

EQUITY FOR ALL KIDS



To: The Judiciary Committee
From: Rachel White, JD, Child Welfare Policy Director
Re: HB 458: Emancipation of Minors Act
Date: February 6, 2020
Position: Support with Amendments

Thank you for the opportunity to provide testimony on HB 458: Emancipation of Minors Act. Advocates for Children and Youth (ACY) supports this bill with amendments 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 in its current form is silent as it relates the implications of youth in foster care who wish to emancipate and to minors who are emancipated but are later charged with a crime. We ask that this bill be amended to reflect the changes in the Senate's version of the Emancipation of Minor's Act- SB 680. These bills are not cross-filed.

It is imperative that this bill is amended to reflect all changes in the Senate Bill but specifically the following provisions:

THE EMANCIPATION OF A MINOR MAY NOT BE USED AS A FACTOR IN DETERMINING WHETHER A MINOR ALLEGED TO HAVE COMMITTED A CRIMINAL OR DELINQUENT ACT IS CHARGED AS AN ADULT OR PROCEEDED AGAINST AS A JUVENILE

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Advocates for Children and Youth builds a strong Maryland by advancing policies and programs to ensure children and families of every race, ethnicity, and place of birth achieve their full potential.

In addition, it is imperative that this version of the bill is amended to allow 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.

For the reasons stated above, we ask that you issue a favorable report on HB 458 with amendments 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.