

## Emancipation Instructions, **Tulsa County\***

### EMANCIPATION CHECKLIST

(See instructions for each form and step below)

- Forms
  - I have printed all the forms single sided and have not stapled any of them
  - I filled out the **PETITION**
    - Once completed, I made **two** copies of the **PETITION**.
  - I filled out the **VERIFICATION** and had it notarized
    - I presented both the **PETITION** and the **VERIFICATION** to the notary
    - My next friend and I both signed the **VERIFICATION** in front of the notary
    - Once completed, I made **two** copies of the **VERIFICATION**
  - My parent(s) or guardian(s) filled out the **AFFIDAVIT OF SUPPORT** (if applicable) and had it notarized
    - My parent(s) or guardian(s) signed the **AFFIDAVIT OF SUPPORT** in front of the notary
    - Once complete, I made **two** copies of the **AFFIDAVIT OF SUPPORT**
  - My parent(s) or guardian(s) filled out the **WAIVER OF NOTICE OF HEARING** (if applicable)
    - Once complete, I made **two** copies of the **WAIVER OF NOTICE OF HEARING**
  - I filled out the **NOTICE OF HEARING**
    - Once complete, I made **three** copies of the **NOTICE OF HEARING**
  - I filled out the **DECREE CONFERRING RIGHTS OF MAJORITY**
- Filing the paperwork with the court
  - I have all the paperwork complete and notarized as needed and have made copies of the paperwork as indicated above
  - I have the money necessary to file the emancipation (in Tulsa County, this is \$193.14)
  - My next friend and I went to the courthouse, filed the paperwork at the Civil desk, and received a court date
  - My next friend and I appeared for my scheduled court date
- If the court grants the emancipation
  - I made at least 10 copies of the court's decree and took all of them to the civil desk to be stamped as official copies

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\*The provided emancipation packet can be used to file in any county in Oklahoma. You can only file in a county in which you live. Most of the instructions in this packet are applicable to every county but the information on filing and the court date are county specific. Contact your county court for information on cost, filing, and court.

These instructions were prepared by students in the Terry West Civil Legal Clinic and are not intended as legal advice. If you have any questions or concerns about getting emancipated, contact an attorney.

## EMANCIPATION PAPERWORK INSTRUCTIONS

### PETITION

The **PETITION** (2 pages) is a mandatory form that tells the court that you want an emancipation and why you want to be emancipated. While you will be permitted to speak at your hearing and explain why you want to be emancipated, you should include all important information here.

- At the top of the page, fill in the county in which you are filing for emancipation. You must file for an emancipation in the county you live in or a county in which you own property if you live in a state other than Oklahoma.
- Fill in your full name in the heading where it reads: In the Matter of the Application of \_\_\_\_\_ a minor, for the rights of majority. Leave the “No. \_\_\_\_\_” blank, this is where the court clerk will stamp your case number.
- In the first full paragraph, fill in your full name and your next friend’s full name (see instructions below on getting a next friend).
- Fill in the numbered paragraphs as provided below:
  1. Identify your current age in years (for example, *16*), and the day, month, and year of your birth (for example, born on the *27* day of *May*, *2004*).
  2. Check one of the two boxes and fill in the needed information.
    - i. The first option applies if you live in the county in which you are applying for emancipation. If you are filing in Tulsa and live in Tulsa, check this box and write in “*Tulsa*”.
    - ii. The second option applies if you do not live in Oklahoma but do own property in Oklahoma. If this applies to you, fill in the state in which you currently live and the county in which you own property (this should be the county in which you are filing for emancipation).
  3. Check as many of the boxes as apply to you and fill in all the information on the ones you check. If there are other reasons you believe you should be emancipated, fill them in where it says, “Other”. Examples of additional grounds that may help with your petition (these are not the only potential grounds):
    - i. Any special circumstances that increase your need for emancipation (for example, *my mother was deported in January leaving me and my siblings who are all US citizens. I have been caring for my siblings but need to be able to enroll my younger siblings in school in the fall*).
    - ii. What you have been unable to do because you are under 18 (for example, *I have had trouble enrolling in school the last two years because my parents would not enroll me. I would like to move to my own apartment with my kids but have been unable to sign a lease. I have applied for food stamps but have been unable to receive them because of my age. I got my GED and have tried enrolling at OSU, but my parents would not consent to it*).
    - iii. More about your employment history, your monthly income, and your ability to financially support yourself (for example, *I started working for my cousin’s lawncare business when I was 14. I currently work full-time for my cousin’s business during the summers and part time in the off-season making \$12 an hour and work part-time at Taco Bell throughout the year making \$7.25 an hour. My average monthly income is \$850. I am saving up to buy a car but currently take the bus or catch rides to school or work from my brother, cousin, or friends. I help pay utilities and pay for my own phone and food*).
  4. Leave this paragraph as is.
  5. This will be where you put information about your parent(s) or legal guardian(s). Check the box that applies to you and fill in the necessary information.
- Finally, you and your next friend will sign the petition and fill in your contact information.

## **VERIFICATION**

The **VERIFICATION** is part of the **PETITION** and is a mandatory form that you fill out and then sign in front of a notary (see instructions for finding a notary below). This form is essentially swearing that what you wrote in the **PETITION** is true to the best of your knowledge.

- Fill in your full name in the heading where it reads: In the Matter of the Application of \_\_\_\_\_ a minor, for the rights of majority. Leave the “No. \_\_\_\_\_” blank, this is where the court clerk will stamp your case number.
- In the paragraph, put your full name and your next friend’s full name
- **NOTE: DO NOT SIGN THIS DOCUMENT UNTIL YOU ARE WITH THE NOTARY.**
  - While you are with the notary, you will fill in that day’s date in day, month, year format.
  - You and your next friend will then swear to the truth of the document and you each will sign and print your names.
  - The notary will then stamp the document.

## **AFFIDAVIT OF SUPPORT** (if applicable)

The **AFFIDAVIT OF SUPPORT** is an optional form that your legal parent or guardian should fill out if they support your desire to be emancipated. This form must be completed by your parent/guardian and signed by your parent/guardian in front of a notary (see instructions for finding a notary below). This form essentially is your parent/guardian telling the court that they believe you should be emancipated and why.

- At the top of the page, fill in the county in which you are filing for emancipation. You must file for an emancipation in the county you live in or a county in which you own property if you live in a state other than Oklahoma.
- Fill in your full name in the heading where it reads: In the Matter of the Application of \_\_\_\_\_ a minor, for the rights of majority. Leave the “No. \_\_\_\_\_” blank, this is where the court clerk will stamp your case number.
- In the first full paragraph, your parent/guardian will write their name, their relationship to you (for example, *mother* or *guardian*). They will then identify the number of years they have known you (even if it is your entire life). Finally, they will provide your birth date in day, month, year format.
- Your parents should then check all the boxes that apply and fill in the necessary information.
- If there are any other reasons your parent/guardian thinks you should be emancipated, they should put them on the line that reads, “Other”.
- **NOTE:** Your parent/guardian will not sign this document until they are with the notary.
  - While your parent/guardian is with the notary, they will fill in that day’s date in day, month, year format.
  - They will then swear to the truth of the document and will sign and print their name.
  - The notary will then stamp the document.

## **WAIVER OF NOTICE OF HEARING** (if applicable)

The **WAIVER OF NOTICE OF HEARING** is an optional form that your parent or guardian can fill out if they support your desire to be emancipated. This form tells the court that your parent/guardian knows of the petition for emancipation and does not need to be notified by the sheriff or through mail. Even if your parent/guardian fills out this form, you must still fill out the **NOTICE OF HEARING**.

- At the top of the page, fill in the county in which you are filing for emancipation. You must file for an emancipation in the county you live in or a county in which you own property if you live in a state other than Oklahoma.
- Fill in your full name in the heading where it reads: In the Matter of the Application of \_\_\_\_\_ a minor, for the rights of majority. Leave the “No. \_\_\_\_\_” blank, this is where the court clerk will stamp your case number.
- In the paragraph, your parent/guardian will write in their full name and your full name.

- Your parent/guardian should then fill in their contact information at the bottom of the page. If you only have one parent/guardian, write “N/A” in the spot for the second parent/guardian contact information.

### **NOTICE OF HEARING**

The **NOTICE OF HEARING** is a mandatory form that directs the court to publish information about the hearing on your emancipation as required by law. The court will take care of getting this published when it needs to.

Generally, the information about the hearing will be published in a legal newspaper.

- At the top of the page, fill in the county in which you are filing for emancipation. You must file for an emancipation in the county you live in or a county in which you own property if you live in a state other than Oklahoma.
- Fill in your full name in the heading where it reads: In the Matter of the Application of \_\_\_\_\_ a minor, for the rights of majority. Leave the “No. \_\_\_\_\_” blank, this is where the court clerk will stamp your case number.
- In the first full paragraph, fill in your full name.
- You will leave the second paragraph blank. This is where the court clerk will fill in the information about the time and place of your emancipation hearing.
- Leave the signature line blank, this will be signed by the court clerk.

### **DECREE CONFERRING RIGHTS OF MAJORITY**

The **DECREE CONFERRING RIGHTS OF MAJORITY** is the form the judge will sign if they approve your emancipation. You are expected to fill out as much information as you can before your hearing.

- At the top of the page, fill in the county in which you are filing for emancipation. You must file for an emancipation in the county you live in or a county in which you own property if you live in a state other than Oklahoma.
- Fill in your full name in the heading where it reads: In the Matter of the Application of \_\_\_\_\_ a minor, for the rights of majority. Leave the “No. \_\_\_\_\_” blank, this is where the court clerk will stamp your case number.
- In the first full paragraph, you will leave the date information blank. However, you will write your full name, your next friend’s full name, and your full name again.
- Fill in the numbered paragraphs as follows:
  1. Write in your full name, your current age, and your birthdate in day, month, year format.
  2. Write in your full name.
  3. Leave as is.
  4. Leave as is.
- In the final full paragraph, write in your full name.
- Leave the signature line blank for the judge to sign.

Once complete, make two (2) copies of the filled-out **PETITION, VERIFICATION, and AFFIDAVIT OF SUPPORT, WAIVER OF NOTICE OF HEARING,** and three (3) copies of the **NOTICE OF HEARING.**

### **NOTARY INSTRUCTIONS**

Get the **VERIFICATIONS** and **AFFIDAVIT OF SUPPORT** (if applicable) notarized.

- Note: The **VERIFICATION** is part of the **PETITION**, you must have the petition with you when you go to the notary. You will not sign the verification until you are with the notary and your parent(s) should not sign the affidavit until they are with the notary.
- To get something notarized:
  - If you have a bank account, you may be able to go to your bank to get the paperwork notarized for free.
  - If you do not have a bank account, there is a notary at the courthouse in the law library (see directions on how to find the law library below). It costs \$3.00 to get each copy of the

**VERIFICATION** and **AFFIDAVIT OF SUPPORT** notarized. You can choose to make copies of these documents after getting them notarized. You can make copies in the law library for 25¢.

- You can also go to UPS which costs \$5.00.

## **NEXT FRIENDS**

Because you are not an adult, you are not able to file a case with the court and need an adult to serve as your next friend. A next friend can be your parent, guardian, or another adult in your life that you know and trust. There are no formalities that are needed for an adult to serve as your next friend. Your next friend just needs to be willing to sign the paperwork and go with you to file the paperwork with the court. They will also have to go to your hearing with you.

## **FILING PAPERWORK WITH COURT**

1. Prepare to go to court
  - a. Bring all the paperwork
  - b. The **total cost** to file for an emancipation is **\$193.14** (as of Jan. 2020)
2. Take the paperwork to the Tulsa County Courthouse
  - a. The courthouse is located at 500 S. Denver Ave. W., Tulsa, OK 74103.
  - b. You can park on the street or in the courthouse lot (both cost money).
  - c. There are two entrances, one off of Denver and one facing Central Library. You can go in either.
    - i. Both are first floor entrances.
  - d. You will have to go through security to get into the courthouse.
    - i. Do not bring any self-defense keychains, weapons, etc.
  - e. Go to the **Civil** desk, which is located on the second floor.
  - f. At the Civil desk, give them your paperwork and money and they will assign you a court date and judge. They will also take care of getting notice published and sending the required notice to your parent/guardian, if applicable.
    - i. Court dates are typically three to four weeks out.

## **COURT DATE**

1. Arrive at the court around 30 minutes before your assigned court date/time.
  - a. Bring a couple dollars in quarters so you can get copies of the emancipation order if it is granted.
2. Go directly to the office (aka “chambers”) of the judge your hearing is assigned to
  - a. You can look up the office number of your assigned judge at [www.oscn.net/courts/tulsa](http://www.oscn.net/courts/tulsa).
  - b. Let the person at the desk (the “clerk”) in the office know why you are there and what time your hearing is.
3. The hearing
  - a. The judge will swear you in and ask you to confirm the information you put on the petition.
  - b. The judge will likely also question you, your next friend, and your parent(s) about your current living situation, your financial situation, why you want to be emancipated, and anything else the judge believes is relevant.
  - c. At the end, the judge will either grant the emancipation or deny it.
4. After the judge signs the order
  - a. Take the signed order to the legal library
    - i. The entrance to the legal library is right past the **Civil** desk on the second floor.
    - ii. There are copy machines in the library. It is a good idea to make 10 or so copies.
    - iii. Take all the copies back to the **Civil** desk where the clerk will certify them.
      1. These copies can then be used to update all your records and notify parties that need to know such as landlords, school, etc.