

NOTICE: NOT FOR OFFICIAL PUBLICATION.  
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION ONE

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IN RE CAITLYN B.

No. 1 CA-JV 16-0414  
FILED 4-6-2017

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Appeal from the Superior Court in Maricopa County  
No. JE500740  
The Honorable Veronica W. Brame, Judge *Pro Tempore*

**AFFIRMED**

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COUNSEL

Maricopa County Public Advocate's Office, Mesa  
By Suzanne Sanchez  
*Counsel for Appellant*

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**MEMORANDUM DECISION**

Presiding Judge Samuel A. Thumma delivered the decision of the Court, in which Judge Maurice Portley and Judge Patricia A. Orozco joined.<sup>1</sup>

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<sup>1</sup> The Honorable Maurice Portley and Honorable Patricia A. Orozco, Retired Judges of the Court of Appeals, Division One, have been authorized to sit in this matter pursuant to Article VI, Section 3 of the Arizona Constitution.

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**T H U M M A**, Judge:

¶1 Caitlyn B. appeals the superior court’s order denying her petition for emancipation. Because she has not shown the court abused its discretion, the order is affirmed.

**FACTS<sup>2</sup> AND PROCEDURAL HISTORY**

¶2 In July 2016, Caitlyn filed a petition for emancipation. *See* Ariz. Rev. Stat. (A.R.S.) § 12-2451 (2017).<sup>3</sup> The superior court appointed a guardian ad litem, who met with Caitlyn, reviewed documents and filed a report concluding Caitlyn “has met her burden and proven all elements required by the statute in order to obtain emancipation.”

¶3 At the evidentiary hearing on her petition, Caitlyn testified that she was seeking emancipation “because it’s in my best interests in terms of college to become financially independent” to “receive financial aid.” She testified her family’s financial status is “in an awkward middle range to where we won’t receive financial aid, but they personally won’t be able to afford a college that I get accepted into.” Caitlyn’s father testified that absent emancipation, Caitlyn’s ability to attend the college or university of her choice, “particularly the top tier universities . . . will be severely limited.”

¶4 After considering this and other testimony and evidence, the superior court denied the petition, stating

The Court does not find a compelling reason or best interests for a parent to not follow the obligations of the law that says a parent is supposed to support a child.

And because you want to be independent is not enough for the Court to grant you

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<sup>2</sup> This court views the evidence in a light most favorable to sustaining the superior court’s findings. *See Manuel M. v. Ariz. Dep’t of Econ. Sec.*, 218 Ariz. 205, 207 ¶ 2 (App. 2008).

<sup>3</sup> Absent material revisions after the relevant dates, statutes and rules cited refer to the current version unless otherwise indicated.

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independence, especially since you're going to be 18 in less than 90 days.<sup>4</sup>

Caitlyn moved for reconsideration, which the superior court did not address given her appeal. This court has jurisdiction over her timely appeal pursuant to Article 6, Section 9, of the Arizona Constitution and A.R.S. §§ 8-235(A), 12-2101(A) and 12-120.21(A) and Ariz. R.P. Juv. Ct. 103-04.

**DISCUSSION**

¶5 Caitlyn met the statutory grounds to file her petition, A.R.S. § 12-2451(A), and properly provided written consents from her parents, A.R.S. § 12-2451(B)(3)(g)(iii). As a result, Caitlyn had “the burden of proof by clear and convincing evidence that emancipation is in” her best interests, after considering “all relevant factors, including” those listed by statute. *See* A.R.S. § 12-2453(A), (B); Ariz. R.P. Juv. Ct. 101. The record shows that the court considered those relevant factors. Caitlyn argues, however, the court abused its discretion in finding she failed to prove that emancipation was in her best interests. *See* Ariz. R.P. Juv. Ct. 102(A) (“The court shall determine emancipation based on the best interests of the petitioner . . .”)

¶6 The evidence received by the superior court shows that Caitlyn has always lived with her parents, has a good relationship with her parents and that they treat her well. Caitlyn does well in high school and works part-time during the school year and full-time during the summers. She has health insurance through her parents, has a driver’s license and access to transportation and planned to rent a friend’s guest house if she was emancipated. She evidenced an ability to manage financial, personal and social issues, including saving money to support herself until attending college. The record shows Caitlyn has accomplished much to date and has a bright future.

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<sup>4</sup> Caitlyn recently turned 18-years old, but there is no suggestion that event moots this appeal.

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¶7 Caitlyn’s father explained that the reason for seeking emancipation was so that she would be in the best position to secure financial aid for college:

If Caitlyn cannot be emancipated by an action of the Court, her ability to attend a higher education institut[ion] of her choice, particularly the top tier universities which are extremely expensive these days will be severely limited because we’re basically a middle class family that is in the middle of this middle class black hole that we simply cannot afford.

....

And if she’s emancipated, as I think we’ve clearly demonstrated with the way the federal financial aid is set up right now, she will be able to attend those because she will be able to get both federal financial aid and private endowment aid from these universities under the qualification.<sup>5</sup>

It is to the credit of Caitlyn and her family that they are working hard to do what they believe is best to help her secure financial aid for college.

¶8 The law governing emancipation, however, requires the court to determine best interests looking at “all relevant factors,” not just helping a minor secure financial aid for college. *See* A.R.S. § 12-2453(A) (listing factors). And the court properly could conclude that factors such as “not hav[ing] to disclose her parents’ income until she reaches age [23]” when applying for financial aid did not trump other “potential risks and consequences of emancipation.” A.R.S. § 12-2453(A)(1). The record supports the finding that Caitlyn is dependent on her parents, in an age-appropriate way, and supports the finding that it is in Caitlyn’s best interests that her parents continue to support her, as their child, financially, “emotionally and physically.” On this record, Caitlyn has not shown that the court abused its discretion in denying her petition.

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<sup>5</sup> In seeking reconsideration, Caitlyn provided information that it would cost approximately \$70,000 per year to attend such a university.

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**CONCLUSION**

¶9 The order denying Caitlyn's petition for emancipation is affirmed.



AMY M. WOOD • Clerk of the Court  
FILED: AA