

PRO SE FORMS - EMANCIPATION

Section 32A-21-4. Emancipation by declaration.

Any person sixteen years of age or older may be declared an emancipated minor for one or more of the purposes enumerated in the Emancipation of Minors Act if he is willingly living separate and apart from his parents, guardian or custodian, is managing his own financial affairs and the court finds it in the minor's best interest.

THIS PACKET CONTAINS:

1. **Petition for Declaration of Emancipation**
2. **Request for Setting** *Use this form to request a hearing before the Judge assigned to your case.*
3. **Affidavit in Support of Emancipation (Father's consent)**
4. **Affidavit in Support of Emancipation (Mother's consent)**
5. **Declaration of Emancipation**



PLEASE READ

- **REMEMBER - As a self-represented litigant you are responsible for your case.** The District Court Clerk's Office will not provide any information as to how you should proceed with your case nor can they fill in any blanks on forms on your behalf.
- **You must fill out the paperwork correctly, request and attend hearings, file all necessary documents, keep track of deadlines, etc.**
- **Type or print your forms.**
- **Make sure the pleadings are signed.**
- **File the forms with the court.**
- **Required number of copies:** An original and at least one (1) copy of each form must be filed.
- **Pay the filing fee:** \$132 - cash, cashier's check or money order, unless free process is approved.

SIXTH JUDICIAL DISTRICT COURT
COUNTY OF _____
STATE OF NEW MEXICO
CHILDREN'S COURT DIVISION

IN RE EMANCIPATION OF

No. D-____ - _____

A Minor

PETITION FOR DECLARATION OF EMANCIPATION

COMES NOW, _____, Petitioner and respectfully requests that this Court grant Petitioner's Petition for Declaration of Emancipation and as reasons states as follows:

1. The Petitioner, _____, is a minor child subject to the jurisdiction of this Court.
2. Petitioner's date of birth is _____.
3. Petitioner has been living separate and apart from his/her parents since _____.
4. The Petitioner, who is 16 years of age or older, is entitled to a Declaration of Emancipation for the following reasons:
 - a. Petitioner is willingly living apart from his/her parents, guardian or custodian;
 - b. Petitioner is managing his/her financial affairs;
 - c. It is in the best interest of the Petitioner.
5. The parent/guardian of the Petitioner has consented or been contacted and has/has not objected to the entry of this Order.
6. Petitioner request this Declaration of Emancipation for the following purposes:
 - Consenting to medical, dental or psychiatric care without parental consent, knowledge or liability.
 - His/her capacity to enter into a binding contract.
 - His/her capacity to sue and be sued in his/her own name.

- His/her right to support by his/her parents
- The rights of his/her parents to his/her earnings and to control him/her.
- Establishing his/her own residence.
- Buying or selling real property.
- Ending all vicarious liability of the minor's parents, guardians or custodians for this minor's torts; provided that nothing in this section shall affect any liability of the parents, guardians, custodians, spouse or employers of a minor imposed by the Motor Vehicle Code or any vicarious liability that arises from an agency relationship.
- Enrolling in any school or college.

WHEREFORE, the Petitioner respectfully requests that this Court grant the Petition for Declaration of Emancipation.

Respectfully Submitted,

Petitioner's Signature

Petitioner's Printed Name

Address

City, State, Zip

Telephone

STATE OF NEW MEXICO)
COUNTY OF _____)

SUBSCRIBED AND SWORN TO before me this ____ day of _____,
_____.

Notary Public

My Commission Expires: _____

LR6-Form. Request for Setting (rev. 5/4/20).

STATE OF NEW MEXICO
COUNTY OF _____
SIXTH JUDICIAL DISTRICT COURT

_____,
[Plaintiff] [Petitioner],

vs.

No. D- _____ - _____ - _____

_____,
[Defendant] [Respondent].

REQUEST FOR SETTING

Type of case: _____ Non-jury _____ Jury _____

Judge assigned to case: _____

Any hearing presently set in this matter: _____

Specific matters to be heard: _____

Time requested for hearing: _____

(By requesting trial on the merits the undersigned attorney or pro se party certifies the case is ready for trial. A party who disagrees that the case is ready for trial on the merits shall, within ten (10) days from service of this request for setting, file a response setting forth why it is not ready for trial on the merits and when it will be. Rule 1-040 NMRA.)

(Provide names, addresses, telephone numbers, and email addresses if known, of counsel and pro se parties who need to be notified—attach a list if necessary.)

Telephone number: _____

Telephone number: _____

Email address: _____

Email address: _____

I hereby certify that I have caused a copy of the foregoing to be mailed/delivered/faxed to opposing counsel/parties pro se this _____ day of _____, 20_____.

Requested by:

SIXTH JUDICIAL DISTRICT COURT
COUNTY OF _____
STATE OF NEW MEXICO
CHILDREN'S COURT DIVISION

IN RE EMANCIPATION OF

No. D-____-_____

A Minor

AFFIDAVIT IN SUPPORT OF EMANCIPATION

COMES NOW, _____, Father of the
Petitioner/Minor child in the above-captioned case and being duly sworn state as follows:

1. I am the father of _____, Petitioner/Minor child of this action.
2. I have not contributed to the support of the Petitioner/Minor child since the _____ day of _____, 20__.
3. I do not intend to further contribute to the support of the Petitioner/Minor child named in this action.
4. I waive any right to oppose the issuance of a Petition for Declaration of Emancipation.
5. I waive any further right to notice of any hearing to be held in this matter.

Father of Petitioner/Minor Child

STATE OF NEW MEXICO)
COUNTY OF _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____,
_____.

Notary Public
My Commission Expires: _____

SIXTH JUDICIAL DISTRICT COURT
COUNTY OF _____
STATE OF NEW MEXICO
CHILDREN'S COURT DIVISION

IN RE EMANCIPATION OF _____

No. D-____-_____

A Minor

AFFIDAVIT IN SUPPORT OF EMANCIPATION

COMES NOW, _____, Mother of the
Petitioner/Minor child in the above-captioned case and being duly sworn state as follows:

1. I am the mother of _____, Petitioner/Minor child of this action.
2. I have not contributed to the support of the Petitioner/Minor child since the _____ day of _____, 20__.
3. I do not intend to further contribute to the support of the Petitioner/Minor child named in this action.
4. I waive any right to oppose the issuance of a Petition for Declaration of Emancipation.
5. I waive any further right to notice of any hearing to be held in this matter.

Mother of Petitioner/Minor Child

STATE OF NEW MEXICO)
COUNTY OF _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____,
_____.

Notary Public
My Commission Expires: _____

SIXTH JUDICIAL DISTRICT COURT
COUNTY OF _____
STATE OF NEW MEXICO
CHILDREN'S COURT DIVISION

IN RE EMANCIPATION OF

A Minor

No. D-____ - _____

DECLARATION OF EMANCIPATION

THIS COURT, having examined the pleadings, heard the evidence, and being otherwise advised, FINDS

1. The Petitioner, _____, is a minor child subject to the jurisdiction of this Court.
2. The Petitioner, who is 16 years of age or older, is entitled to a Declaration of Emancipation for the following reasons:
 - is willingly living apart from his/her parents, guardian or custodian;
 - is managing his/her financial affairs;
 - it is in the best interest of the minor.
3. The parent/guardian of the Petitioner has consented or been contacted and has/has not objected to the entry of this Order.

IT IS THEREFORE ORDERED, DECREED AND ADJUDGED that Petitioner, _____ is declared to be an emancipated minor pursuant to §32A-21-1 to §32A-21-7 NMSA 1978. The Petitioner is entitled to be considered as being over the age of majority for the following purposes:

- Consenting to medical, dental or psychiatric care without parental consent, knowledge or liability.
- His/her capacity to enter into a binding contract.
- His/her capacity to sue and be sued in his/her own name.
- His/her right to support by his/her parents

- The rights of his/her parents to his/her earnings and to control him/her.
- Establishing his/her own residence.
- Buying or selling real property.
- Ending all vicarious liability of the minor's parents, guardians or custodians for this minor's torts; provided that nothing in this section shall affect any liability of the parents, guardians, custodians, spouse or employers of a minor imposed by the Motor Vehicle Code or any vicarious liability that arises from an agency relationship.
- Enrolling in any school or college.

District Court Judge