

***Judiciary***

**HB 1274**

**Title:** *An act relating to emancipation of minors.*

**Brief Description:** *Changing provisions relating to emancipation of minors.*

**Sponsors:** *Representatives Lantz and Carrell.*

***Brief Summary of Bill***

- *Authorizes judicial officers to hear emancipation hearings.*

**Hearing Date:** *2/1/01*

**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 or magistrate. A judicial officer is any person who is authorized to act as a judge in a court of justice, which includes judges, magistrates, and commissioners.*

***Summary of Bill:***

*Judicial officers are authorized to hear emancipation hearings. The bill replaces the term judge- with the term judicial officer.-*

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

***Appropriation:*** *None.*

***Fiscal Note:*** *Not Requested.*