

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 1157**

Chapter 294, Laws of 1993

53rd Legislature  
1993 Regular Session

MINORS--EMANCIPATION PROCEDURES

EFFECTIVE DATE: 1/1/94

Passed by the House April 19, 1993  
Yeas 78 Nays 17

BRIAN EBERSOLE  
**Speaker of the  
House of Representatives**

Passed by the Senate April 6, 1993  
Yeas 42 Nays 7

JOEL PRITCHARD  
**President of the Senate**

Approved May 12, 1993

MIKE LOWRY  
**Governor of the State of Washington**

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1157** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON  
**Chief Clerk**

FILED

May 12, 1993 - 10:19 a.m.

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE HOUSE BILL 1157**

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AS AMENDED BY THE SENATE

Passed Legislature - 1993 Regular Session

**State of Washington                      53rd Legislature                      1993 Regular Session**

**By** House Committee on Human Services (originally sponsored by Representatives Ludwig, Riley, Chappell, Johanson, Foreman, Appelwick, H. Myers, Scott, Jones, Leonard, Franklin, Springer and Karahalios)

Read first time 02/05/93.

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.

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

30 (2) A parent, guardian, custodian, or in the case of a dependent  
31 minor, the department, may oppose the petition for emancipation. The  
32 court shall deny the petition unless it finds, by clear and convincing  
33 evidence, that denial of the grant of emancipation would be detrimental  
34 to the interests of the minor.

35 (3) Upon entry of a decree of emancipation by the court the  
36 petitioner shall be given a certified copy of the decree. The decree

1 shall instruct the petitioner to obtain a Washington driver's license  
2 or a Washington identification card and direct the department of  
3 licensing make a notation of the emancipated status on the license or  
4 identification card.

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

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

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

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

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

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

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

20 (g) The right to work, and earn a living, subject only to the  
21 health and safety regulations designed to protect those under age of  
22 majority regardless of their legal status; and

23 (h) The right to give informed consent for receiving health care  
24 services.

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

33 NEW SECTION. **Sec. 7.** A declaration of emancipation obtained by  
34 fraud is voidable. The voiding of any such declaration shall not  
35 affect any obligations, rights, or interests that arose during the  
36 period the declaration was in effect.

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

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

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

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

28        (3) The minimum wage for minors shall be as prescribed in RCW  
29 49.46.020.

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

32        NEW SECTION.    **Sec. 11.**    This act shall take effect January 1, 1994.  
         Passed the House April 19, 1993.  
         Passed the Senate April 6, 1993.  
         Approved by the Governor May 12, 1993.  
         Filed in Office of Secretary of State May 12, 1993.