

SENATE BILL REPORT

SB 5392

As Passed Senate, March 9, 2001

Title: An act relating to emancipation of minors.

Brief Description: Changing provisions relating to emancipation of minors.

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

Brief History:

Committee Activity: Judiciary: 2/8/01, 2/13/01 [DP].

Passed Senate: 3/9/01, 48-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach and Thibaudeau.

Staff: Dick Armstrong (786-7460)

Background: A minor who is 16 years of age or older and a resident of the state may petition the superior court for a declaration of emancipation. In general, to obtain such a declaration a minor must prove that he or she has the ability to manage his or her financial, personal, social, educational and nonfinancial affairs.

Currently the statute states specifically that petitions for emancipation shall be before a judge.— Some counties are interpreting this statute to mean that a court commissioner cannot hear such petitions.

The Board for Judicial Administration is recommending that the term judge— be replaced with the term judicial officer.—

Summary of Bill: The statute governing the procedures for a minor to obtain a declaration of emancipation is amended to clarify that court commissioners, as well as judges, may hear such petitions.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This is a technical correction bill that will clarify who can handle these petitions. County commissioners have the expertise and authority to handle significant legal issues and they can, and do, handle this type of issue. The statute just needs to be clarified.

Testimony Against: None.

Testified: PRO: Judge James Murphy, Superior Court Judge Association; Chief Justice Gerry Alexander, BJA.

House Amendment(s): Court commissioners are authorized to hear emancipation petitions, but if a county operates a unified family court, only commissioners from that court can hear the petitions. Judges pro tempore are prohibited from hearing these petitions.