

Title 8 – Juveniles

Chapter 11 – Emancipation

Sec.

8-11.010	Purpose of Emancipation
8-11.020	Who May Petition for Emancipation
8-11.030	Contents of Petition
8-11.040	Consent
8-11.050	Standard to be Applied
8-11.060	Rights of Emancipated Youth

Legislative History

Enacted:

Juvenile Code, Ord. 170 (6/30/03), BIA (7/3/03).

Repealed or Superseded:

Juvenile Code, Ord. 68 (12/89), Enacting Res. 89-12-98 (repealing Ord. 40 and all other previous youth ordinances).

Youth Code, Ord. 40 (2/8/83), Enacting Res. 83-2-20, BIA (rescinded 5/5/83, approved 6/25/83) (repealing all previous youth ordinances).

8-11.010 Purpose of Emancipation.

Any Indian youth who is a resident or is domiciled on the Swinomish Reservation and is at least fifteen (15) years of age, who is living separate and apart from his or her parent(s), guardian or custodian, capable of self-support and of managing his or her own financial affairs, may petition the Court to have the disabilities of minority removed for limited or general purposes.

[History] Ord. 170 (6/30/03); Ord. 68 (12/89).

8-11.020 Who May Petition for Emancipation.

A youth may file a petition for emancipation in his or her own name.

[History] Ord. 170 (6/30/03); Ord. 68 (12/89).

8-11.030 Contents of Petition.

The petition for emancipation shall state:

- (A) The name, date of birth and address of the youth;
- (B) The name and address of each living parent;
- (C) The name and address of the youth's guardian or custodian, if any;
- (D) The reasons why emancipation would be in the best interests of the youth; and
- (E) The purposes for which emancipation is sought.

[History] Ord. 170 (6/30/03); Ord. 68 (12/89).

8-11.040 Consent.

- (A) The youth must obtain the consent of each living parent, guardian or custodian having control of the person or property of the youth.
- (B) If the person who is to consent to the petition is unavailable or his or her whereabouts are unknown, or if a parent(s), guardian or custodian unreasonably withholds consent, the Court, acting in the best interests of the youth, may waive this requirement as to the parent, guardian or custodian.
- (C) The Court may appoint a representative or a guardian ad litem to represent the interests of the youth at the hearing.

[History] Ord. 170 (6/30/03); Ord. 68 (12/89).

8-11.050 Standard to Be Applied.

After a hearing, the Court may remove the disabilities of minority as requested in the petition if it is found to be in the best interests of the youth. Emancipation may be for general purposes or the limited purposes specified in the order.

[History] Ord. 170 (6/30/03); Ord. 68 (12/89).

8-11.060 Rights of Emancipated Youth.

Except for specific constitutional and statutory age requirements (*e.g.*, for voting and use of alcoholic beverages), a youth whose disabilities are removed for general purposes has the power and capacity of an adult; including, but not limited to, the right to control himself or herself, the right to be domiciled where he or she desires, the right to receive and control all earnings, to sue or be sued, and the capacity to contract.

[History] Ord. 170 (6/30/03); Ord. 68 (12/89).