

HOUSE BILL REPORT

SB 5392

As Passed House - Amended:

April 4, 2001

Title: An act relating to emancipation of minors.

Brief Description: Changing provisions relating to emancipation of minors.

Sponsors: By Senators Long, Constantine and Kline; by request of Administrator for the Courts.

Brief History:

Committee Activity:

Juvenile Justice: 3/21/01, 3/28/01 [DPA].

Floor Activity:

Passed House - Amended: 4/4/01, 91-2.

Brief Summary of Bill (As Amended by House)

- Authorizes certain commissioners, as well as judges, to hear emancipation petitions.

HOUSE COMMITTEE ON JUVENILE JUSTICE

Majority Report: Do pass as amended. Signed by 8 members: Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Marine, Republican Vice Chair; Armstrong, Carrell, Darneille and Tokuda.

Staff: Catherine Blinn (786-7114).

Background:

A child 16 years of age or older may petition for a declaration of emancipation in Superior Court. The child must serve a copy of the petition and a notice of the hearing on his or her parent or guardian, and on the Department of Social and Health Services (DSHS) if he or she is a dependent child. The emancipation hearing must be held before a judge. Before addressing the merits of the petition, the judge must first confirm that the child understands its consequences with regards to his or her legal rights and

responsibilities, and must decide whether to appoint a guardian ad litem to investigate any allegations made in the petition. The court may grant the petition if the minor proves by clear and convincing evidence that he or she has the ability to manage his or her personal, social, educational, financial and nonfinancial affairs. If a parent, guardian or the DSHS oppose the petition, the court may only grant the petition if it finds by clear and convincing evidence that denial would be detrimental to the interests of the minor.

A declaration of emancipation terminates parental obligations of support, care and supervision. An emancipated child is considered to have the power and capacity of an adult with regard to the right to sue and be sued, the right to retain earnings, the right to establish a residence, the right to contract, and, subject to health and safety regulations regarding minors, the right to work. An emancipated child is still not considered an adult for purposes of criminal laws, voting, alcohol use, firearm possession, or other health and safety laws relevant to the child's age.

Subject to the right of revision, superior court commissioners have the power, authority and jurisdiction, concurrent with superior court judges, to hear juvenile and family law cases, and to enter judgments and make orders with the same power, force and effect as superior court judges.

Summary of Amended Bill:

The emancipation hearing may be held before a judge, a superior court commissioner of a unified family court if the county operates a unified family court, or any superior court commissioner if the county does not operate an unified family court. The hearing may not be held before a judge pro tempore.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: Some counties are interpreting the current law as precluding commissioners from hearing emancipation petitions. The bill gives over-crowded courts flexibility to allow commissioners to handle emancipation hearings. This would relieve court congestion, which is especially important if the Legislature is not allocating additional funds to the courts. The change is a housekeeping matter because commissioners can currently hear almost all juvenile and family law issues. A party to the proceeding can always request a revision, which is a request that a Superior Court judge review the commissioner's ruling de novo. Emancipation petitions are rare and are

taken very seriously by the judges and commissioners. Commissioners are well trained in the areas of family law and juvenile justice. The commissioners have more experience in those areas than most superior court judges, and quickly become experts because they handle the bulk of the workload.

Testimony Against: None.

Testified: Senator Long, prime sponsor; and Judge Patricia Clark, King County Superior Court.