

## **QUESTIONS AND ANSWERS CONCERNING EMANCIPATION**

### **1. What does is mean if I am emancipated?**

If a Court declares a minor to be emancipated, it means that a minor has the right to:

- a. **Sue or be sued in his or her own name.**
- b. **Work and earn a living subject only to the health and safety regulations which are under the age of majority.**
- c. **Retain his or her own earnings from employment.**
- d. **Establish a separate residence or domicile.**
- e. **Enter into nonvoidable contracts.**
- f. **Act autonomously as an adult in all business relationships including property transactions.**
- g. **Give informed consent to obtain health care services.**

The parents of the minor no longer have to pay child support, nor are they required to be financially responsible for the minor.

Even if you are emancipated, if you are less than 18 years of age, you will still be subject to the criminal laws of juveniles unless the Court determines that you should be treated as an adult. Emancipated minors cannot vote and they must abide by the alcohol and tobacco regulations which require no consumption until age 21.

### **2. Who can apply for emancipation?**

A minor must be 16 or 17 years of age and a resident of the State of Washington to apply.

### **3. Where does one apply for emancipation?**

Forms can be obtained from the Clallam County Clerk's Office which is located on the second floor of the Clallam County Courthouse. The forms are to be filed at the Clerk's office when completed.

### **4. What is the cost of filing an Emancipation Petition?**

The filing fee is \$50.00 and the petition requires that you attach a certified copy of your birth certificate which normally costs \$11.00 if you were born in the State of Washington. In most cases, the Judge will appoint a Guardian Ad Litem to investigate the petition. The forms request that you provide copies of school records, criminal history and other information. There may be a fee charged by other agencies to obtain that information.

### **5. What is the procedure after I file a petition?**

After a petition is filed, the Court will decide whether or not to appoint a Guardian Ad Litem. Also, the Court or Clerk will set a hearing date for the petition at **9:00 A.M., Family Court, Courtroom 3**. It will be necessary for the minor to serve his or her parents/guardians

with a notice of the petition and hearing and a response form, at least 15 days prior to the hearing.

**6. What standards do the Courts use in evaluating Emancipation Petitions?**

According to State law, the Court shall grant the petition only if it is proved by clear and convincing evidence that:

- a. The minor is 16 years of age or older and a resident of the State of Washington;**
- b. The minor has the ability to manage his or her financial affairs;**
- c. The minor has the ability to manage his or her personal, social, educational and other nonfinancial affairs.**

Clear and convincing evidence is a high standard and requires the minor to demonstrate that he or she is ready to assume the duties and responsibilities of adulthood. Persons, who apply simply because their parents no longer wish to be responsible for them, or pay child support, will not qualify for emancipation. You must demonstrate to the Court that you have a stable residential arrangement, sufficient income to meet your needs and reasonable plans for your future or you will not qualify. Persons who have an extensive criminal history will not qualify for emancipation.

<b>SUPERIOR COURT OF WASHINGTON COUNTY OF CLALLAM</b>	
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:

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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:

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1.6 OTHER:

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**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

SUPPLEMENT TO EMANCIPATION PETITION

Please answer each of the questions fully and attach, as exhibits to the petition, such additional information as is requested, or that you feel would be helpful to the court's determination of this petition. All answers should be typed or legibly printed or written in ink. Please use additional pages if the spaces provided are insufficient for the answer.

PERSONAL DATA

1. Provide your name, date of birth and social security number.

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2. Provide a list of the names, addresses and telephone numbers of your parents or guardians and your siblings.

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3. Provide the names, birth dates and present addresses of your children, if any.

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4. Explain how long you have lived in Washington State.

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5. Describe your general health including any major illnesses, accidents or disabilities you have incurred up to this point in your life.

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6. List the names, addresses and telephone numbers of the persons with whom you have resided for the past three years.

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EDUCATIONAL INFORMATION

1. Explain how much education you have received and what is the last grade you completed in school.

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2. Attach a copy of school transcript for the past two years.

3. Describe what future education plans you presently have, if any.

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4. Describe the clubs and activities you may have been involved in during the past two years, whether these were school related or not.

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FINANCIAL INFORMATION

1. List the name, address and telephone number of your present employer, if any, and describe your responsibilities at work.

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2. List the names, addresses and telephone numbers of your previous employers and include the dates during which you were employed by each of these persons or businesses.

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3. Attach a copy of a completed financial certificate to the petition.

4. Describe how you intend to meet your financial needs if emancipated.

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5. If an attorney is helping you with this process, explain how that attorney is being paid.

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CRIMINAL HISTORY

1. List all of the crimes or traffic offenses for which you have received convictions or diversions.

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2. Attach a copy of your criminal history, or a certificate from the juvenile court which states that you do not have any criminal history.

3. Describe what criminal charges, if any, may be pending against you at this time, including pending court hearings or financial obligations.

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REFERENCES

1. Provide the names, addresses and telephone numbers of three adult references who support your petition. These references should not include your parents or guardians.

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STATEMENT OF GOALS

1. Provide a brief statement of your personal goals for the future and how you plan to achieve them.

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2. Describe how you intend to pay for medical and dental care if you are emancipated.

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NOTE: There should be 3 attachments to this supplement.

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

Signed at \_\_\_\_\_ on \_\_\_\_\_.  
(City and State) (Date)

\_\_\_\_\_  
(Signature)

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF CLALLAM

In re the Emancipation Petition  
of:

NO.

DECLARATION OF  
SERVICE (Emancipation  
Petition)

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I DECLARE:

1.  I am the petitioner; or
- 1.A  I am not the petitioner, but I am a citizen of the State of Washington over 18 years of age and not a party to this action.
2. I served \_\_\_\_\_ with a copy of the Petition For Emancipation and a blank copy of the Response to Petition For Emancipation.
3. The date, time and place of service were:  
Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Service was made as follows:  
 by delivery to the person(s) named in paragraph 1.2 above.  
 by delivery to \_\_\_\_\_ a person of suitable age and discretion who resides at the address of the person named in 1.2 above and could reasonably be expected to give them the documents.  
 by mailing two copies postage prepaid to the person named in 1.2 above. (prior court approval required for this method of service)

DECLARATION OF SERVICE  
(EMANCIPATION PETITION)

DCLR.DOC

One copy was mailed by ordinary first class mail, the other copy was sent by certified mail return receipt requested. (Attach return receipt below.)  
The copies were mailed on \_\_\_\_\_.

[ ] by publication as provided in RCW 4.28.100  
(prior court approval required for this method of service)

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

Signed at \_\_\_\_\_, on \_\_\_\_\_.  
City and State) (Date)

\_\_\_\_\_  
(Signature)

(Attach Return Receipt here, if service was by mail)

FINANCIAL CERTIFICATE

I \_\_\_\_\_, declare under penalty  
(Name)  
of perjury of the laws of the State of Washington that the  
following is true and correct:

I. EMPLOYMENT INCOME

- a. Name of Employer: \_\_\_\_\_
- b. Address of Employer: \_\_\_\_\_  
(Street)  
\_\_\_\_\_  
(City) (State) (Zip)
- c. Your job with employer: \_\_\_\_\_
- d. Average gross monthly wage: \$ \_\_\_\_\_
- e. Deductions:
- |                         |          |
|-------------------------|----------|
| Withholding Tax         | \$ _____ |
| Social Security (FICA)  | \$ _____ |
| Other Deductions (list) | \$ _____ |
| _____                   | \$ _____ |
| _____                   | \$ _____ |
| TOTAL DEDUCTIONS        | \$ _____ |
- f. Net Monthly Wage \$ \_\_\_\_\_

II. OTHER SOURCES OF INCOME

(Designate if received monthly, annual, onetime, etc.)

- a. Parents: \$ \_\_\_\_\_
- b. Spouse/significant other: \$ \_\_\_\_\_
- c. Social Security: \$ \_\_\_\_\_
- d. Self Employment: \$ \_\_\_\_\_
- e. Other: \$ \_\_\_\_\_

**III. ASSETS**  
(what are they worth now?)

a. Cash	\$ _____
b. Savings Accounts	\$ _____
c. Checking Accounts	\$ _____
d. Real Property (home or land)	\$ _____
e. Vehicles	\$ _____
f. Household goods & furniture	\$ _____
g. Stocks and bonds	\$ _____
h. Notes, mortgages, trusts	\$ _____
i. Debts owed to me	\$ _____
j. Other assets	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL	\$ _____

**IV. CONSUMER OR PROPERTY DEBTS**  
(credit cards, doctors, loans, etc.)

<u>CREDITOR</u>	<u>PURPOSE OF DEBT</u>	<u>AMOUNT OWED NOW</u>	<u>MONTHLY PAYMENT</u>
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____

V. MONTHLY LIVING EXPENSES

- a. Rent or mortgage \$ \_\_\_\_\_
- b. Food \$ \_\_\_\_\_
- c. Utilities \$ \_\_\_\_\_
- d. Telephone \$ \_\_\_\_\_
- e. TV Cable \$ \_\_\_\_\_
- f. Medical and dental \$ \_\_\_\_\_
- g. Auto Insurance \$ \_\_\_\_\_
- h. Auto gas, oil and maintenance \$ \_\_\_\_\_
- i. Education \$ \_\_\_\_\_
- j. Clothing \$ \_\_\_\_\_
- k. Recreation \$ \_\_\_\_\_
- l. Grooming/beauty \$ \_\_\_\_\_
- m. Miscellaneous (describe) \$ \_\_\_\_\_
- \_\_\_\_\_ \$ \_\_\_\_\_
- \_\_\_\_\_ \$ \_\_\_\_\_
- TOTAL \$ \_\_\_\_\_

Signed at \_\_\_\_\_, Washington this  
\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
(Signature)

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF CLALLAM

In re the Emancipation of:

NO.

RESPONSE TO PETITION  
FOR EMANCIPATION

The undersigned parent(s)/guardian(s) acknowledge(s) receipt of a copy of the Petition For Emancipation.

(please designate by placing your initials next to your response to the petition)

- \_\_\_\_\_ 1. I agree with the Petition For Emancipation and will attend the hearing as scheduled.
- \_\_\_\_\_ 2. I agree with the Petition For Emancipation and will not attend the hearing as scheduled.
- \_\_\_\_\_ 3. I do not agree with the Petition For Emancipation and will attend the hearing as scheduled.
- \_\_\_\_\_ 4. I do not agree with the Petition For Emancipation, but will not attend the hearing as scheduled.

(Please print your name, address and telephone number)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Parent/Guardian

\_\_\_\_\_  
Parent/Guardian

RESPONSE TO PETITION  
FOR EMANCIPATION  
EXHIBIT H

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF CLALLAM**

In Re:

NO:

**DECREE OF EMANCIPATION  
(DCE)**

D.O.B.:

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

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF CLALLAM**

IN RE EMANCIPATION OF:

NO:

**NOTICE OF HEARING ON  
EMANCIPATION PETITION**

TO: \_\_\_\_\_  
(PARENT OR GUARDIAN)

NOTICE IS HEREBY GIVEN that a hearing will be held on the above Petition for Emancipation on Friday, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at 9:00 a.m. in Courtroom 3 at the Clallam County Courthouse, 223 East 4<sup>th</sup> Street, Port Angeles, WA .

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
PETITIONER