

# Guide to emancipation

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If you live in Washington State, are age 16 or 17, and want to be legally considered an adult, you can use this guide to ask a judge to declare you emancipated.

## 1. Fast facts

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### Do I qualify for emancipation?

Only if you prove **all** of these by **clear and convincing evidence**:

- You live in Washington.
- You can take care of your own finances.
- You can handle your own educational, personal, social, and/or any other business.

In most civil cases, you only have to prove things by a “preponderance of the evidence” — meaning you can show that

something is more likely true than false. “Clear and convincing evidence” is harder. For that, you must prove something is very likely true.

## **What if my parents don’t want me to emancipate?**

If your parent, guardian, or custodian opposes your petition, you must prove that it would be bad for you if the court didn’t emancipate you.

## **What about school?**

You can still go to school if you’re emancipated. In fact, you must prove to the judge that you can handle your education.

If you’re age 16 – 19, live in Washington State, and you’ve been kicked out of (expelled from) school, or you don’t feel safe in school, you can still get a high school degree.

Visit [GED.com](https://www.ged.com/) (<https://www.ged.com/>) to learn more about the GED high school equivalency exam, available study materials and classes, or to sign up to take the test. There may be some cost to preparing for and taking the test, but financial help may be available. Contact your local DSHS, library, or community college to find out about any help near you.

## **How will emancipation change things?**

These things will change:

- Your parents no longer support you. You must come up with money and pay for personal needs like clothes, food, or rent.
- Someone can sue you in your own name.
- You have the right to your own earnings.
- You can live in your own home.
- You can sign contracts, including loans, leases, or real estate contracts.  
The law will treat you as an adult for contracts you sign.
- You can give informed consent for all health care services.

## What won't change?

The law will **not** consider you an adult for these:

- **Criminal Laws** - if you're the accused, the law treats you as an adult only in the same situations where it could have done so even before you were emancipated. If you're the victim, emancipation doesn't matter.
- **Voting** - you can't vote until you are 18.
- **Alcohol** - you can't drink or buy alcohol until you're 21.
- **Other** - you're still subject to other legal health or safety regulations that depend on age.

## 2. Before you file

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Before you start the emancipation process, gather as many of these things as you can. You'll need them to fill out the court forms and prove your case.

- **( )A certified copy of your birth certificate.** If you were born in Washington, you can order a certified copy of your birth certificate from the Department of Health, Vital Records (<https://doh.wa.gov/licenses-permits-and-certificates/vital-records/ordering-vital-record>). There will be a fee and processing times vary depending on how you order. If you were born in another state, search online for that's state's vital statistics department and how to get a certified copy of your birth certificate.
- **Last known addresses for your parents or any legal guardians.** You must try to notify your parents or guardians about your emancipation petition even if they haven't been in your life for a long time. If you don't know where they are, ask around. Make notes of everything you did to try to find them. You'll have to show the judge you made a good effort.

If you're involved in a dependency with CPS, you also need the address for the Attorney General's office that's handling your case. Their address should be on the dependency paperwork, or you can look it up online (<https://www.atg.wa.gov/ago-office-locations>).

- **( )Proof that you can manage your financial affairs.** Gather documents such as letters from employers, landlords, or other creditors stating how long you've been working, your work schedule, how much you make; how long you've been living away from your parents; how long you've been paying other bills on your own, and so on. Also print out bank documents showing you have your own bank accounts, and that you've kept them in good order.
- **( )Proof that you can manage your personal, social, educational, and non-financial affairs.** Gather helpful documents such as school records

showing good attendance and grades, current or future educational plans, housing situation or plans, health records showing you've gone to the doctor or dentist as needed. You can also get written statements from relatives, friends, pastors or other clergy stating how long you've been on your own and how you've been doing.

**If you expect a parent or guardian to object to your emancipation**, also gather proof that you'll be harmed if you're not emancipated.

### 3. Step-by-step

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Follow these steps to get a court order (decree) of emancipation.

1. **Fill out the forms** (except for the Proof of Mailing or Hand Delivery).

The court will charge a **\$50 filing fee**. If you can't afford it, also fill out the forms to ask the judge to cancel (waive) the filing fee.

2. **Make several copies.** You need one copy of each completed form for yourself, one for the judge, and one for each of your parents or legal guardians. If you're involved in a dependency case with CPS, you also need a copy for the Attorney General (the state's lawyer).

You may be able to make your copies at the clerk's office after you file. The clerk might charge a small fee for copies.

Organize the copies in sets, so there's one set for each person who needs a copy. You don't have to give the other parties a copy of the Proof of Mailing or Hand Delivery or any fee waiver forms. Put each set of papers into an envelope addressed to each party, with your return address. You'll use these sets for service.

3. **Go to the Superior Court Clerk's office.** Tell the clerk you're filing a Petition for Emancipation. Ask the clerk when you can schedule a hearing on your Petition and for help with the other details on the **Notice of Hearing** form. Choose a hearing date anywhere from **20 to 60 days** from the day you file.

Be sure to put the hearing details on all copies of the **Notice of Hearing** form, or make copies of the completed form at the courthouse.

4. **File the originals** with the Superior Court clerk.
  - If you need a fee waiver, follow the clerk's instructions to have a judge review that request. Otherwise, pay the filing fee.
  - Give the clerk the originals of all your forms for filing **except** you should ask the clerk what to do with the original of your proposed Decree of Emancipation. Follow the clerk's instructions.
  - The clerk will give you a case number. Ask the clerk to stamp your copies to show your case number and the date you filed the

originals. Take the stamped copies back from the clerk. The clerk keeps the originals.

- Ask the clerk if the judges require working copies before a hearing, and if they must be labeled in a certain way. (You may need to write the date and time of the hearing in the upper right corner.) If required, label and deliver working copies to the judge.

**5. Have copies served on each of your parents or legal guardians at least 15 days before the hearing.** If you're involved in a dependency case with CPS, you must also serve the Attorney General's office for your area.

If you can't find a parent or guardian to serve them, you can ask the judge to skip (waive) this requirement at your hearing. You'll need to prove that you made a good effort to find them first.

Whoever serves the papers must be age 18 or older, and willing to sign a statement for the court. You can ask an adult friend or relative to do it, or you can pay a process server or the county sheriff.

You can have the papers served by hand delivery **or** by regular and certified mail.

**If you mail**, you must mail your papers **more than 3 days before** your deadline. You must mail one copy by first class mail, and another copy by certified mail, return receipt requested. Attach a copy of the tracking information or signed return receipt card to your proof of service.

- When counting, don't count the day of mailing, weekends, or court holidays (example: if you mail something on a Monday, it counts as served on Thursday)
  - If the third day is on a weekend or holiday, it isn't "served" until the next court day
6. **Have the server fill out a Proof of Mailing or Hand Delivery for each person served. Make 2 copies.** File the original with the Superior Court Clerk. Bring your copies to the hearing.
  7. **Go to the hearing.** Ask the judge to sign your proposed Decree of Emancipation. Read chapter 4 for how to get ready and what to expect at your hearing.
  8. **Tell the judge's clerk you want a certified copy of the Decree after the judge signs it.** Follow the clerk's instructions to get a certified copy. You'll have to pay at least \$6 for it. You may want more than one.
  9. **Take your certified copy of the Decree to the Department of Licensing.** You can get a new driver's license or Washington I.D. card saying you're emancipated.
  10. **Keep a copy** of the signed Decree for your own personal file of everything you gave the court.

## 4. Hearing

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Before the day of your hearing, ask the court clerk if adults who support your emancipation can go to the hearing with you. If you can, let these adults know that the judge might ask them some questions.

## Get ready for the hearing

Try to go to court before the day of your hearing or check the court clerk's website to see if you can watch a hearing online. Watch how the court generally does hearings. Try to make some notes to yourself about the main points to make at your hearing.

**Organize your paperwork.** Plan to bring your set of court papers and your copies of any papers the other parties gave you in response. Bring extra copies of any proposed orders you want the judge to sign.

**Get to your hearing early.** Try to figure out before the day of the hearing how you will get there and how long it will take. Give yourself time to get through security, and to the right courtroom. If you aren't there on time, the judge could cancel the hearing, or the other party may win.

**Bring** your paperwork, a pad of paper, and a dark pen to take notes. Dress neatly. Try not to bring your children if you can make other arrangements for them. The judge usually won't let them sit in the courtroom.

**When you get to the courtroom,** tell the person in charge in the courtroom (the clerk or bailiff) your name and your case name and number. Take a seat. When the judge walks in the room, stand.

If your hearing is online, follow these [tips for phone and video hearings](#).

Your case will be one of several that are scheduled for the same time on the court calendar (called a docket). Listen to the judge and wait for them to call your name. When they call your name, tell the court you are present. Stay in court until they call your case for hearing.

## When your case is called

In most cases, the judge will have read your papers before the hearing.

Tell the judge briefly how you'll be able to handle your own affairs if you're emancipated. Ask permission to hand your proposed **Decree of Emancipation** to the judge. Prepare beforehand by making notes about the main points you want to say to the judge.

**If a parent, guardian, or CPS shows up at the hearing**, each of you will get to tell your side of the case. Stand while speaking. Explain how you'll be harmed if you're not emancipated. Try to keep your argument short. Only outline your main points. Don't repeat everything in your Petition.

If the judge asks you a question, try to answer it directly. **Don't interrupt the judge.**

**If your parents don't show up**, the judge may ask for your proof of service. Bring a copy of that to show the judge. If you couldn't serve them in time, or you don't have proof of service, ask the judge to cancel (waive) the service requirement or reschedule your hearing. You'll need to prove that you made a

good effort to find them.

## 5. Forms

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Form attached:

**Petition for Emancipation** (EM 01.0100)

Form attached:

**Decree of Emancipation** (EM 01.0400)

Form attached:

**Notice of Hearing (general civil)** (NJP General 008)

Form attached:

**Proof of Mailing or Hand Delivery (general civil)** (NJP General 002)

Follow the general rules to format and fill out court documents.

### **Tips for filling out the Petition for Emancipation (EM 01.0100)**

Fill out the **Petition** form to explain what you want the judge to do and why they should do it

**Caption** - The caption is the top part of the first page of each form, starting with, "SUPERIOR COURT OF WASHINGTON," and ending with the line about a third of the way down the page.

After "COUNTY OF," put the county where you're filing.

Between "In re:" and "Petitioner," put your complete name. Put your date of birth after "D.O.B."

When you file your petition, the clerk assigns a number to your case. You must put the number on every copy of all your documents after the word, "NO." in the caption.

**Paragraph 1.1** - Put the info requested.

**Paragraph 1.2** – Don't put anything here. Do put a sticky note or other marker on your papers so you remember to **attach a certified copy of your birth certificate to the Petition.**

**Paragraph 1.3** – Put the info requested. You must list all parents, unless a court has already terminated their rights to you, even if a parent hasn't been in your life for a long time. You must try to get the addresses of everyone listed in 1.3. If a listed person has died, put "Deceased" next to their name in this section.

**Paragraph 1.4** - Put any facts that will prove you can take care of your own money. You must show your income and where you get it, and all your bills, including groceries, transportation, housing, utilities, and any other monthly expenses. Your bills shouldn't be higher than your income. Put "See attached" if you're attaching any helpful documents you gathered about this.

**Paragraph 1.5** - Describe how you're handling your housing, school, medical care, and other basic needs. Put "See attached" if you're attaching any helpful documents you gathered about this.

**Paragraph 1.6** - If you think your parents, guardian, or custodian will fight the emancipation, explain here how it will harm you if the court denies

emancipation. **Example 1:** You won't be able to rent housing or keep a job that's your only source of money. **Example 2:** Living with your parents or guardian will cause you psychological and/or physical damage.

**Signature** – Sign and print your name on the "Signature of Petitioner" line, and on the bottom signature line, putting the city, state, and date where it says.

## **Tips for filling out the Decree of Emancipation (EM 01.0400)**

**Caption** – Fill out the caption.

**Findings** - Check the first box. Check the second box only if someone will oppose your petition.

**Signature** - Leave the date and signature lines blank for the judge.

Bring the completed decree form and proof of service on each parent/guardian/custodian/State of Washington to the hearing. If the judge signs the decree, get a certified copy from the clerk.

## **Tips for filling out the Notice of Hearing (NJP General 008)**

Fill out the **Notice of Hearing** with details from the court clerk. You can try to get that information over the phone, or in-person when you file your papers. When choosing a date, leave yourself enough time to have the other party served.

**Many counties require you to use their own form.** Ask the clerk if they use a special Notice of Hearing form. If not, use ours.

Our form has space for a Petitioner/Plaintiff and a Respondent/Defendant at the top. Put your name as the Petitioner/Plaintiff. Leave the Respondent/Defendant line blank.

### **Tips for filling out the Proof of Mailing or Hand Delivery (NJP General 002)**

Have your server fill out and sign one of these for each person served.

If service was by mail, make sure one copy was sent by first class mail and another by certified mail, return receipt requested. Attach a copy of the tracking information or signed return receipt card to the proof of service.

Check to be sure your server filled out the date of service, who the papers were delivered to, and how they were delivered. Also be sure the form lists all documents that were served. If your server leaves out a form, you won't have proof it was served.

**WashingtonLawHelp.org** gives general information. It is not legal advice. Find organizations that provide free legal help on our [Get legal help](#) page.

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF \_\_\_\_\_**

In Re:

NO:

**PETITION FOR EMANCIPATION  
(PTE)**

D.O.B.:

Petitioner.

**I. BASIS**

The undersigned minor, who is sixteen years of age or older and who is a resident of this 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 A certified copy of the petitioner's birth certificate accompanies this petition.

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

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

1.4 The petitioner has the ability to manage their financial affairs. This declaration is based on the following supporting information:

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

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1.6 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



<b>SUPERIOR COURT OF WASHINGTON</b> <b>COUNTY OF _____</b>	
In Re: _____          D.O.B.: _____	NO: _____  <b>DECREE OF EMANCIPATION (DCE)</b>  <b>Clerk's Action Required</b>
Petitioner.	

### 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 their financial affairs; and
  - (d) the petitioner has the ability to manage their 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 their own name;
- (c) The right to retain their 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

_____ Court of Washington, County of _____	
Petitioner / Plaintiff: _____	No. _____ Notice of Hearing (No mandatory form) Clerk's action required: 1 [ ] Need interpreter (language) _____
And Respondent / Defendant: _____	

## Notice of Hearing

To the Court Clerk and all parties:

**1. A court hearing has been scheduled:**



for: \_\_\_\_\_ at: \_\_\_\_\_ (check one) [ ] a.m. [ ] p.m.  
date time

at: \_\_\_\_\_ in \_\_\_\_\_  
court's address room or department

\_\_\_\_\_  
docket / calendar or judge / commissioner's name

[ ] Online or phone: \_\_\_\_\_

**2. The purpose of this hearing is (specify):** \_\_\_\_\_  
as requested by the (check one) [ ] Petitioner/Plaintiff [ ] Respondent/Defendant

► \_\_\_\_\_  
Person asking for hearing signs here Print name here (and WSBA #, if lawyer) Date

I agree to accept legal papers for this case at (check all that apply):

[ ] the following address (this does **not** have to be your home address):

\_\_\_\_\_  
Street or mailing address city state zip

[ ] Email: \_\_\_\_\_

\_\_\_\_\_ Court of Washington, County of \_\_\_\_\_

Petitioner or Plaintiff:

\_\_\_\_\_

And Respondent or Defendant:

\_\_\_\_\_

No. \_\_\_\_\_

Proof of Mailing or Hand Delivery

(No mandatory form)

## Proof of Mailing or Hand Delivery

Server declares:

**1. I am (check one):**

☐ the Petitioner or Plaintiff

☐ the Respondent or Defendant

☐ (name): \_\_\_\_\_

and I am competent to be a witness in this case.

**2. Service.** On (date): \_\_\_\_\_, I served copies of court documents  
to (name of party or lawyer served): \_\_\_\_\_ by:

☐ **mail** (check all that apply): ☐ first class ☐ certified ☐ other

\_\_\_\_\_  
Mailing address city state zip

☐ **email** to (address): \_\_\_\_\_  
(only if allowed by agreement, order, or your county's Local Court Rule)

☐ **fax to** (number): \_\_\_\_\_  
(only if allowed by agreement, order, or your county's Local Court Rule)

☐ **hand delivery** at (time): \_\_\_\_\_ (check one) ☐ a.m. ☐ p.m. to this address:

\_\_\_\_\_  
Street address city state zip

**For hand delivery:** I left the documents (*check one*):

- ☐ with the party or lawyer named above.
- ☐ at the lawyer's office with the clerk or other person in charge.
- ☐ at the lawyer's office in a conspicuous place because no one was in charge.
- ☐ with (*name*): \_\_\_\_\_, at the address listed in court documents where the party agreed to receive legal papers for this case.

**3. List all documents you served** (*check all that apply*)

(*The most common documents are listed below. Check only those documents that were served. Use the "Other" box to write in the title of each document you served that is not already listed.*)

- ☐ Notice of Hearing (*for date*) \_\_\_\_\_
- ☐ Motion for \_\_\_\_\_
- ☐ Declaration of \_\_\_\_\_
- ☐ Order on/for: \_\_\_\_\_
- ☐ Other:

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**4. Other information (if any)**

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I declare under penalty of perjury under the laws of the state of Washington that the statements on this form are true.

Signed at (*city and state*): \_\_\_\_\_ Date: \_\_\_\_\_



\_\_\_\_\_  
*Server signs here*

\_\_\_\_\_  
*Print name*