

2 **ESHB 1157** - S COMM AMD
3 By Committee on Law & Justice

4 ADOPTED 4/6/93

5 Strike everything after the enacting clause and insert the
6 following:

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

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

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

25 NEW SECTION. **Sec. 3.** The petitioner shall serve a copy of the
26 filed petition and notice of hearing on the petitioner's parent or
27 parents, guardian, or custodian at least fifteen days before the
28 emancipation hearing. No summons shall be required. Service shall be
29 waived if proof is made to the court that the address of the parent or
30 parents, guardian, or custodian is unavailable or unascertainable. The
31 petitioner shall also serve notice of the hearing on the department if
32 the petitioner is subject to dependency disposition order under RCW
33 13.34.130. The hearing shall be held no later than sixty days after
34 the date on which the petition is filed.

1 NEW SECTION. **Sec. 4.** The hearing on the petition shall be before
2 a judge, sitting without a jury. Prior to the presentation of proof
3 the judge shall determine whether: (1) The petitioning minor
4 understands the consequences of the petition regarding his or her legal
5 rights and responsibilities; (2) a guardian ad litem should be
6 appointed to investigate the allegations of the petition and file a
7 report with the court.

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

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

21 (3) Upon entry of a decree of emancipation by the court the
22 petitioner shall be given a certified copy of the decree. The decree
23 shall instruct the petitioner to obtain a Washington driver's license
24 or a Washington identification card and direct the department of
25 licensing make a notation of the emancipated status on the license or
26 identification card.

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

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

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

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

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

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

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

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

8 (h) The right to give informed consent for receiving health care
9 services.

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

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

22 NEW SECTION. **Sec. 8.** The office of the administrator for the
23 courts shall prepare and distribute to the county court clerks
24 appropriate forms for minors seeking to initiate a petition of
25 emancipation.

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

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

1 (2) The ~~((committee))~~ department shall issue work permits to
2 employers for the employment of minors, after being assured the
3 proposed employment of a minor meets the standards ~~((set forth~~
4 ~~concerning))~~ for the health, safety, and welfare of minors as set forth
5 in the rules ~~((and regulations promulgated))~~ adopted by the
6 ~~((committee))~~ department. No minor person shall be employed in any
7 occupation, trade, or industry subject to this 1973 amendatory act,
8 unless a work permit has been properly issued, with the consent of the
9 parent, guardian, or other person having legal custody of the minor and
10 with the approval of the school which such minor may then be attending.
11 However, the consent of a parent, guardian, or other person, or the
12 approval of the school which the minor may then be attending, is
13 unnecessary if the minor is emancipated by court order.

14 (3) The minimum wage for minors shall be as prescribed in RCW
15 49.46.020.

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

18 NEW SECTION. Sec. 11. This act shall take effect January 1,
19 1994."

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23 On page 1, line 1 of the title, after "minors;" strike the
24 remainder of the title and insert "amending RCW 49.12.121; adding a new
25 chapter to Title 13 RCW; and providing an effective date."

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