes  
Teacher of Social Science  
at West High School

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_  
20 \_\_\_\_.

Notary Public in and for the State of Alaska

My Commission Expires: \_\_\_\_\_

**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE**

In the Matter of the )  
 )  
(Your Name) )  
A minor under the age of ) Case No. \_\_\_\_\_  
eighteen (18) years )  
 )  
Date of Birth: )  
\_\_\_\_\_ )

**DECREE OF THE REMOVAL OF  
DISABILITIES OF MINORITY**

Upon consideration of the petition and affidavits filed in this action and the testimony of the petitioner and (his or her parents or legal guardian at the hearing on \_\_\_\_\_, 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 and (his or her) parents or legal guardian understand fully the nature and consequences of this action.
3. \_\_\_\_\_ (minors name), is a minor who is a resident of this state. is years of age, is living separate and apart from (his or her) parents. and is capable of self-support and managing (his or her) own financial affairs.
4. The court finds that it is in the Petitioner's best interest that the disabilities so of minority be removed for general purposes (or for 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.
6. (If necessary) the required consent of \_\_\_\_\_ is waived because that living parent and/or legal guardian is unreasonably withholding consent (or is unavailable or (his or her) whereabouts are unknown).

**THEREFORE IT IS ORDERED:**

- I. A final judgment is made that, except for specific constitutional statutory age requirements for voting and use of tobacco, alcoholic beverages, and firearms, the disabilities of minority of \_\_\_\_\_ (Minor's name) are removed for general purposes (or for the specific purpose of...)**
  
- 2. (If emancipated for general purposes) Petitioner has the power and capacity of an adult including but not limited to the right to control (himself or herself), the right to be domiciled where (he or she) desires, the right to receive and control his or her earnings, to sue and be sued, and the capacity to contract.**

**Dated at Anchorage, Alaska this \_\_\_ day of \_\_\_\_\_ 20\_\_.**

\_\_\_\_\_  
**Judge for Superior Court**

## QUICK RESOURCE GUIDE

The following is a short list of resources that may help you get a successful start as a newly emancipated person. The following list is only a small fraction of the numerous resources available to you. If you need help in other areas, you can contact the Alaska Youth and Parent Foundation to obtain a copy of POWER PAGES, a complete guide to teenage resources designed to familiarize you with the variety of options available to you in the Anchorage community.

### A) Employment Resources

- Alaska Job Center Network  
3301 Eagle Street, #101  
Anchorage, AK 99503  
(907) 269-4800

-The Alaska Job Center Network provides free workshops that teach job skills such as resume writing, job searching, and interviewing skills.

- Job Corps  
4300 B Street, Suite 100  
Anchorage, AK 99503  
(907) 562-6200

-Jobs Corps provides year round vocational, academic, driving and social skills training to persons between 16-24.

### B) Money Matters

- Consumer Credit Counseling Service of Alaska  
208 E. 4<sup>th</sup> Avenue  
Anchorage, AK 99501  
(907) 279-6501

-The Consumer Credit Counseling Service offers one-on-one financial counseling and monthly classes at little or no cost. Call to schedule an appointment in advance.

- Internal Revenue Service  
Tax Payer Assistance Office  
949 E. 36<sup>th</sup> Avenue  
Anchorage, AK 99508  
1-800-829-1040

-The I.R.S. Tax Payer Assistance Office can help you with your tax questions and may be able to assist you in preparing your tax return.

### C) Legal Resources

- Alaska Legal Services Corporation  
1016 W. 6<sup>th</sup> Avenue, Suite 200  
Anchorage, AK 99501  
(907) 272-9431

-Alaska Legal Services can provide free legal services in several areas of the law including public benefits, landlord/tenant issues, domestic law issues. Strict financial guidelines apply.

- Alaska Court System  
825 W. 4<sup>th</sup> Avenue  
Anchorage, AK 99501  
(907) 274-8611

-The Alaska Court System handles criminal and civil cases, traffic matters, marriage licenses, death and birth certificates, and domestic violence restraining orders.

- State of Alaska  
Vital Statistics  
3601 C Street  
Anchorage, AK 99501  
(907) 269-0990

-If you need a copy of your birth certificate, or need to obtain a marriage license or death certificate, you will need to contact Vital Statistics to obtain these documents.

**D) Housing Resources**

- Alaska Housing Finance Corporation (AHFC)  
624 W. International Road  
Anchorage, AK 99518  
(907) 330-6100

-AHFC provides assistance to low income families and will pay a percentage of your rent if you qualify.

**E) Transportation Resources**

- People Mover Bus Service  
Transit Center  
700 W. 6<sup>th</sup> Ave., Suite 109  
Anchorage, AK 99501  
Rideline: (907) 343-6543  
Internet: [www.peplemover.org](http://www.peplemover.org)

-The People Mover Bus system provides low cost transportation all over the Anchorage bowl area and Eagle River. Call or contact them on the Internet to obtain a schedule or to find out which route to take to reach your destination.

**F) Living Assistance and Health Care Resources**

- State of Alaska  
Dept. of Health and Social Services  
Division of Public Assistance  
400 Gambell Street  
Anchorage, AK 99501

-Division of Public Assistance can help provide assistance to low-income persons with food benefits, such as food stamps, and other temporary resources.

- Women Infant Child (WIC)  
Municipality of Anchorage  
825 L Street  
Anchorage, AK 99501

-WIC provides food benefits and nutritional assistance to pregnant women, new mothers, infants, children up to their 5th birthdays.

- State of Alaska  
Dept. of Health and Social Service  
Denali KidCare  
3601 C Street  
Anchorage, AK 99524  
1-800-318-8890

-Denali KidCare is a state-funded program that provides health insurance coverage for children and youth until they reach 18. Emancipated teens are eligible for this program.

- State of Alaska  
Child Support Enforcement Division  
550 W. 7<sup>th</sup> Avenue  
Anchorage, AK 99501  
(907) 269-6901

-CSED can assist you in filing for child support if you have children and are having trouble receiving support from the other parent.

-This quick resource guide is only a small preview of the resources available to you in the community that may provide you with needed assistance. If you need help, please contact the Alaska Youth and Parent Foundation.