

Juvenile Justice Committee

SB 5392

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

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

Brief Summary of Bill

- *Authorizes judicial officers, as well as judges, to hear emancipation hearings.*

Hearing Date: *3/21/01*

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.

A judicial officer– is a person authorized to act as a judge in a court of justice. A juvenile court commissioner or a family law commissioner has power, authority and jurisdiction, concurrent with a juvenile court judge, to hear juvenile court cases, and to enter judgments and make orders with the same power, force and effect as any juvenile court judge.

Summary of Bill:

The emancipation hearing may be held before a judicial officer in addition to a judge.

Appropriation: None.

Fiscal Note: Not Requested.

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