

Emancipation in Spokane County

Do I qualify for Emancipation?

- You must be at least 16 years old
- You must live in Washington
- You must be able to manage your own financial affairs
 - Example: Do you have money to pay bills? Can you develop a budget?
- You must be able to manage your own educational, personal, social, and other affairs
 - Example: Are you in school? What is your plan for graduation?
- Are your parents or guardians in agreement with your emancipation? If they do not agree, you must be able to prove that you will be harmed if you are not emancipated.
- You must have \$50 cash to file your court documents

How do I file for emancipation?

- Step 1: Obtain a certified copy of your birth certificate
 - A certified copy of a birth certificate has an endorsement on the document, like a government seal and signature
 - You cannot use a photocopy of your birth certificate, nor the hospital certificate
 - You can get a certified copy of your birth certificate from the state where you were born. If you were born in Washington, you can go to the Spokane Regional Health District at 1101 West College Ave., Spokane, WA 99201 to request a birth certificate. This will cost you \$20. Some agencies will assist you with this cost.
 - If you were born in a different state, go to www.cdc.gov/nchs/w2w.htm to find out where to request your birth certificate
- Step 2: Complete the court forms in this packet.
 - You can also download them at <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=17> and complete them on Microsoft Word.
 - See examples of “Petition for Emancipation” and “Notice of Hearing” in this packet
- Step 3: File the court forms with at the courthouse
 - See page 2 of packet: Filing Your Petition
- Step 4: Serve your parents or guardians
 - See page 3 of packet: Serving Your Parents/Guardians
- Step 5: Attend your hearing
 - See page 4 of packet: What to Expect at a Court Hearing

Filing Your Petition

1. What you need:

- Complete the “Petition for Emancipation” and “Notice of Hearing” forms
 - See the examples in this packet for help in filling these out
- Gather supporting documents proving that you are ready for emancipation:
 - Complete the “Proposed Budget” form
 - Paycheck stubs, proof of Social Security income, bank statement, etc
 - Letters from your counselor, work supervisor
 - School transcripts, awards,
- Obtain a certified copy of your birth certificate
- MAKE THREE COPIES of your “Petition for Emancipation,” “Notice of Hearing,” “Proposed Budget,” and any supporting documents; do not lose your ORIGINAL documents
 - You do not need to make copies of the Decree for Emancipation
- Obtain \$50 cash for the filing fee

2. Where you go:

- Bring YOUR ORIGINAL DOCUMENTS AND THREE COPIES to Juvenile Court at 902 N. Adams St., Spokane, WA. Ask for the Juvenile Court Coordinator, who will provide you with a court date
 - Write this court date on all copies of the Notice of Hearing
 - If your parents live out of state, ask the Juvenile Court Coordinator for the information on how to serve your parents by mail.
- Next, bring all these documents to the Superior Court Clerk’s Office on the third floor of the Spokane County Courthouse at 1116 W. Broadway, Room 300.
 - Give your documents to the Cashier and pay the \$50 filing fee.
 - Stamp EACH AND EVERY document with the court number stamp, the “Copy Received” stamp and the date stamp
 - These are now **CONFORMED COPIES** of your documents

Serving Your Parents/Guardians

1. What you need

- Conformed copies of your emancipation court forms and supporting documents
- Someone 18 years old or older to serve your parents in person
 - If your parents cannot be served in person because they live elsewhere, you can serve them by mail.

2. Service: In-person

- “In-person” service means that someone is **PERSONALLY HANDING** the documents to your parents or guardians.
- At least 15 days prior to your hearing, someone 18 years or older must personally serve your parents or guardians with copies of your Emancipation packet
 - If you are in foster care, the Division of Children and Family Services must be served
 - The person who served your parents, guardians, or the Division of Children and Family Services must complete the "Return of Service" form included in this packet.
 - The “Return of Service” form must then be conformed by the Superior Court Clerk’s Office on the third floor of the Spokane County Courthouse at 1116 W. Broadway, Room 300.

3. Service: By Mail

- If your parents or guardians do not live in Spokane, or if there is a reason why they must be served by mail, ask the Juvenile Court Coordinator for instructions on how to serve your parents by mail.

4. Parents/guardian whose whereabouts are unknown

- Someone 18 years or older must make a reasonable effort to locate the parent or guardian
 - This includes calling the parent's or guardian's relatives, friends, or co-workers to find a last known address for the person.
 - If their location is found, they must be served either in-person or by mail
 - If a parent or guardian could not be served because his or her whereabouts are unknown, then the "Whereabouts Unknown (Emancipation)" form must be completed and conformed by the Superior Court Clerk’s Office on the third floor of the Spokane County Courthouse at 1116 W. Broadway, Room 300.

What to Expect at a Court Hearing

1. What to wear

- Wear clothes that are professional attire
 - For boys, a dress shirt and slacks are appropriate
 - For girls, a dress or a blouse and pants/skirt are appropriate
- DO NOT WEAR A HAT!

2. What to bring

- **Complete the top portion of the Decree of Emancipation and Order Denying Petition for Emancipation**
- Bring at least one copy of your Emancipation court forms and supporting documentation
- Invite adults who support your emancipation. This could be counselors, family friends, or family members.

3. What happens during the hearing

- The judge or commissioner will have a copy of your Emancipation petition and documents. You will be asked questions regarding why you want to be emancipated. Your parents, guardians, or DSHS will also be asked questions. If you brought supporting people with you, they may also be asked questions.
- When the judge or commissioner asks you a question, respond by standing and addressing the judge as "Your Honor." You would use this phrase in place of words such as "sir" or "ma'am."
- Do not interrupt when other people are talking in court. The judge or commissioner will give you an opportunity to tell your side of the story. If you absolutely need to say something, ask, "May I say something, Your Honor?"
- Make sure you are talking loud enough so that everyone can hear what you are saying.
- Remain calm, regardless of what is being said during court.

4. Other issues

- Make sure your cell phone is turned off during the hearing.
- Do not chew gum during the hearing.
- Arrive at court at least 15 minutes before the start of your hearing. You will also need to go through the metal detectors before entering the courtroom.

5. If the court grants your petition

- If your request for emancipation is granted, remain in the courtroom and the judge's clerk will provide you with a certified copy of the Decree of Emancipation. You will need this when you get your Washington state ID or license.
 - If you lose this certified copy, you can get another one from the Superior Court Clerk's Office for the cost of \$6. The clerk's office is located at 1116 W. Broadway, Room 300, Spokane WA.

I just got my GED this month, and am working at Spokane Market. I've been working there for the past six months and am making approximately \$700 per month. I am a stocker right now, but my manager gave me a good review and I hope to find a better position soon. My manager will also be increasing my hours since I got my GED and will not be attending school. I also have SSI because of a hearing problem I've had since birth. If I can't work because of my disability, I will have my SSI checks to pay bills. If I am emancipated, I will be able to get another \$190 in food stamps also.

I am living with my older brother and my rent is \$250 per month. This includes utilities. I also pay for my cell phone, which is about \$50 per month. I ride the bus to work, and my bus pass is \$22.50. I have a bank account and have direct deposit with my checks.

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:

I arrange my own medical appointments with my doctors and dentists. I also paid for and scheduled my GED testing at the community college. When I was attending school, I did well and got good grades. I sought the help of my school counselors when I got frustrated with school and they helped me understand my options for the future. I got my GED so I could start working more hours and attend community college. I plan to start classes at the community college in the fall.

I care about my parents, but I feel that they do not understand my desire for independence. I have been living with my brother with my parents' permission, but I would like to be able to do things as an independent person, like rent an apartment or have a cell phone contract.

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

Example

**SUPERIOR COURT OF WASHINGTON
COUNTY OF SPOKANE
JUVENILE COURT**

In Re:

John Q. Doe

Petitioner.

D.O.B.: 1/1/1994

NO:

**NOTICE OF HEARING
(NTHG)**

TO: Jane Doe and James Doe
1111 First St.
Spokane WA 99220

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: (date to be obtained from juvenile court) at: _____ a.m./p.m.
(Date) (Time)

At: Spokane County Juvenile Court, Room/Department:
902 North Adams Street
Spokane WA 99201

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

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:

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

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

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**SUPERIOR COURT OF WASHINGTON
COUNTY OF SPOKANE
JUVENILE COURT**

In Re the Emancipation of:

Petitioner.

D.O.B.:

NO:

PROPOSED BUDGET

INCOME		COSTS	
Wages	\$	Rent	\$
Social Security	\$	Utilities	\$
		Food	\$
		Phone	\$
		Gas	\$
		Clothing	\$
		Bus Pass	\$
		Baby Items	\$
		Entertainment	\$
		Payee Services	\$
Totals:	\$		\$

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**SUPERIOR COURT OF WASHINGTON
COUNTY OF SPOKANE
JUVENILE COURT**

In Re the Emancipation of:

Petitioner.

D.O.B.:

NO:

DECLARATION OF SERVICE

I, _____, hereby declare as follows:

I am over the age of eighteen years and not a party to this action. My business/residence address is:

2. On _____ I served _____ with the following documents:

- Notice of Hearing
- Petition for Emancipation
- List of Petition Attachments

3. Address of service:

4. Service was made as indicated below:

- By delivery to the person named by myself.
- By Certified Mail to the person named at the address of service.

DECLARATION OF SERVICE

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

Signed at Spokane, WA on _____.

, Declarant

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SUPERIOR COURT OF WASHINGTON COUNTY OF SPOKANE JUVENILE COURT	
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.
- 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

**SUPERIOR COURT OF WASHINGTON
COUNTY OF SPOKANE
JUVENILE COURT**

In Re:

D.O.B.:

Petitioner.

NO:

**ORDER DENYING PETITION
FOR EMANCIPATION
(ORDYMT)
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 denied for the reasons that follow.

- The petitioner has not proved by clear and convincing evidence that:
 - the petitioner is 16 years of age or older;
 - the petitioner is a resident of the state;
 - the petitioner has the ability to manage his or her financial affairs; and
 - the petitioner has the ability to manage his or her personal, social, educational, and non-financial affairs.

- There is not clear and convincing evidence that denial of the grant of emancipation would be detrimental to the interests of the minor. (To be checked only when a parent, guardian, custodian, or the department, opposes the petition for emancipation.)

III. ORDER

The petition for emancipation is DENIED.

Dated: _____

JUDGE/COMMISSIONER

Presented by:

Signature

Type or Print Name/Title

Emancipation of minors Chapter 13.64 RCW

<http://apps.leg.wa.gov/RCW/default.aspx?cite:13.64>

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.]

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.]

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.[2009 c 521 § 44.]