



SPOKANE COUNTY

THE EMANCIPATION LEGAL PROCESS

1. Obtain a packet of procedures and forms from the Juvenile Court receptionist. She is there Monday through Friday from 8:30 am to 5:00 pm. If you have questions regarding emancipation please contact the court Facilitator, Julie Curtis, at 509-477-2459.
2. Read the copy of the law included in the packet (RCW 13.64.050).
3. Complete required documents and make at least one complete copy of all the documents.
4. Obtain a certified copy of your original birth certificate. (A certified copy of your birth certificate may be obtained from the Department of Vital Statistics in the county in which you were born). The certified copy must be attached to your Petition for Emancipation.
5. Obtain supporting information (budget, including income and expenses; list of outstanding bills owed; type and year of automobile if you have one; proof of insurance; assets; list of people dependent on you for support; W-2 form or income tax return; current paycheck stub; letter from employer; letter from school and copy of transcript of high school credits; statement from your parents, if they approve your petition; other documents to support statements made in section 1.4, 1.5 and 1.6 of the Petition for Emancipation). Attach these documents to your Petition for Emancipation.
6. Go to the Superior Court Clerk's Office on the third floor of the Spokane County Courthouse, W 1116 Broadway, Room 300. Give your original petition and supporting documents to the Cashier and pay the \$50.00 filing fee. A case number will be given to your petition. The Cashier will return your paperwork to you. Take the paperwork to the courtroom of the Ex Parte Court Commissioner on the third floor of the Courthouse Room 304. Present the papers to the clerk. The hours of the Ex Parte Courtroom are 9:00 am to noon, 1:30 to 4:30 pm Monday through Friday, except on holidays.

If either of your parents or your guardian/custodian lives outside the State of Washington or their whereabouts are unknown, you may complete a Motion and Declaration to Serve by Certified Mail. If the Court grants your motion, an Order Allowing Service By Mail (Emancipation) will be signed by the Court Commissioner.

7. The Court Commissioner may ask you some routine questions to determine if there appears to be merit in your petition. The Court Commissioner will set a court date and put the court date on the Notice of Hearing form. You will need a copy of this form to know the date of your hearing. Also, you need to make additional copies of the Notice of Hearing form to attach to copies of the Petition for Emancipation so that your parents/guardian/custodian can be served with the notice of your emancipation hearing.
8. The Court Commissioner may appoint a guardian ad litem (GAL) who will meet with you, investigate the statements made by you in your petition, and file a report with the Court. The GAL will be a representative from the Law Office of James Triplet. The GAL's address is 921 North Adams, Spokane, WA 99201. The telephone number is 509-326-7046.

9. You must obtain a conformed copy of every legal document which was presented to or signed by the Ex Parte Court Commissioner. (A conformed copy is an exact duplicate of the document filed in the legal file. "Copy Received" stamps are available in the Clerk's Office to use to conform a copy of each of your emancipation documents). The copies do not need to be certified.
10. Your parents/guardian/custodian or the Department of Social and Health Services if you are a dependent child must be personally served with a copy of the Notice of Hearing and Petition for Emancipation by a person over the age of 18 years at least 15 days before the scheduled court hearing. A Return of Service form for each person served must be returned to the Clerk's Office on the third floor of the Courthouse to be filed in the legal file. You should make a copy of the completed form, confirm it (that is stamp your copy with the "Copy Received" stamp in the Clerk's Office), and keep the form with your other emancipation documents.

If the whereabouts of your parents/guardian/custodian are unknown, a person over the age of 18 years must indicate the efforts made to locate your parents/guardian/custodian on the form entitled Return of Service/Whereabouts Unknown (Emancipation). This form must be returned to the Superior Court Clerk's Office on the third floor of the Courthouse to be filed in your legal file. You should make a copy of the completed form, conform it, and keep the form with your other emancipation documents.

If an order is signed by the Ex Parte Court Commissioner granting permission to serve your parents/guardian/custodian by certified mail, a person over the age of 18 years must mail two (2) copies of the Notice of Hearing and Petition for Emancipation, postage prepaid, one by ordinary first class mail and the other by certified mail, return receipt requested, showing when, and to whom the Notice of Hearing and Petition for Emancipation was delivered. The person who mailed the documents must complete a Return of Service Using Certified Mail form and return the form to the Superior Court Clerk's Office on the third floor of the Courthouse to be filed in your legal file. You should make a copy of the completed form, conform it, and keep the form with your other emancipation documents. When the return receipt is received, it must also be filed at the courthouse. Allow at least four (4) weeks to serve a parent/guardian/custodian by certified mail.

11. On the date and time set for your emancipation court hearing, go to the Juvenile Court and check in with the receptionist.
12. The Juvenile Court Judicial Officer will read your file, take testimony from you, your parents and others who may be present, consider the report of the GAL, and will determine whether emancipation should be granted.
13. If emancipation is granted, obtain two (2) certified copies of the Decree of Emancipation from the Clerk's Office. (A certified copy is required when proof of emancipation is needed. It has a special stamp placed by a court clerk indicating the authenticity of the document). Keep one certified copy in a safe place. Use the other certified copy when proof of your emancipation is needed. Take it with you when you obtain a Washington driver's license or a Washington identification card so that the Department of Licensing can note your emancipation status on your license or identification card. Certified copies cost \$2.00 for the first page and \$1.00 for each additional page.

<http://www.leg.wa.gov/LawsAndAgencyRules/>

Revised Code of Washington (RCW)

Last Update: January 9, 2007

The Revised Code of Washington (RCW) is the compilation of all permanent laws now in force. It is a collection of Session Laws (enacted by the Legislature, and signed by the Governor, or enacted via the initiative process), arranged by topic, with amendments added and repealed laws removed. It does not include temporary laws such as appropriations acts. The official version of the RCW is published by the [Statute Law Committee](#) and the [Code Reviser](#).

The online version of the RCW is updated twice a year, once in the early fall following the legislative session, and again at the end of the year if a ballot measure that changes the law passed at the general election.

Chapter 13.64 RCW Emancipation of minors

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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.]

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.]

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.]

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.]

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 make a notation of the emancipated status on the license or identification card.

[1993 c 294 § 5.]

**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.

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.]

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.]

13.64.900
Effective date — 1993 c 294.

This act shall take effect January 1, 1994.

[1993 c 294 § 11.]