



**King County**

**Department of Judicial Administration**

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*Director and Superior Court Clerk*

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## Emancipation of Minors Packet

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The information offered is made available as a public service and is not intended to take the place of legal advice. If you do not understand something, have trouble filling out any of the forms or are not sure these forms and instructions apply to your situation, see an attorney for help.

### What is included in this Packet?

<ul style="list-style-type: none"><li>• Petition</li></ul>	<ul style="list-style-type: none"><li>• Acceptance of Service</li></ul>
<ul style="list-style-type: none"><li>• Declaration</li></ul>	<ul style="list-style-type: none"><li>• Decree of Emancipation</li></ul>
<ul style="list-style-type: none"><li>• Affidavit of Service</li></ul>	

### What is Emancipation of Minors?

Emancipation is a legal process that gives a person who is 16 or 17 years of age legal independence from his/her parent(s) or guardian (legally declared an adult).

### Where can I find the Emancipation of Minors Statute?

It is under Revised Code of Washington [\(RCW\) 13.64](#).

### What are the Requirements?

The minor must prove all of the following facts by clear and convincing evidence:

- Age- You are 16 or 17 years old.
- Residency- You live in the State of Washington.

- Ability to Manage Financial Affairs- You are able to take care of your own financial affairs.
- Ability to Manage Other Affairs- You are able to manage your personal, social, education, and all other nonfinancial affairs.

## How do I file for Emancipation?

### Step 1: Fill out the Petition

Write your complete name under the words, “In re the Emancipation of:”

The clerk will assign you a case number when you file your petition. You will need to stamp or write the number on every copy of all your documents after the word, “NO:” in the caption.

*Paragraph 1.1-* You are the Petitioner. Fill in your first, middle, and last name, your address, time at that address, birthdate, state and county where you were born.

*Paragraph 1.2-* Check the box if you are at least 16 years old or older and less than 18 (if you are 18 years old or older you cannot file for emancipation).

*Paragraph 1.3-* At the time of filing, you must file a certified copy of your birth certificate. If you were born in the State of Washington, obtain a copy by contacting your local county Department of Health, Vital Records office, by calling the state office at 360-236-4300, or you can order online at [www.doh.wa.gov/LicensesPermitsandCertificates/BirthDeathMarriageandDivorce](http://www.doh.wa.gov/LicensesPermitsandCertificates/BirthDeathMarriageandDivorce) . If you were born in a different state, go to [www.cdc.gov/nchs/w2w.htm](http://www.cdc.gov/nchs/w2w.htm) to find out where to request your birth certificate.

*Paragraph 1.4-* Fill in the names of your parent(s), guardian(s), or custodian(s). Where the form asks for address list the last known address for each person you listed above.

*Paragraph 1.5-* Write any facts that will prove to the court that you can take care of your own money. You may need to show the court that you can live, get around, eat and clothe yourself. Some examples are having a checking or savings account, paying rent and utilities, having a credit card and making payments on time. You will need to show proof that you have enough income to live on such as payroll receipts, or other proof of employment. If you are attaching any documents write, “See attached documents”.

*Paragraph 1.6-* Describe how you are able to manage your personal, social, educational and nonfinancial affairs. Documents that could be helpful to attach are school records, current and future education plans, housing situation or plans. If you are attaching any documents write, “See attached documents”.

### Declaration

In addition, it may be helpful to have family members or friends provide a sworn declaration stating how long and how well you have been doing on your own, and so on.

*Paragraph 1.7-* Write any other facts here that you think the court should know or take into consideration.

*Signature-* Write the date you sign the document where requested. Sign and print your name on both “Signature of Petitioner” lines. On the bottom where it says “Place” write the city and state you are in when signing the document.

**Step 2:** Make several copies of the petition including attachments and bring them to the Clerk’s Office.

**Step 3:** You can file electronically using the courts e-Filing system if you are not asking for a fee waiver. Go to [www.kingcounty.gov/courts/Clerk/E-Filing](http://www.kingcounty.gov/courts/Clerk/E-Filing) to create an account and file your case. After you create an account and log-in, enter the case information as follows:

The screenshot shows the e-filing system interface. At the top left, there is a link for "Start New Case(s)" and a link for "Enter Case Information". To the right, there is a "Shopping Cart" widget showing "Items In Cart: 0" and a "View Cart" button. Further right is a "Progress:" indicator with five numbered steps (1-5), where step 1 is highlighted. Below these elements is a form for entering case information. The form has the following fields:

- Case Designation:** SEA (dropdown menu)
- Case Category:** OTHER COMPLAINTS/PETITIONS (dropdown menu)
- Case Sub-Category:** EMANCIPATION OF MINOR (EOM 2) (dropdown menu)
- Case Title:** In re the Emancipation of [text input] vs [text input: YOUR NAME HERE] x

At the bottom of the form are two buttons: "Cancel" and "Next".

The e-Filing system will ask you to file your Petition. You need to select “other documents” each time to file a new document. For example, birth certificate, or declarations. After you pay the filing fee you will receive a confirmation receipt that will include your case number. Be sure to copy the number as you will need to put it on your service copies and other documents.

Go directly to step 6.

**Step 4:** Take your original forms and copies to the Clerk’s office. The clerk will ask you to pay a fee. If you cannot afford to pay the fee, ask for a fee waiver. The instructions document ([Waiver of Civil Filing Fees and Surcharges](#)) can be found online: [www.kingcounty.gov/courts/scforms](http://www.kingcounty.gov/courts/scforms).

- Take the completed fee waiver form along with your petition to the Ex Parte courtroom (Room W325, on the 3<sup>rd</sup> floor of the King County Courthouse, Seattle or Room 1J, on the 1<sup>st</sup> floor of the Norm Maleng Regional Justice Center, Kent) to have the court review your request and sign the order.
- If the court signs the Order, you will be able to file your case without paying the filing fee.
- If the waiver is denied, you will be required to pay the filing fee to file your case.

**Step 5:** The clerk will:

- Give you a Case Information Cover Sheet and Area Designation form to complete.
- Take your original Petition, Case Information Cover Sheet and Area Designation form, birth certificate, and any other documents you may have to file and stamp your documents with your case number and file them.
- Hand you the case number stamp. Use it now to stamp the case number on each of your remaining documents, **both originals and copies**.

**Step 6:** All hearings are held in Seattle before the Chief UFC Judge. To get a court (hearing) date and time you must contact the judge’s bailiff. Ask the clerk for the judge’s name and contact information or go to [www.kingcounty.gov/courts/SuperiorCourt/judges](http://www.kingcounty.gov/courts/SuperiorCourt/judges).

**Step 7:** Complete the [Notice of Court Date \(Judge\)-Seattle](http://www.kingcounty.gov/courts/scforms) form, found online: [www.kingcounty.gov/courts/scforms](http://www.kingcounty.gov/courts/scforms).

- In the upper left box write “In re the Emancipation of:” then your complete name.
- Write your case number next to “CASE NO.”
- “Calendar Date:” Write in the hearing date the court gave you.
- “Day of week:” Print the day of the week for the hearing.
- “Nature of Motion:” Write “Emancipation”
- Complete the first box, “Cases Assigned to Individual Judges”-Seattle
  - Check the box “With oral argument Hearing”
  - “Date/Time:” Write in the hearing date and time the court gave you.
  - “Judge’s Name:” Print the name of the Judge.
  - “Trial Date:” Write N/A
- At the bottom of the page sign & print your name. Write your address, telephone number, email address, and date. On the second page list the names, address of your parents(s), legal guardian(s), or custodian(s).
- Make copies for service and yourself.
- File the Notice of Court Date form at least 6 days before your court date.

**Step 8:** Service the Petition and Notice of Court Date on your parents(s), legal guardian(s), or custodian(s) at least **15 days** before the court date and no later than 60 days after the petition is filed. Service shall be waived if proof is made to the court that the address of the parent or parents, guardian, or custodian is unavailable or unascertainable. This will require an order from the court. You will need to serve the Notice of Court Date on the department if you are subject to dependency disposition order under RCW 13.34.130. The hearing shall be held no later than sixty days after the date on which the petition is filed.

*Service: Personal*

- Someone (age 18 or older) besides you must hand deliver the papers to your parent(s), guardian(s), or custodian(s) or someone of suitable age living at the party’s homes. The person who delivers the papers is your “server”. You can get a friend to do this free or you can pay a process server.

- The person who served your documents must complete the “Return of Service” form.
- Make a copy of the completed “Return of Service” form and file the original with the court.

*Service: by Mail*

- If your parent(s) or guardian(s) do not live in the area or if there is a reason why they must be served by mail your will need to make a motion to the UFC Chief Judge without oral argument for an Order to allow Service by Mail.

*Service: if parent or guardian agrees to the petition.*

- If your parent(s) or guardian(s) completes the Acceptance of Service, personal service or service by mail is not necessary.

**Step 9:** Go to your court date. Bring all your copies and a completed Decree of Emancipation.

**Step 10:** If the judge grants your petition take the order to the Clerk’s Office (6<sup>th</sup> floor, Room E-609) to get your one free certified copy of the Decree.

- You will need the certified copy when you get your Washington State ID or license.

**What will not Change when you are emancipated?**

RCW 13.64.060 provides in part that an emancipated minor will not be considered an adult for:

- *Criminal Laws*- The purposes of the adult criminal laws of the state unless the decline of jurisdiction procedures contained in RCW 13.40.110 are used or the minor is tried in criminal court pursuant to RCW 13.04.0.0(1)(e)(iv). The criminal laws of the state when the emancipated minor is a victim and the age of the victim is an element of the offense.
- *Voting*- You will not be able to vote until you are 18

*Other*- Those specific constitutional and statutory age requirements regarding use of alcoholic beverages, possession of firearms, and the other health and safety regulations relevant to the minor because of the minor’s age.

**Superior Court of Washington  
County of King**

In Re:

Petitioner,

D.O.B.

**No.**

**PETITION FOR EMANCIPATION  
(PTE)**

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**I. BASIS**

The undersigned minor, who is at least sixteen, but not yet eighteen and is a resident of these state, petitions the court for a declaration of emancipation.

1.1 Petitioner's full name: \_\_\_\_\_

Petitioner's present address: \_\_\_\_\_

Length at that address: \_\_\_\_\_

Petitioner's birthdate: \_\_\_\_\_

State and county of petitioner's birth: \_\_\_\_\_

1.2  I am currently under the age of eighteen.

1.3 A certified copy of the petitioner's birth certificate accompanies this petition.

1.4 Name of the petitioner's parent or parents, guardian, or custodian:

\_\_\_\_\_

Last known address of the petitioner's parent or parents, guardian, or custodian:

\_\_\_\_\_

\_\_\_\_\_

1.5 The petitioner has the ability to manage his or her financial affairs. This declaration is based on the following supporting information:

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1.6 The petitioner has the ability to manage his or her personal, social, educational, and nonfinancial affairs. This declaration is based on the following supporting information:

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1.7 OTHER:

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**II. RELIEF REQUESTED**

The petitioner REQUESTS the court to enter a decree of emancipation granting the petitioner the power and capacity of an adult, except as provided in RCW 13.64.060(2).

Dated: \_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Print or Type Name

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at \_\_\_\_\_, on \_\_\_\_\_  
(Place) (Date)

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Type or Print Name

**Superior Court of Washington  
County of King County**

In re:

Petitioner

**No.**

**Declaration of**

\_\_\_\_\_  
**[Name]  
(Optional Use)  
(DCLR)**

This declaration is made by:

Name: \_\_\_\_\_

Relationship to the parties in this action: \_\_\_\_\_

***I Declare:***

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**Superior Court of Washington  
County of King**

In Re:

Petitioner

**NO.**

**AFFIDAVIT OF SERVICE  
(AFSR)**

I \_\_\_\_\_ [name] hereby declare as follows:

1. I am over the age of 18 years, and I am not a party to this action. My business/residence address is:

\_\_\_\_\_

2. I served \_\_\_\_\_ [name of person served]

with the following documents:

- Petition for Emancipation
- Notice of Court Date
- List of Supporting Documents

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3. The date, time and place of service were:

Date: \_\_\_\_\_

Time: \_\_\_\_\_  a.m.  p.m.

Address: \_\_\_\_\_  
\_\_\_\_\_

4. Service was made as indicated below:

- By giving a copy to the person named in paragraph 2 above.
- By Certified Mail to the person named in paragraph 2 above.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed: at \_\_\_\_\_ [city and state], on \_\_\_\_\_ [date].

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

**Superior Court of Washington  
County of King**

In Re:

Petitioner

**NO.**

**ACCEPTANCE OF SERVICE**

**(ACSR)**

**1. Acceptance of Service**

\_\_\_\_\_ [Print Name] accepts service of:

Petition for Emancipation

Notice of Court Date

List of Supporting Documents

**2. Consent to Personal Jurisdiction**

Does not apply.

\_\_\_\_\_ [Name] consents to personal jurisdiction.

Other

**3. Other**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Party or Lawyer /WSBA No. Accepting Service

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Address

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF KING**

In Re:

D.O.B.:

Petitioner.

NO:

**DECREE OF EMANCIPATION  
(DCE)**

**Clerk's Action Required**

**I. BASIS**

A hearing on a Petition for Emancipation has been held in this court.

**II. FINDINGS**

The court FINDS that the Petition for Emancipation should be granted and a decree entered because:

- The petitioner has proved the following facts by clear and convincing evidence:
  - (a) the petitioner is 16 years of age or older;
  - (b) the petitioner is a resident of the state;
  - (c) the petitioner has the ability to manage his or her financial affairs; and
  - (d) the petitioner has the ability to manage his or her personal, social, educational, and non-financial affairs.
  
- There is clear and convincing evidence that denial of the grant of emancipation would be detrimental to the interests of the minor. (To be checked only if a parent, guardian, custodian, or the department, opposes the petition for emancipation.)

**III. DECREE**

- 3.1 The petition for emancipation is granted.
  
- 3.2 The petitioner shall obtain a Washington driver's license or a Washington identification card. The Department of Licensing shall make a notation of the emancipated status on the license or identification card.

3.3 The petitioner shall be considered to have the power and capacity of an adult, except as provided in paragraph 3.4 below. The petitioner shall be considered emancipated for the purposes of, but not limited to:

- (a) The termination of parental obligations of financial support, care, supervision, and any other obligation the parent may have by virtue of the parent-child relationship, including obligations imposed because of marital dissolution;
- (b) The right to sue or be sued in his or her own name;
- (c) The right to retain his or her own earnings;
- (d) The right to establish a separate residence or domicile;
- (e) The right to enter into non-voidable contracts;
- (f) The right to act autonomously, and with the power and capacity of an adult, in all business relationships, including but not limited to property transactions;
- (g) The right to work, and earn a living, subject only to the health and safety regulations designed to protect those under age of majority regardless of their legal status; and
- (h) The right to give informed consent for receiving health care services.

3.4 The petitioner shall not be considered an adult for:

- (a) The purposes of the adult criminal laws of the state unless the decline of jurisdiction procedures contained in RCW 13.40.110 are used;
- (b) The criminal laws of the state when the emancipated minor is a victim and the age of the victim is an element of the offense; or
- (c) Those specific constitutional and statutory age requirements regarding voting, use of alcoholic beverages, and other health and safety regulations relevant to the minor because of the minor's age.

3.5 Other:

Dated: \_\_\_\_\_

\_\_\_\_\_  
JUDGE/COMMISSIONER

Presented by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Type or Print Name