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HOUSE BILL 1157

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State of Washington

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By Representatives Ludwig, Riley, Chappell, Johanson, Foreman, Appelwick, H. Myers, Scott, Jones, Leonard, Franklin, Springer and Karahalios

Read first time 01/18/93. Referred to Committee on Human Services.

1 AN ACT Relating to the emancipation of minors; amending RCW  
2 49.12.121; adding a new chapter to Title 13 RCW; and providing an  
3 effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** Any minor who is sixteen years of age or  
6 older and who is a resident of this state may petition in the superior  
7 court for a declaration of emancipation.

8 NEW SECTION. **Sec. 2.** (1) A petition for emancipation shall be  
9 signed and verified by the petitioner, and shall include the following  
10 information: (a) The full name of the petitioner, the petitioner's  
11 birthdate, and the state and county of birth; (b) a certified copy of  
12 the petitioner's birth certificate; (c) the name and last known address  
13 of the petitioner's parent or parents, guardian, or custodian; (d) the  
14 petitioner's present address, and length of residence at that address;  
15 (e) a declaration by the petitioner indicating that he or she has the  
16 ability to manage his or her financial affairs, including any  
17 supporting information; and (f) a declaration by the petitioner  
18 indicating that he or she has the ability to manage his or her

1 personal, social, educational, and nonfinancial affairs, including any  
2 supporting information.

3 (2) A reasonable filing fee not to exceed fifty dollars shall be  
4 set by the court.

5 NEW SECTION. **Sec. 3.** The petitioner shall serve a copy of the  
6 filed petition and notice of hearing on the petitioner's parent or  
7 parents, guardian, or custodian at least fifteen days before the  
8 emancipation hearing. No summons shall be required. Service shall be  
9 waived if proof is made to the court that the address of the parent or  
10 parents, guardian, or custodian is unavailable or unascertainable. The  
11 petitioner shall also serve notice of the hearing on the department if  
12 the petitioner is subject to dependency disposition order under RCW  
13 13.34.130. The hearing shall be held no later than sixty days after  
14 the date on which the petition is filed.

15 NEW SECTION. **Sec. 4.** The hearing on the petition shall be before  
16 a judge, sitting without a jury. Prior to the presentation of proof  
17 the judge shall determine whether: (1) The petitioning minor  
18 understands the consequences of the petition regarding his or her legal  
19 rights and responsibilities; (2) a guardian ad litem should be  
20 appointed to investigate the allegations of the petition and file a  
21 report with the court; (3) counsel should be appointed to represent the  
22 petitioner; (4) counsel should be appointed to represent the  
23 petitioner's parent or parents, guardian, or custodian, if they choose  
24 to oppose the petition.

25 NEW SECTION. **Sec. 5.** (1) The court shall grant the petition for  
26 emancipation, except as provided in subsection (2) of this section, if  
27 the petitioner proves the following facts by a preponderance of the  
28 evidence: (a) That the petitioner is sixteen years of age or older;  
29 (b) that the petitioner is a resident of the state; (c) that the  
30 petitioner has the ability to manage his or her financial affairs; and  
31 (d) that the petitioner has the ability to manage his or her personal,  
32 social, educational, and nonfinancial affairs.

33 (2) A parent, guardian, custodian, or in the case of a dependent  
34 minor, the department, may oppose the petition for emancipation. The  
35 court may deny the petition if it finds by a preponderance of the

1 evidence that a grant of emancipation would be detrimental to the  
2 interests of the minor.

3 (3) Upon entry of a decree of emancipation by the court the  
4 petitioner shall be given a certified copy of the decree. The decree  
5 shall instruct the petitioner to obtain a Washington driver's license  
6 or a Washington identification card and direct the department of  
7 licensing make a notation of the emancipated status on the license or  
8 identification card.

9 NEW SECTION. **Sec. 6.** (1) An emancipated minor shall be considered  
10 to have the power and capacity of an adult, except as provided in  
11 subsection (2) of this section. A minor shall be considered  
12 emancipated for the purposes of, but not limited to:

13 (a) The termination of parental obligations of financial support,  
14 care, supervision, and any other obligation the parent may have by  
15 virtue of the parent-child relationship, including obligations imposed  
16 because of marital dissolution;

17 (b) The right to sue or be sued in his or her own name;

18 (c) The right to retain his or her own earnings;

19 (d) The right to establish a separate residence or domicile;

20 (e) The right to enter into nonvoidable contracts;

21 (f) The right to act autonomously, and with the power and capacity  
22 of an adult, in all business relationships, including but not limited  
23 to property transactions; and

24 (g) The right to work, and earn a living, subject only to the  
25 health and safety regulations designed to protect those under age of  
26 majority regardless of their legal status.

27 (2) An emancipated minor shall not be considered an adult for: (a)  
28 The purposes of the adult criminal laws of the state unless the decline  
29 of jurisdiction procedures contained in RCW 13.40.110 are used; (b) the  
30 criminal laws of the state when the emancipated minor is a victim and  
31 the age of the victim is an element of the offense; or (c) those  
32 specific constitutional and statutory age requirements regarding  
33 voting, use of alcoholic beverages, and other health and safety  
34 regulations relevant to the minor because of the minor's age.

35 NEW SECTION. **Sec. 7.** A declaration of emancipation obtained by  
36 fraud is voidable. The voiding of any such declaration shall not

1 affect any obligations, rights, or interests that arose during the  
2 period the declaration was in effect.

3 NEW SECTION. **Sec. 8.** The office of the administrator for the  
4 courts shall prepare and distribute to the county court clerks  
5 appropriate forms for minors seeking to initiate a petition of  
6 emancipation.

7 **Sec. 9.** RCW 49.12.121 and 1989 c 1 s 3 are each amended to read as  
8 follows:

9 (1) The ~~((committee, or the director,))~~ department may at any time  
10 inquire into wages, hours, and conditions of labor of minors employed  
11 in any trade, business, or occupation in the state of Washington and  
12 may adopt special rules for the protection of the safety, health, and  
13 welfare of minor employees. ~~((The minimum wage for minors shall be as  
14 prescribed in RCW 49.46.020.))~~ However, the rules may not limit the  
15 hours per day or per week, or other specified work period, that may be  
16 worked by minors who are emancipated by court order.

17 (2) The ~~((committee))~~ department shall issue work permits to  
18 employers for the employment of minors, after being assured the  
19 proposed employment of a minor meets the standards ~~((set forth  
20 concerning))~~ for the health, safety, and welfare of minors as set forth  
21 in the rules ~~((and regulations promulgated))~~ adopted by the  
22 ~~((committee))~~ department. No minor person shall be employed in any  
23 occupation, trade, or industry subject to this 1973 amendatory act,  
24 unless a work permit has been properly issued, with the consent of the  
25 parent, guardian, or other person having legal custody of the minor and  
26 with the approval of the school which such minor may then be attending.  
27 However, the consent of a parent, guardian, or other person, or the  
28 approval of the school which the minor may then be attending, is  
29 unnecessary if the minor is emancipated by court order.

30 (3) The minimum wage for minors shall be as prescribed in RCW  
31 49.46.020.

32 NEW SECTION. **Sec. 10.** Sections 1 through 8 of this act shall  
33 constitute a new chapter in Title 13 RCW.

1      NEW SECTION.   **Sec. 11.**   This act shall take effect January 1, 1994.

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