

**PIERCE COUNTY JUVENILE COURT
5501 SIXTH AVENUE
TACOMA, WA 98406
(253) 798-7900**

TO: JUVENILE WISHING TO FILE AN **EMANCIPATION PETITION**
FROM: PIERCE COUNTY JUVENILE COURT
RE: REQUIREMENTS FOR FILING
DATE: EFFECTIVE JANUARY 1, 1994

You have just been given a packet regarding Chapter 13.64 RCW EMANCIPATION OF A MINOR. In this packet you will find:

- a. A copy of the Chapter 13.64 RCW
- b. A Face Sheet
- c. A Petition for Emancipation

To file this petition, you must go to the Pierce County Juvenile Court Clerk's office located at 5501 Sixth Avenue, Tacoma, Washington 98406. You must have the following with you to file:

- a. \$50 cash or money order
- b. A certified copy of your birth certificate
- c. A completed face sheet
- d. A completed petition

After you have filed your petition, the clerk will give you a cause number, a hearing date, and a letter providing instructions.

CHAPTER 13.64 RCW EMANCIPATION OF MINORS

SECTIONS

- 13.64.010 Declaration of Emancipation
- 13.64.020 Petition for Emancipation-Filing
- 13.64.030 Service of Petition-Notice-Date of
- 13.64.040 Hearing on Petition
- 13.64.050 Emancipation Decree-Certified Copy-Notation of Emancipated Status
- 13.64.060 Power and Capacity of Emancipated Minor
- 13.64.070 Declaration of Emancipation-Voidable
- 13.64.080 Forms to initiate Petition of Emancipation
- 13.64.900 Effective date-1993 c 294

RCW 13.64.010

Declaration of Emancipation

Any minor who is sixteen years of age or older and who is a resident of this state may

petition in the superior court for a declaration of emancipation.

[1993 c 294 § 1]

RCW 13.64.020

Petition for Emancipation - Filing Fees

(1) A petition for emancipation shall be signed and verified by the petitioner and shall include the following information: (a) The full name of the petitioner, the petitioner's birth date, and the state and county of birth; (b) a certified copy of the petitioner's birth certificate; (c) the name and last known address of the petitioner's parent or parents, guardian, or custodian; (d) the petitioner's present address and length of residence at that address; (e) a declaration by the petitioner indicating that he or she has the ability to manage his or her financial affairs, including any supporting information; and (f) a declaration by the petitioner indicating that he or she has the ability to manage his or her personal, social, educational, and nonfinancial affairs, including any supporting information.

(2) Fees for this section are set under **RCW 36.18.014**.

[1995 c 292 § 7; 1993 c 294 § 2]

RCW 13.64.030

Service of Petition - Notice-Date of Hearing

The petitioner shall serve a copy of the filed petition and notice of hearing on the petitioner's parent or parents, guardian, or custodian at least fifteen days before the emancipation hearing. No summons shall be required. Service shall be waived if proof is made to the court that the address of the parent or parents, guardian, or custodian is unavailable or unascertainable. The petitioner shall also serve notice of the hearing on the department if the petitioner is subject to dependency disposition order under RCW 13.34.130.

The hearing shall be held no later than sixty days after the date on which the petition is filed.

[1993 c 294 § 3]

RCW 13.64.040

Hearing on Petition

(1) The hearing on the petition shall be before a judicial officer sitting without a jury. Prior to the presentation of proof the judicial officer shall determine whether: (a) The petitioning minor understands the consequences of the petition regarding his or her legal rights and responsibilities; (b) a guardian ad litem should be appointed to investigate the allegations of the petition and file a report with the court.

(2) For the purposes of this section, the term "judicial officer" means: (a) a judge; (b) a superior court commissioner of a unified family court if the county operates a unified family court; or (c) any superior court commissioner if the county does not operate a unified family court. The term does not include a judge pro tempore.

[2001 c 161 § 1; 1993 c 294 § 4]

RCW 13.64.050

Emancipation Decree - Certified Copy-Notation of Emancipated Status

(1) The court shall grant the petition for emancipation, except as provided in subsection 2 of this section, if the petitioner proves the following facts by clear and convincing evidence: (a) that the petitioner is sixteen years of age or older; (b) that the petitioner is a resident of the state; (c) that the petitioner has the ability to manage his or her financial affairs; and (d) that the petitioner has the ability to manage his or her personal, social, educational, and nonfinancial affairs.

(2) A parent, guardian, custodian, or in the case of a dependent minor, the department, may oppose the petition for emancipation. The court shall deny the petition unless it finds by clear and convincing evidence that denial of the grant of emancipation would be detrimental to the interests of the minor.

(3) Upon entry of a decree of emancipation by the court the petitioner shall be given a certified copy of the decree. The decree shall instruct the petitioner to obtain a Washington driver's license or a Washington identification card and direct the department of licensing to make a notation of the emancipated status on the license or identification card.

[1993 c 294 § 5]

RCW 13.64.060

Power and Capacity of Emancipated Minor

(1) An emancipated minor shall be considered to have the power and capacity of an adult, except as provided in subsection 2 of this section. A minor shall be considered emancipated for the purposes of, but not limited to:

(a) The termination of parental obligations of financial support, care, supervision, and any other obligation the parent may have by virtue of the parent-child relationship, including obligations imposed because of marital disposition;

(b) The right to sue or be sued in his or her own name;

(c) The right to retain his or her own earnings; (d) The right to establish a separate residence or domicile; (e) The right to enter into nonvoidable contracts;

(f) The right to act autonomously and with the power and capacity of an adult in all business relationships, including but not limited to property transactions;

(g) The right to work and earn a living, subject only to the health and safety regulations designed to protect those under the age of majority regardless of their legal status; and

(h) The right to give informed consent for receiving health care services.

(2) An emancipated minor shall not be considered an adult for: (a) the purposes of the adult criminal laws of the state unless the decline of jurisdiction procedures contained in RCW 13.40.110 are used or the minor is tried in criminal court pursuant to RCW 13.04.030(1) (e) (iv)*; (b) the criminal laws of the state when the emancipated minor is a victim and the age of the victim is an element of the offense; or (c) those specific constitutional and statutory age requirements regarding voting, use of alcoholic beverages, possession of firearms, and other health and safety regulations relevant to the minor because of the minor's age.

[1994 sp.s. c 7 § 436; 1993 c 294 § 6]

Notes:

***Reviser's note:** RCW 13.04.030 was amended by 1997 c 341 § 3, changing subsection (1) (e) (iv) to subsection (1) (e) (v).

Finding-Intent-Serverability-1994 sp.s. c 7: See notes following RCW 43.70.540

Effective date-1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460: See not following RCW 9.41.010

RCW 13.64.070

Declaration of Emancipation - Voidable

A declaration of emancipation obtained by fraud is voidable. The voiding of any such declaration shall not affect any obligations, rights, or interests that arose during the period the declaration was in effect.

[1993 c 294 § 7]

RCW 13.64.080

Forms to Initiate Petition of Emancipation

The office of the administrator for the courts shall prepare and distribute to the county court clerks appropriate forms for minors seeking to initiate a petition of emancipation.

[2005 c 282 § 28; 1993 c 294 § 8]

RCW 13.64.900

Effective Date-1993 c 294

This act shall take effect January 1, 1994.

[1993 c 294 §11]

IN ORDER FOR THE ATTACHED PETITION TO BE PROCESSED, THIS FACE SHEET NEEDS TO BE FILLED OUT COMPLETELY. LEAVE NO SPACE BLANK.

Petitioner's Name: _____

Petitioner's Date of Birth: _____ Phone # _____

Address: _____

Place of Work and Phone #: _____

Name of School and Phone #: _____

Mother's Name: _____ Phone #: _____

Address: _____

Father's Name: _____ Phone #: _____

Address: _____

Guardian/Custodian Name: _____ Phone # _____

Address: _____

Brothers/Sisters Names and Ages: _____

Please Provide Two References:

Name: _____ Phone # _____

Address: _____

How long have you known this person? _____

Relationship: _____

Name: _____ Phone # _____

Address: _____

How long have you known this person? _____

Relationship: _____

**SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY
JUVENILE DIVISION**

IN RE THE EMANCIPATION OF:)
)
_____) NO. _____
)
) PETITION FOR EMANCIPATION

DOB: _____)
)
_____)

BASIS

The undersigned minor, who is sixteen years of age or older, and who is a resident of this state, petitions the court for a declaration of emancipation.

- 1.1 Petitioner's full name: _____
- Petitioner's present address: _____

- Length of time at that address: _____
- Petitioner's date of birth: _____
- State and County of Petitioner's birth: _____

- 1.2 A certified copy of the Petitioner's birth certificate is attached to this Petition.

1.3 Name of Petitioner's parent(s), guardian(s), or Custodian(s) is: _____

The last known address of the Petitioner's parent(s), guardian(s), or Custodian(s) is: _____

1.4 The Petitioner has the ability to manage his or her financial affairs. This declaration is based on the following supporting information: _____

1.5 The Petitioner has the ability to manage his or her personal, social, educational, and non-financial affairs. This declaration is based on the following supporting information: _____

RELIEF REQUESTED

The Petitioner requests the court to enter a Decree of Emancipation granting the Petitioner the power and capacity of an adult, except as provided in RCW 12.64.060(2).

Dated: _____

Signature of Petitioner

Printed Name of Petitioner

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED at _____, Washington, this ____ day of _____,
200_. (City)

Signature of Petitioner

Printed Name of Petitioner