

To: The Judicial Proceedings Committee  
From: Rachel White, JD, Child Welfare Policy Director  
Re: SB680: Emancipation of Minors Act  
Date: February 25, 2020  
Position: Support

Thank you for the opportunity to provide testimony on SB680: Emancipation of Minors Act. Advocates for Children and Youth (ACY) supports this bill as it allows for youth who have acquired enhanced competencies to exercise afforded rights and act in their own best interests.

Currently in Maryland, there is no law allowing for youth under the age of 18 to petition for emancipation from the minor's parents or legal guardians. Such an order allows certain youth to act in one's best interest. Under this bill a minor seeking to be emancipated will have to successfully demonstrate their ability be financially self-supporting, living apart from a parent or legal guardian, and managing one's own affairs including addressing basic needs and legal requirements, such as compulsory school attendance. A child advocate attorney will be appointed to represent the youth petitioner and a hearing is set within 30 days of the petition filed.

If passed, this legislation will allow youth 16 and 17 the same legal capacities as an 18 year. Rights that will be afforded to the minor include:

- enter into enforceable contracts such as lease and utilities agreements,
- the right to retain an attorney; to sue or be sued
- earn a living and retain earnings free of control by parents or legal guardians,
- establish a home or residence separate parents or legal guardians,
- be authorized to access healthcare without parental involvement or parental liability,
- register for school or enroll in a college or university,
- apply for public assistance and benefits, and
- apply for a marriage license.

This bill recognizes the relationship between emancipation and youth in foster care and youth who may potentially become involved in the youth justice system. It is imperative that language remains to ensure that the emancipation of a minor is not used as a factor in determining whether a minor should be charged as an adult in the event that a crime is committed.

In addition, this bill allows for an emancipated youth who was once in the care and custody of the Department of Human Services to reenter the foster care system and receive placement and services in the event that an emancipation order is rescinded. This is highly imperative as youth in foster care and alumni fare worse than their peers on all indicators.

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For the reasons stated above, we ask that you issue a favorable report on SB680 to ensure that youth who have acquired enhanced competencies are recognized for their agency, diversity, maturity, and ability to exercise one's own rights based upon life experiences, challenges, conflicts, and responsibilities, and should be provided with opportunities to participate in the fulfillment of their rights.