

EMANCIPATION OF MINORS IN WASHINGTON STATE

When do I need this packet?

If you are a resident of Washington and are at least 16, but not yet 18, and you want to be legally considered an adult, you can use this packet to ask the court to order that you be emancipated (legally declared an adult).

What is in the packet?

- Petition for Emancipation
- Notice of Hearing
- Affidavit of Service
- Decree of Emancipation

When do I qualify to be emancipated?

The court will emancipate you only if you prove **all** of the following by clear and convincing evidence:

- **Residency** - You are a resident of Washington;
- **Ability to Handle Financial Affairs** - You can manage your own financial affairs;
- **Ability to Handle Other Affairs** - You can manage your own educational, personal, social, and any other affairs; and
- **Denying Emancipation Would Harm You** - If your parent, guardian, or custodian opposes your petition, you must also prove that denying emancipation would harm you.

What will change when I'm emancipated?

The following is a list of some of the important ways you will be considered an adult once you are emancipated:

- Your parents will no longer have to support you. This means you will have to come up with money and pay for personal needs like clothes, food, and rent;
- You can be sued in your own name;
- You have the right to your own earnings;
- You can live in your own home;
- You can enter into binding contracts, and will be held to contracts you sign as an adult, including real estate contracts; and
- You can give informed consent for all health care services.

You **will not** be considered an adult for the following purposes:

- Criminal Laws - if you are the accused, you can be treated as an adult only under the same circumstances that you could be treated as an adult if you were not emancipated. If you are the victim, emancipation does not matter where age is a factor of the crime.
- Voting - you won't be able to vote until you're 18.
- Alcohol - you won't be able to drink or buy alcohol until you're 21.
- Other - you will still be subject to other legal health and safety regulations which are dependent on age.

An Overview of the Process

1. Read all the instructions.
2. Fill out the forms as directed in the instructions and make several copies of them.
3. File the Petition and Notice of Hearing (see Notice of Hearing instructions for setting the hearing date). To file your papers, take them to the Superior Court Clerk's office in your county. There is a filing fee of \$50.00. This fee can be waived if you can't afford to pay it. If you can't afford the fee, ask the court clerk for the forms you need to fill out and present to the judge to waive the filing fee.
4. Serve the Petition and Notice of Hearing on your parent(s), legal guardian(s) or custodian(s) and, if needed, the Department of Social and Health Services (see the "Notice of Hearing Instruction" on serving your papers for more information).
5. Go to the hearing with the completed Decree of Emancipation for the judge to sign.
6. Get your certified copy of the Decree from the court clerk.
7. Take the decree to the Department of Licensing to get a driver's license or Washington I.D. card which says that you are emancipated.
8. Keep a copy of all the documents you are submitting to the court for your own personal file.

Filling Out the Forms - The Petition

Caption - The caption is the top part of the first page of each form, beginning with the words, "SUPERIOR COURT OF WASHINGTON," and ending with the line about a third of the way down the page.

Fill in the name of the county where you're filing after the words, "COUNTY OF."

Write your complete name under the words, "In re the Emancipation of:"

When you file your petition, the clerk will assign a number to your case. You must write the number on every copy of all your documents after the word, "**NO.**" in the caption.

Paragraph 1.1 - Where requested, write in your first, middle, and last names, your address, time at that address, birthday, and state and county where you were born.

Paragraph 1.2 - Don't write anything here. Do put a sticky note or other marker on your papers so you don't forget to attach a certified copy of your birth certificate to your Petition. If you were born in Washington, you can get a certified copy by calling the Department of Health, Vital Statistics, at 360-753-5936. If you were born in another state, you will need to call the state's capital to get information on getting a certified copy of your birth certificate.

Paragraph 1.3 - Fill in the names of your parents. If you also have a legal guardian or custodian, put his or her name here (all names if more than one). Where the form requests the address, put the last known address for each person you listed above. You must list all parents, unless their rights to you have already been terminated, even if one parent has not been involved in your life for a long time. You must attempt to get the addresses of everyone listed in 1.3, unless there is no way for the address to be obtained. If a listed person has died, just write "Deceased" next to his or her name in this section.

Paragraph 1.4 - Indicate if you are attaching any documents by writing, "See attached documents." Documents which are helpful to attach are letters from employers, landlords, or other creditors stating how long you have been working, your work schedule, and how much you make; how long you have been living away from your parents; how long you have been paying other bills on your own, etc. You may also want to attach bank documents showing you have your own bank accounts, and that the accounts have been kept in good order. In the blank space provided on the form, write any facts that will prove to the court that you can take care of your own money. You will need to show both your income and where you get it, as well as all your bills, including groceries, transportation, housing, utilities, and any other monthly expenses. Your bills should not be higher than your income.

Paragraph 1.5 - Indicate if you are attaching any documents by writing, "See attached documents." Documents which are helpful to attach are school records showing good attendance and grades, current and future educational plans, housing situation or plans, health records showing you have gone to the doctor and dentist as needed, statements from relatives, friends, pastors or other clergy stating how long you have been on your own and how you have been doing, etc.

Paragraph 1.6 - If you think your parents, guardian, or custodian will fight the emancipation, write facts here showing how you will be hurt if the emancipation is denied. Examples include not being able to rent housing which you need, not being able to keep a job which is your only source of money, and psychological or physical damage which would be caused by living or continuing to live with your parents or guardian.

Signature - Sign and print your name both on the "Signature of Petitioner" line, and on the bottom signature line, filling in the city and state and date where requested.

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| SUPERIOR COURT OF WASHINGTON | |
| COUNTY OF _____ | |
| In Re: | |
| | Petitioner. |
| D.O.B.: | |

NO:
**PETITION FOR EMANCIPATION
(PTE)**

I. 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 at that address: _____
- Petitioner's birthdate: _____
- State and county of petitioner's birth: _____
- 1.2 A certified copy of the petitioner's birth certificate accompanies this petition.
- 1.3 Name of the petitioner's parent or parents, guardian, or custodian:

- Last known address of the petitioner's parent or parents, guardian, or custodian:

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

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1.5 The petitioner has the ability to manage his or her personal, social, educational, and nonfinancial affairs. This declaration is based on the following supporting information:

1.6 OTHER:

II. 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 13.64.060(2).

Dated: _____
Signature of Petitioner

Print or Type Name

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

Signed at _____, on _____
(Place) (Date)

Signature of Petitioner

Type or Print Name

Notice of Hearing

Caption - Complete the caption as instructed in the Petition instructions.

After the word "TO:" below the caption, write the names and addresses of each parent, guardian, and legal custodian who is living, regardless of what role they have played in your life.

Hearing Date - To set the hearing date, find out from the court clerk what days the court hears emancipation petitions. The hearing date must be **no sooner than** sixteen days after all persons have been served (each parent, guardian, custodian, and the Attorney General if there was a dependency) **and no later than** sixty days after the date you filed your petition. Once you figure out a safe date which will allow you enough time to serve everyone, but still be within the 60 days, write in the date and time, as well as the court and room or department.

Service - You will need to serve the Petition and Notice of Hearing on each of these people by sending the papers certified mail, return receipt requested, to the last known address of each parent. Or you may have someone other than you hand-deliver the papers and write a sworn statement giving the date, time, name of person served, and name of documents served. A sample affidavit is included in this packet after the Notice of Hearing form. For each parent, bring proof that you served them or tried (the sworn statement and/or certified mail receipt). The judge will waive the service requirement at the hearing if you can prove that the address of the parent, guardian, or custodian is unavailable even though you've tried to get it. If there is a dependency order (foster care case) involving you, you also need to notify the Department of Social and Health Services (DSHS) by hand-delivering or sending by certified mail a copy of the Petition and Notice of Hearing to the Attorney General's office for your area. A list of offices is at the back of this packet.

Signature - Date, sign, and print your name where requested.

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|-------------------------------------|-------------|
| SUPERIOR COURT OF WASHINGTON | |
| COUNTY OF _____ | |
| In Re: | |
| | Petitioner. |
| D.O.B.: | |

NO:
**NOTICE OF HEARING
(NTHG)**

TO: _____

You are hereby NOTIFIED:

1. A Petition for Emancipation, a copy of which is attached, has been filed with the court.

2. A hearing date has been set:

On: _____ at: _____ a.m./p.m.
(Date) (Time)

At: _____ Court, Room/Department: _____

3. The purpose of the hearing is to determine whether the relief requested in the Petition for Emancipation should be granted.

Dated: _____

Signature of Attorney or Petitioner

Type or Print Name

SWORN DECLARATION

I swear under the penalty of perjury that I am at least 18 years of age and am not a party to this action. On the _____ day of _____, 20__, at __:__ a.m./p.m., I served (name of person served) with the following papers: _____.

Date Signed: _____

Signature of Server

Print or type name

Decree of Emancipation

Caption - Complete the caption as instructed in the Petition instructions.

Findings - Check the first box. Check the second box only if someone will be opposing your petition.

Signature - leave the date and signature lines blank for the judge to sign.

Bring the completed decree form, along with proof of service on each parent/guardian/custodian/State of Washington to the hearing. If the judge signs the decree, get a certified copy from the clerk.

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|-------------------------------------|-------------|
| SUPERIOR COURT OF WASHINGTON | |
| COUNTY OF _____ | |
| In Re: | |
| | Petitioner. |
| D.O.B.: | |

NO:
**DECREE OF EMANCIPATION
(DCE)**
Clerk's Action Required

I. BASIS

A hearing on a Petition for Emancipation has been held in this court.

II. FINDINGS

The court FINDS that the Petition for Emancipation should be granted and a decree entered because:

- The petitioner has proved the following facts by clear and convincing evidence:
 - (a) the petitioner is 16 years of age or older;
 - (b) the petitioner is a resident of the state;
 - (c) the petitioner has the ability to manage his or her financial affairs; and
 - (d) the petitioner has the ability to manage his or her personal, social, educational, and non-financial affairs.
- There is clear and convincing evidence that denial of the grant of emancipation would be detrimental to the interests of the minor. (To be checked only if a parent, guardian, custodian, or the department, opposes the petition for emancipation.)

III. DECREE

3.1 The petition for emancipation is granted.

1 3.2 The petitioner shall obtain a Washington driver's license or a Washington identification card. The
2 Department of Licensing shall make a notation of the emancipated status on the license or
3 identification card.

4 3.3 The petitioner shall be considered to have the power and capacity of an adult, except as provided
5 in paragraph 3.4 below. The petitioner shall be considered emancipated for the purposes of, but
6 not limited to:

- 7 (a) The termination of parental obligations of financial support, care, supervision, and any
8 other obligation the parent may have by virtue of the parent-child relationship, including
9 obligations imposed because of marital dissolution;
- 10 (b) The right to sue or be sued in his or her own name;
- 11 (c) The right to retain his or her own earnings;
- 12 (d) The right to establish a separate residence or domicile;
- 13 (e) The right to enter into non-voidable contracts;
- 14 (f) The right to act autonomously, and with the power and capacity of an adult, in all
15 business relationships, including but not limited to property transactions;
- 16 (g) The right to work, and earn a living, subject only to the health and safety regulations
17 designed to protect those under age of majority regardless of their legal status; and
- 18 (h) The right to give informed consent for receiving health care services.

19 3.4 The petitioner shall not be considered an adult for:

- 20 (a) The purposes of the adult criminal laws of the state unless the decline of jurisdiction
21 procedures contained in RCW 13.40.110 are used;
- 22 (b) The criminal laws of the state when the emancipated minor is a victim and the age of the
23 victim is an element of the offense; or
- 24 (c) Those specific constitutional and statutory age requirements regarding voting, use of
alcoholic beverages, and other health and safety regulations relevant to the minor
because of the minor's age.

3.5 Other:

Dated: _____ JUDGE/COMMISSIONER

Presented by:

Signature

Type or Print Name

STATE ATTORNEY GENERAL OFFICES
Office of Support Enforcement Representation

| Offices of the Attorney General | COUNTIES SERVED |
|--|-----------------|
| BELLINGHAM | Island |
| 103 East Holly (if you wish to come to Bldg.) | San Juan |
| 320 Bellingham National Bank Bldg. (mailing address) | Skagit |
| Bellingham, WA 98225 | Whatcom |
| 676-2037 | |
| | |
| EVERETT | Snohomish |
| 2722 Colby | |
| Everett, WA 98201 | |
| (425) 257-2170 | |
| | |
| KENNEWICK | Benton |
| 500 North Morain, Suite 2201 | Columbia |
| Kennewick, WA 99336 | Franklin |
| (509) 545-2216 | Walla Walla |
| | |
| OLYMPIA | Grays Harbor |
| Mail Stop QF-11 | Mason |
| Olympia, WA 98504 | Pacific |
| 459-6558 | Thurston |
| | |
| SEATTLE | King |
| 900 4th Avenue, Suite 1800 | |
| Seattle, WA 98168 | |
| 587-5090 | |
| | |
| SPOKANE | Adams |
| West 1116 Riverside | Asotin |
| Spokane, WA 99201 | Ferry |
| (509) 456-6190 | Garfield |
| | |
| TACOMA | Clallam |
| Tacoma OSE | Jefferson |
| 1019 Pacific Avenue | Kitsap |
| Washington Building | Pierce |
| Tacoma, WA 98402 | |
| 593-2740 | |
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|--------------------------------|-----------|
| VANCOUVER | Clark |
| 500 West 8th Street, Suite 110 | Cowlitz |
| Vancouver, WA 98660 | Skamania |
| 696-6471 | Wahkiakum |
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| WENATCHEE | Chelan |
| 18 S. Mission, 3rd Floor | Douglas |
| Wenatchee, WA 98801 | Grant |
| (509) 664-6385 | Okanogan |
| | |
| YAKIMA | Kittitas |
| 1002 N. 16th Avenue, 2nd Floor | Klickitat |
| Yakima, WA 98902 | Yakima |
| (509) 575-2138 | |

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This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of the date of its printing, February 2004.

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