

How to file for the emancipation of a minor in Illinois–Supplement

Updated: 3/16/05

This supplement includes a forms guide as well as forms. The forms guide is for use in filling out the forms. For more information about what these forms mean or are used for, consult the appropriate Self Help packet.

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Forms that are included in this supplement:

Application to Sue As A Poor Person

Petition for the Emancipation of a Minor

Entry of Appearance, Waiver, and Consent

Notice of Hearing

Order for Emancipation of a Minor

Certificate of Mailing of Notice of Hearing

Certificate of Mailing of Order

FORMS GUIDE

ALL FORMS:

At the top of each form is the "caption". It is completed as follows:

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE **(number of circuit)** JUDICIAL CIRCUIT
(name of county) COUNTY

(your name))	
)	
)	
Plaintiff,)	
)	
and	)	No. (year) -__- (get from Clerk at the
	)	time you file)
(your spouse's name))	
)	
Defendant.)	

Determine the number of the "Circuit" according to the chart on the next page. If your county does not appear in the chart, call the Circuit Clerk in the county in which you will be filing your case and ask for the number of the Circuit.

Circuit Courts in Illinois

Cook County is its own judicial circuit. The rest of the counties in Illinois fall into one of 21 circuits.

- First Circuit - The counties of Alexander, Pulaski, Massac, Pope, Johnson, Union, Jackson, Williamson and Saline.
- Second Circuit - The counties of Hardin, Gallatin, White, Hamilton, Franklin, Wabash, Edwards, Wayne, Jefferson, Richland, Lawrence and Crawford.
- Third Circuit - The counties of Madison and Bond.
- Fourth Circuit - The counties of Clinton, Marion, Clay, Fayette, Effingham, Jasper, Montgomery, Shelby and Christian.
- Fifth Circuit - The counties of Vermilion, Edgar, Clark, Cumberland and Coles.
- Sixth Circuit - The counties of Champaign, Douglas, Moultrie, Macon, DeWitt and Piatt.
- Seventh Circuit - The counties of Sangamon, Macoupin, Morgan, Scott, Greene and Jersey.
- Eighth Circuit - The counties of Adams, Schuyler, Mason, Cass, Brown, Pike, Calhoun and Menard.
- Ninth Circuit - The counties of Knox, Warren, Henderson, Hancock, McDonough and Fulton.
- Tenth Circuit - The counties of Peoria, Marshall, Putnam, Stark and Tazewell.
- Eleventh Circuit - The counties of McLean, Livingston, Logan, Ford and Woodford.
- Twelfth Circuit - The county of Will.
- Thirteenth Circuit - The counties of Bureau, LaSalle and Grundy.
- Fourteenth Circuit - The counties of Rock Island, Mercer, Whiteside and Henry.
- Fifteenth Circuit - The counties of JoDaviess, Stephenson, Carroll, Ogle and Lee.
- Sixteenth Circuit - The counties of Kane, DeKalb and Kendall.
- Seventeenth Circuit - The counties of Winnebago and Boone.
- Eighteenth Circuit - The county of DuPage.
- Nineteenth Circuit - The counties of Lake and McHenry.
- Twentieth Circuit - The counties of Randolph, Monroe, St. Clair, Washington and Perry.
- Twenty-first Circuit - The counties of Iroquois and Kankakee.

FORM: Application to Sue as a Poor Person

- Introduction:** Your name
- Paragraph 1:** Your address, include street and city.
- Paragraph 2:** The amount and source of your income, for example, \$339.00 per month in AFDC, supplemented by Food Stamps.
- Paragraph 3:** List other sources of income not listed in 2.
- Paragraph 4:** The amount of income you had in the last year.
- Paragraph 5:** Expected income for the current year.
- Paragraph 6:** List the names and birthdates of your children and/or others you support financially.
- Paragraph 7:** First blank: total value of your possessions;
Second blank: year and make of your car; if you do not have a car, simply put "none";
Third blank: value of your car;

Sign your name on both blank lines above where it says "Plaintiff" and print your name below each signature.

FORM: Petition for the Emancipation of a Minor

- Paragraph 1:** Your name and age
- Paragraph 2:** Check whether you are a resident of Illinois, own real estate in Illinois, or have an interest or are a party in a case pending in Illinois. If the first option applies, check that one only. **Check only one.**
- Paragraph 3:** Check either partial or complete. If it is partial, your parents will still have some duties or rights concerning you. If it is complete, you are considered fully emancipated from your parents.
- Explain why you want to become emancipated from your parents/guardians. For example, housing barriers due solely to your age or legal status, educational barriers due solely to your age or legal status, or inability to enter into contracts because of

your age. If there is not enough room, place the remainder on an additional sheet and refer to it at the end of Paragraph 3. (For example: "continued on a separate sheet.")

Paragraph 4: List the name and address of your parents (if living), guardians, or custodians.

Paragraph 6: Check either wholly or partially. It should be the same option you circled in Paragraph 3.

The amount of time you have lived apart from your parents, guardians, or custodians. Circle either years, months, or days.

Paragraph 7: Check either partially or completely (should be same choice as in Paragraph 3 and 6.)

Sign your name on both blank lines above where it says "Plaintiff" and print your name below each signature.

FORM: Notice of Hearing (use only if you want to notify your parents, guardians, or custodians of the hearing)

First blank: Parents, guardians, or custodians' name and address (include street, city, and state)

Second blank: Your name.

Third blank: Date of hearing.

Fourth blank: Time of hearing. (be sure to put a.m. or p.m.)

Fifth blank: County in which your case is filed.

Sixth blank: City in which the courthouse is located.

Sign your name on the blank line next to where it says "Plaintiff" and print your name below the signature.

FORM: Entry Of Appearance, Waiver, And Consent (use only if your parents, guardians, or custodians are willing to sign this form and waive service)

First blank: Your parents, guardians, or custodians' name.

LEAVE THE REST OF THE FORM BLANK FOR YOUR PARENTS, GUARDIANS, OR CUSTODIANS AND THE NOTARY PUBLIC TO COMPLETE.

FORM: Order for the Emancipation of a Minor

This is the document the judge fills out and signs after he has made his decision in your case. Bring it to court with you. Afer the judge has filled it out, you will need to send a copy to the defendant.

FORM: Certificate of Mailing Of Order Of Emancipation

First blank: Your name.

Second blank: Name of city from which you mailed a copy of the Order to your parents, guardians, or custodians.

Third blank: Date you mailed a copy of the Order to your parents, guardians, or custodians.

Sign your name on both blank lines above or next to where it says "Plaintiff" and print your name below each signature.

FORM: Certificate of Mailing Of Notice Of Hearing (use only if you want to notify your parents, guardians, or custodians of the hearing)

First blank: Your name.

Second blank: Name of city from which you mailed a copy of the Notice Of Hearing to your parents, guardians, or custodians.

Third blank: Date you mailed a copy of the Notice of Hearing to your parents, guardians, or custodians.

Sign your name on both blank lines above or next to where it says "Plaintiff" and print your name below each signature.

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

_____	)	_____ Application granted
	)	_____ Application denied
Plaintiff,)	
)	
vs.	)	No. _____
)	
_____	)	_____, 20__
)	
Defendant.)	_____
	)	JUDGE

APPLICATION TO SUE AS A POOR PERSON

I, _____, on my own behalf, on oath state:

1. My current address is _____
_____.

2. My occupation, source of income, amount of public benefits is _____
_____.

3. My other sources of income or support are _____.

4. My income for the preceding year was approximately _____.

5. The sources and amounts of income I expect to receive in the future are:
_____.

6. Person(s) who are dependent on me for support are: _____

_____.

7. I own no real estate. The total value of all my personal property does not exceed

\$_____ in value and consists of clothing and furniture, and other household items, including a 20____, _____ motor vehicle, valued at \$_____.

8. I filed no applications for leave to sue or defend as a poor person during the preceding year, and none were filed on my behalf.

9. I am unable to pay the costs of commencing and prosecuting this action.

10. I have a meritorious claim.

WHEREFORE, Applicant prays the Court to permit her/him to commence and prosecute this action as a poor person under 735 ILCS 5/5-105 of the Code of Civil Procedure.

Plaintiff

Under penalties as provided by law pursuant to Section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true.

Plaintiff

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY

Plaintiff/Petitioner)	
)	
v.	)	Case Number _____
)	
Defendant/Respondent)	

PETITION FOR EMANCIPATION OF A MINOR

1. I, _____, am _____ years old.
2. I hereby state that I: (mark one) _____ am a resident of Illinois; _____ own real estate in Illinois; or _____ have an interest or am a party in a case pending in Illinois.
3. I seek to obtain: (Check one)

____partial

____complete

emancipation for the following reasons:

_____.
4. The name and address of my parents (if living), guardians, or custodians is:

_____.
5. I am a mature minor and I have demonstrated the ability and capacity to manage my own affairs.
6. I have lived (Check one)

_____ wholly

_____partially

independent of my parents, guardians, or custodians for _____
_____years _____months _____days (check one)

7. I hereby request the court to grant me _____partially _____completely (check one)
emancipated from my parents, guardians, or custodians.

Plaintiff/Petitioner

Under penalties as provided by law pursuant to Section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she/he verily believes the same to be true.

Plaintiff/Petitioner

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY

)	
Plaintiff/Petitioner)	
)	
v.	)	Case Number _____
)	
)	
Defendant/Respondent)	

NOTICE OF HEARING

To: _____

YOU ARE HEREBY NOTIFIED that a hearing on the Petition for Emancipation of a Minor filed by _____ is set for _____, at _____ .m. at the _____ County Courthouse, _____, Illinois. You may be present if you wish.

_____ Plaintiff

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

_____)	
Petitioner,)	
)	
vs.	)	No. _____ - ____ - _____
)	
_____)	
Respondent.)	
)	

ORDER ON THE PETITION FOR EMANCIPATION

The Court, having considered the Petition for Emancipation of a Minor filed herein by the Petitioner, heard the evidence, and being otherwise fully advised in the matter, finds as follows:

IT IS HEREBY ORDERED THAT (check one):

_____ Petitioner, _____, is deemed *completely* emancipated from his/her parents, guardians, or custodians as of _____, 20____.

_____ Petitioner, _____, is deemed *partially* emancipated from his/her parents, guardians, or custodians as of _____, 20____. The subsequent restrictions, limitations, and provisions are placed on this order for partial emancipation as follows:

_____ Petitioner, _____, petition for emancipation is

denied.

Date: _____

Enter: _____
Judge

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

_____ ,)	
)	
Plaintiff,)	
)	
and	)	No. ____ - __ - ____
)	
_____ ,)	
)	
Defendant.)	

ENTRY OF APPEARANCE
WAIVER AND CONSENT

I, _____, hereby enter my appearance in the above-entitled cause as Defendant therein, and expressly waive the necessity of process of summons and consent that the same proceedings may be had therein, as fully and with the same force and effect as though I had been duly and regularly served with process of summons therein in the State of Illinois, at least 30 days prior to any return day designated by Plaintiff herein or as provided by law.

SIGNATURE:

Dated _____, 20__.

STATE OF _____)

County of _____)

I, _____, a Notary Public in and for said County and State, do hereby certify that _____, personally known to me to be the same person whose name is subscribed to the foregoing waiver of summons, appeared before me this day in person, and acknowledged that he signed said appearance as his free and voluntary act, for the purpose therein set forth.

Given under my hand and Notarial Seal, _____, 20__.

NOTARY PUBLIC

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

_____ ,)	
)	
Plaintiff,)	
)	
vs.	)	No. ____ - ____ - ____
)	
_____ ,)	
)	
Defendant.)	

CERTIFICATE OF MAILING OF NOTICE OF HEARING

I, _____, hereby certify that I mailed a copy of the Notice of Hearing to the Defendant at his/her last known address by depositing the same in the United States mail at _____, Illinois, postage fully prepaid on _____, 20____.

Plaintiff

Under penalties as provided by law pursuant to Section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she/he verily believes the same to be true.

Plaintiff

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

_____ ,)	
)	
Plaintiff,)	
)	
vs.	)	No. ____ - ____ - ____
)	
_____ ,)	
)	
Defendant.)	

CERTIFICATE OF MAILING OF ORDER OF EMANCIPATION OF A MINOR

I, _____, hereby certify that I mailed a copy of the Order of Emancipation of a Minor to the Defendant at his/her last known address by depositing the same in the United States mail at _____, Illinois, postage fully prepaid on _____, 20____.

_____, Plaintiff

Under penalties as provided by law pursuant to Section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she/he verily believes the same to be true.

_____, Plaintiff