

Emancipation of Minors: Washington State

Should I read this?

Yes, if all these are true: You

- live in Washington State
- are 16 or 17
- want to be legally considered an adult

You can use this packet to ask the court to emancipate you (legally declare you an adult).

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- ❖ If you are age 16 – 19, live in Washington State, and you have been kicked out of (expelled from) school, or you don't feel safe in school, you can still get a high school degree. To learn more about the GED high school equivalency exam, available study materials and classes, or to sign up to take the test, visit <https://ged.com/>. You will need to create an account there and fill out an online form asking for permission to take the GED test. There may be some cost to preparing for and taking the test, but help with those costs may be available. Contact your local DSHS, library, or community college to find out about any help near you.
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What forms are in this packet?

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

Do I qualify for emancipation?

Only if you prove **all** of these by clear and convincing evidence:

- You live in Washington.
- You can take care of your own finances.
- You can handle your own educational, personal, social, and/or any other business.
- If your parent/guardian/custodian opposes your petition, you must prove that it would be bad for you if the court did not emancipate you.

How will emancipation change things?

Here are some changes:

- Your parents no longer support you. You must come up with money and pay for personal needs like clothes, food, or rent.
- Someone can sue you in your own name.
- You have the right to your own earnings.
- You can live in your own home.
- You can enter into contracts, including real estate contracts. The law will hold you as an adult to contracts you sign.
- You can give informed consent for all health care services.

The law will **not** consider you an adult for these:

- **Criminal Laws** - if you are the accused, the law treats you as an adult only in the same situations where it could have done so even before you were emancipated. If you are the victim, emancipation does not matter.
- **Voting** - you cannot vote until you are 18.
- **Alcohol** - you cannot drink or buy alcohol until you are 21.

- **Other** - you are still subject to other legal health or safety regulations that depend on age.

How do I file for Emancipation?

- 1.** Read **all** the instructions.
- 2.** Fill out the forms. Make several copies.
- 3.** File the Petition and Notice of Hearing. (See instructions for scheduling 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. The court can excuse (waive) the fee if you cannot afford it. Ask the court clerk for the forms you fill out if you cannot afford the filing fee. Then present them to the judge to waive the filing fee.
- 4.** Serve the Petition and Notice of Hearing on your parent(s)/legal guardian(s)/custodian(s) and, if needed, the Department of Social and Health Services (DSHS). (The "Notice of Hearing Instruction" on serving your papers has more info.)
- 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 saying you are emancipated.
- 8.** Keep a copy for your own personal file of everything you gave the court.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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Filling Out the Forms

1. Petition for Emancipation

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

After "COUNTY OF," put the county where you are filing.

Under "In re the Emancipation of," put your complete name.

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

Paragraph 1.1 - Where requested, put your first, middle, and last names, address, how long you have lived there, birthday, and state and county where you were born.

Paragraph 1.2 - Do not put anything here. Do put a sticky note or other marker on your papers so you remember to attach a certified copy of your birth certificate to the Petition. If you were born in Washington, call the Department of Health, Vital Statistics, at 360-753-5936 for a certified copy. If you were born in another state, call that state's capital about how to get a certified copy of your birth certificate.

Paragraph 1.3 - Put your parents' names. If you also have a legal guardian or custodian, put their name here (all names if more than one). Where requested, put the last known address for each person listed above. You must list all parents, unless a court has already terminated their rights to you, even if a parent has not been in your life for a long time. You must try to get the addresses of everyone listed in 1.3. If a listed person has died, put "Deceased" next to their name in this section.

Paragraph 1.4 - Put "See attached" if you are attaching anything. Helpful documents to attach are letters from employers, landlords, and/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, and so on. You can also attach bank documents showing you have your own bank accounts, and that you have kept them in good

order. In the blank, put any facts that will prove you can take care of your own money. You must show your income and where you get it, and 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 - Put "See attached" if you are attaching anything. Some examples of helpful documents to attach: school records showing good attendance and grades; current or future educational plans; housing situation or plans; health records showing you have gone to the doctor or 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; and so on.

Paragraph 1.6 - If you think your parents, guardian, or custodian will fight the emancipation, explain here how it will harm you if the court denies emancipation.

Example 1: You will not be able to rent housing or keep a job that is your only source of money. **Example 2:** Living with your parents or guardian will cause you psychological and/or physical damage.

Signature – Sign and print your name on the "Signature of Petitioner" line, and on the bottom signature line, putting the city, state, and date where it says.

**SUPERIOR COURT OF WASHINGTON
COUNTY OF _____**

In Re:

NO:

**PETITION FOR EMANCIPATION
(PTE)**

Petitioner.

D.O.B.:

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:

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

2. Notice of Hearing

Caption - Fill out the caption.

After the word "TO:" below the caption, put the names and addresses of each living parent/guardian/legal custodian, no matter what role they have played in your life.

Hearing Date – Ask the clerk what days the court hears emancipation petitions. The hearing date must be **no sooner than** sixteen days after serving everyone (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 that will give you enough time to serve everyone, but still be within the 60 days, put the date, time, court, and room/department.

Service - You must serve the Petition and Notice of Hearing on each of these people by sending the papers certified mail, return receipt requested, to each parent's last known address. You can also have someone 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 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 (excuse) the service requirement at the hearing if you can prove that the parent/guardian/custodian's address is unavailable even though you tried to get it. If there is a dependency order (foster care case) involving you, you must also 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.

Signature - Date, sign, and print your name where it says.

SUPERIOR COURT OF WASHINGTON
COUNTY OF _____

In Re:

NO:

NOTICE OF HEARING
(NTHG)

Petitioner.

D.O.B.:

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

AFFIDAVIT OF SERVICE

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

3. Decree of Emancipation

Caption – Fill out the caption.

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.

Bring the completed decree form and 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.

SUPERIOR COURT OF WASHINGTON COUNTY OF _____	
In Re:	NO:
D.O.B.:	DECREE OF EMANCIPATION (DCE)
Petitioner.	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.

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

3.3 The petitioner shall be considered to have the power and capacity of an adult, except as provided in paragraph 3.4 below. The petitioner 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 dissolution;
- (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 non-voidable 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 age of majority regardless of their legal status; and
- (h) The right to give informed consent for receiving health care services.

3.4 The petitioner 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;
- (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, 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