

Emancipation Rescission Hearing Checklist

The parents of a minor child are jointly and severally liable to support the minor UNLESS the court modifies or terminates the obligation OR the minor is emancipated. [MCL 722.3\(1\)](#). Emancipation may occur by operation of law or by a minor filing a petition for emancipation with the court. [MCL 722.4\(1\)](#). For a checklist on emancipation, see the Michigan Judicial Institute's *Hearing on Petition for Emancipation Checklist*.

Once the court enters an order emancipating a minor, the minor or the minor's parent may petition the court to rescind the emancipation order. See [MCL 722.4d\(1\)](#).

On receipt of a petition to rescind an order of emancipation, a hearing must be held. Follow these procedures during the emancipation rescission hearing:

- State that a petition has been filed by _____ (minor and/or minor's parent(s)) requesting rescission of the order of emancipation dated _____. [MCL 722.4d\(1\)](#).
- Ensure the petition for rescission was filed in the same county as the emancipation order was entered. See [MCL 722.4d\(1\)](#).
- Ensure that a copy of the petition for rescission and a summons were served on the minor or the minor's parents. [MCL 722.4d\(2\)](#).
- GRANT the petition and issue an order rescinding the emancipation order IF one or more of the following is determined, [MCL 722.4d\(3\)](#):
 - the minor is indigent and has no means of support.
 - the minor and the minor's parents agree the order should be rescinded.

- there is a resumption of family relations inconsistent with the existing emancipation order.
- DENY the petition IF the petitioner failed to establish grounds for rescission of the emancipation order. See [MCL 722.4d\(3\)](#).

Retention of record. If a petition for rescission is granted and an order rescinding the emancipation order is issued, retain a copy of the order until the minor turns 25 years of age. [MCL 722.4d\(4\)](#).

Effect of rescission on obligations/rights/interests. Rescission of an emancipation order does not alter any contractual obligations or rights or any property rights or interests that arose during the period of time that the emancipation order was in effect. [MCL 722.4d\(5\)](#).

For court forms related to domestic relations actions, see the One Court of Justice [website](#).

For additional domestic relations resources, see the Friend of the Court Bureau [website](#).