

HOUSE BILL REPORT

HB 1274

As Reported by House Committee On:
Judiciary

Title: An act relating to emancipation of minors.

Brief Description: Changing provisions relating to emancipation of minors.

Sponsors: Representatives Lantz and Carrell.

Brief History:

Committee Activity:

Judiciary: 2/1/01, 2/22/01 [DPS].

Brief Summary of Substitute Bill

- Authorizes superior court commissioners of unified family courts to hear emancipation hearings.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Casada, Dickerson, Esser, Lovick and McDermott.

Minority Report: Without recommendation. Signed by 1 member: Representative Boldt.

Staff: Matthew Zuchetto (786-7291); Trudes Hutcheson (786-7384).

Background:

A minor who is at least 16 years of age may petition a superior court for a declaration of emancipation. Unless the emancipation is opposed, the judge must grant the petition if the minor proves by clear and convincing evidence that he or she is 16 years of age or older, is a resident of Washington, and has the ability to manage his or her financial, personal, social, educational, and nonfinancial affairs.

If the parents, guardians, or the Department of Social and Health Services oppose the

emancipation, the emancipation will be denied unless the minor proves by clear and convincing evidence that denial of the emancipation will be detrimental to the interests of the minor.

If granted, emancipation terminates parental responsibilities. The emancipated minor has the legal capacity of an adult, including the right to sue and be sued, to retain earnings, to establish a separate residence, to enter into nonvoidable contracts, to act autonomously in business and property transactions, to work (subject to health and safety regulations protecting minors); and to consent for health care services.

A declaration of emancipation does not generally affect criminal laws, except emancipation may be a factor when a juvenile offender is referred for adult criminal prosecution or where the minor is a victim and age is an element of the offense. Also, a declaration of emancipation does not alter specific age requirements established by law, such as for the use of alcoholic beverages, voting, and health and safety regulations protecting minors.

Washington law requires a petition for emancipation be filed in a superior court and that the hearing be held before a judge. Because the term judge is used, the law does not permit an emancipation hearing before a superior court commissioner.

Some counties have unified family courts where court commissioners may hear various types of juvenile and domestic relations actions.

Summary of Substitute Bill:

Court commissioners of unified family courts are authorized to hear emancipation hearings.

Substitute Bill Compared to Original Bill:

The original bill allowed any judicial officer of a superior court to hear emancipation petitions, not just commissioners in unified family courts.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: There are several hundred emancipation hearings per year. This is a

small change but a significant one. This bill will promote better use of judicial resources. Court commissioners are often used in the juvenile courts and also in domestic matters. This bill allows the flexibility of allowing the same commissioner to be involved in the emancipation procedure. Superior court commissioners handle all types of cases due to the workload of superior court judges. However, this does not result in a lower level of service because superior court judges do not want to appoint a commissioner who will embarrass the judge. Superior court judges scrutinize the appointment of commissioners.

Testimony Against: None.

Testified: Judge Randal Fritzler, District and Municipal Court Judges Association and Board for Judicial Administration.