

EMANCIPATION OF MINORS PACKET

You have just been given a packet regarding RCW 13.64, which covers the emancipation of minors. In this packet you will find:

- A copy of RCW 13.64, which explains the law for emancipation.
- A financial screening tool to help you determine if you meet the legal criteria.
- An information page that must be completed.
- A Petition for Emancipation.
- A Motion and Declaration to Waive the Filing Fee

The Court strongly recommends that you complete the screening tool and gather the needed documentation prior to filing the petition. Once that is done, or if you have any questions, please contact the Guardian Ad Litem, Amy Foreman at 253-625-4441 or amy.foreman@piercecounitywa.gov to schedule an interview. During the interview, we will review your case so that you have a good idea where you stand in the process. While this is not a requirement for filing, this could save you time and money if you do not qualify for emancipation at this time. You will be required to complete an interview prior to your court date, as a report must be submitted to the court.

To file the petition- You must bring the following to the Pierce County Juvenile Court Clerk's office between 8:30 a.m. and 4:30 p.m.

- The Petition for Emancipation completed in blue ink.
- The completed Information Page.
- A certified copy of your birth certificate. If you were born in Washington, this can be obtained by going to <https://www.doh.wa.gov/LicensesPermitsandCertificates/BirthDeathMarriageandDivorce>.
- To find the requirements for another state: [Where to Write for Vital Records - Homepage \(cdc.gov\)](#)
- The \$50.00 filing fee to be paid only in cash or with a money order, or you may fill out the motion to waive the filing fee if paying it would be a burden. A judge or commissioner will then determine if you will be required to pay the fee.

After you have filed the petition: The Clerk's office will provide you with the following:

- A copy of the Petition with the cause number added.
- A Notice of Hearing that has the first court date scheduled. (Zoom link will be provided by the GAL)
- A Return of Service form for your parent(s) or legal guardian(s)/custodian(s) to be served with all the documents filed with the court. (A process server may be hired or anyone over the age of 18 and not related to the case may serve the above parties).

Service: You must provide your parent(s), guardian, or custodian with a copy of the Petition and the Notice of Hearing with the Zoom link at least 15 days prior to the first court date. If you are part of a dependency, you must serve your state or tribal social worker. Once you have provided a copy to your parent, guardian or social worker, fill out the Return of Service form stating when and where you served them and return to the court via mail or in-person.

Here are some tips about appearing in court:

- Arrive 15 minutes before your scheduled hearing if in-person. If Virtual via Zoom, you may log in 5 minutes prior.
- Dress appropriately, act and speak respectfully in court and on camera. Remember, you are wishing to show that you can manage your own affairs responsibly.
- Be prepared to answer many questions and to respond in a respectful way to everyone involved.

Please note: The Clerk's office nor the GAL may provide legal advice. Should you have questions please consult an attorney.

Chapter Listing

Chapter 13.64 RCW

EMANCIPATION OF MINORS

Sections

- 13.64.010** Declaration of emancipation.
- 13.64.020** Petition for emancipation—Filing fees.
- 13.64.030** Service of petition—Notice—Date of hearing.
- 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.
- 13.64.901** Construction—Chapter applicable to state registered domestic partnerships—2009 c 521.

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 birthdate, 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 of children, youth, and families 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.

[[2017 3rd sp.s. c 6 § 317](#); [1993 c 294 § 3](#).]

NOTES:

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW [43.216.025](#).

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW [43.216.908](#).

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 of children, youth, and families, 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 make a notation of the emancipated status on the license or identification card.

[2017 3rd sp.s. c 6 § 318; 1993 c 294 § 5.]

NOTES:

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

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 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 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 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—Severability—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 note 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 administrative office of 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](#).]

RCW 13.64.901

Construction—Chapter applicable to state registered domestic partnerships—2009 c 521.

For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships.

Emancipation Information Sheet:

Full Legal Name: _____ Cause#: _____

DOB: _____ Phone: _____ Alt Phone: _____

Email: _____

Current Address: _____ City: _____

Mailing Address: _____ City: _____

Attending School: _____ Grade: _____

Current Employer: _____ Phone: _____

Legal Parent/Guardian Information:

1. Parent/Guardian: _____ Relationship: _____

Address: _____ City: _____ St: _____

Phone: _____ Alt Phone: _____ Email: _____

2. Parent/Guardian: _____ Relationship: _____

Address: _____ City: _____ St: _____

Phone: _____ Alt Phone: _____ Email: _____

3. Siblings, please list their name and phone number:

Name: _____ Phone Number: _____

Name: _____ Phone Number: _____

Name: _____ Phone Number: _____

4. Are your Parents/Guardians Currently Married: Yes No. If no, where were they living when divorced/separated? _____

5. Are you currently in a Dependency with Washington State or any other State? Yes No . If yes: Social Worker: _____ Phone Number: _____
Guardian Ad Litem: _____ Phone Number: _____

6. Please provide two (2) references who can speak to your circumstances and ability to be emancipated:

Name: _____ Phone Number: _____

Address: _____ City: _____ St: _____

Relationship: _____ Length of Relationship: _____

Name: _____ Phone Number: _____

Relationship: _____ Length of Relationship: _____

Address: _____ City: _____ St: _____

EMANCIPATION SCREENING TOOL

To verify that you have the ability to manage your financial affairs, please complete this monthly budget. If you do not use an item, put N/A in the column. If an item is included, please note that. Please complete both pages, and make sure you have gathered all the needed documentation.

EXPENSES

CATEGORY	ITEM	MONTHLY AMOUNT	CATEGORY TOTAL
HOUSING	Rent	\$	\$
	Electricity/Natural Gas	\$	
	Water and Sewer (often included)	\$	
	Cable	\$	
	Internet	\$	
	Phone	\$	
	Subtotal:	\$	
TRANSPORTATION	Car Payment	\$	\$
	Auto Insurance	\$	
	Tabs/Licensing (Divide by 12)	\$	
	Gas	\$	
	Car Maintenance	\$	
	Taxi/Uber/Bus Fare	\$	
	Subtotal:	\$	
FOOD	Groceries	\$	\$
	Dining Out/Take Out	\$	
	Coffee/Snacks	\$	
	Subtotal:	\$	
PERSONAL CARE	Medications	\$	\$
	Clothing	\$	
	Hair/Nails	\$	
	Cigarettes	\$	
	Subtotal:	\$	
CONTINUING EDUCATION COSTS	Books	\$	\$
	Fees	\$	
	Subtotal:	\$	
		MONTHLY EXPENSES:	\$

INCOME

INCOME	Wages	\$	
	Hourly pay rate: \$		
	Food Stamps	\$	
	Other:	\$	
	Subtotal:		
		MONTHLY INCOME:	\$

BANK ACCOUNTS	Checking Account Balance	\$
	Savings Account Balance	\$
	Other:	\$

To verify your expenses and income, you must provide the following:

- Copy of lease or rental agreement.
- Copy of utility bills (electricity, gas, sewer and garbage, cable, internet and cell phone) for residence.
- Copy of car title or monthly bill.
- Car insurance verification and bill.
- Six months of pay stubs.
- Six months of bank statements.

To verify that you have the ability to manage your personal, social, educational and nonfinancial affairs, please provide the following:

- High school diploma or equivalent, OR
- High school transcript, current grades and attendance printout showing you are in good standing.
- Copy of your current health insurance card.
- Health records showing that you have gone to the doctor and the dentist in the past six months.

In addition to reviewing the above information, please be prepared to discuss your plans for the future, where you have been living and with whom since leaving your parents' home, and your reasons for wishing to be emancipated.

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR PIERCE COUNTY JUVENILE COURT**

In RE: _____,
Petitioner

Cause No:

**PETITION FOR EMANCIPATION
(PTE)**

DOB: _____

I. BASIS

The undersigned minor, who is sixteen years of age or older and who is a resident of Washington, petitions the court for a Decree 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, custodian or social worker: _

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

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

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 and supporting documents attached:

1.6 Other:

II. RELIEF REQUESTED

2.1 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).

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

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

Signature of Petitioner

Type or Print Name

**Superior Court of Washington
For Pierce County-Juvenile Court**

No. _____

Petitioner/Plaintiff,
vs.

**Motion and Declaration For Waiver of
Civil Fees and Surcharges
(MTAF)**

Respondent/Defendant.

I. Motion

- 1.1 I am the petitioner/plaintiff respondent/defendant in this action.
- 1.2 I am asking for a waiver of fees and surcharges under GR 34.

II. Basis for Motion

- 2.1 GR 34 allows the court to waive "fees or surcharges the payment of which is a condition precedent to a litigant's ability to secure access to judicial relief" for a person who is indigent. As outlined below, I am indigent.

Dated: _____

Signature of Requesting Party

Print or Type Name

III. Declaration

I declare that,

- 3.1 I cannot afford to meet my necessary household living expenses and pay the fees and surcharges imposed by the court. Please see the attached Financial Statement, which I incorporate as part of this declaration.

3.2 In addition to the information in the financial statement I would like the court to consider the following:

(Check if applies.) I filed this motion by mail. I enclosed a self-addressed stamped envelope with the motion so that I can receive a copy of the order once it is signed.

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

Signed at (city) _____, (state) _____ on (date) _____.

Signature

Print or Type Name