



**SB0680 - Family Law - Minors - Emancipation (Emancipation of Minors Act of 2020)**  
Presented to the Honorable Will Smith and Members of the Senate Judicial Proceedings Committee  
February 25, 2020 12:00 p.m.

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### **POSITION: SUPPORT**

NARAL Pro-Choice Maryland **urges the Senate Judicial Proceedings Committee a favorable report on SB0680 - Family Law - Minors - Emancipation (Emancipation of Minors Act of 2020)**, sponsored by Senator Mary Washington.

Our organization is an advocate for reproductive health, rights, and justice. As part of our efforts to protect reproductive freedom for all Marylanders, we work to ensure every childbearing individual has the right to decide if, when, and how many children to have. We honor pregnancy in all its complexity. In doing so, we support pregnant and parenting youth as they navigate the challenges of building their families in good health, in safety, and with dignity. The ability to seek a legal emancipation order in the State of Maryland is an important option for minors who are in need of building homes separate from parents and legal guardians as they form their own families.

With the assistance of a court appointed attorney representing the minor's interests, SB0680 will create a new law in which a 16 or 17-year-old has the right to petition the court to manage one's personal affairs and end parental and legal guardian responsibility of that young person. We are proud members of coalitions that seek to protect and further the rights of youth in our state, such as the Baltimore Homeless Youth Initiative, the Maryland Youth Justice Coalition, the Youth Equality Alliance, the Coalition to Reform School Discipline, as well as the Maryland Human Trafficking Task Force. As advocates for youth, we are aware that teens may seek emancipation orders authorizing the same rights as adults for a variety of reasons, and removing what is known as the "disability of minority".

For example, we are aware that there are not enough resources for unaccompanied minors, as well as youth who are living in situations where abuse, neglect, substance abuse, or criminal activity occur. Housing options may open up for these youth if they have the right to contract as adults do. Older youth facing barriers in establishing self-sufficiency may choose legal emancipation when they have been on their own due to the absence of parents who are missing, incarcerated, or deceased. There are number of minors that experience housing instability due to dysfunction, economic strife, or unforeseen negative events within their families, or after parents have forced them out of their homes due to discrimination based on sexual activity, sexual orientation, gender identity, religious beliefs, or pregnancy. We are also aware of youth forced to leave foster care placements for the same discriminatory reasons. As presented in testimony for SB0207 – Unaccompanied Minors in Need of Shelter and Support Services, we know that there are only three youth shelters and one youth drop-in center in our state. Youth living in areas without these shelter or transitional housing services may be able to find landlords who simply want the court order in which a judge has ruled that the young person can manage his or her own financial affairs independent of a parent or legal guardian before considering whether to lease to that young person. Some youth who work or have their own businesses report experiencing parents or legal guardians taking all earned income to engage in substance abuse or criminal

activity. An emancipation order will allow these youth to keep their earned income and handle their own finances.

Our organization's concern is about the welfare of pregnant and parenting youth and their ability to manage their affairs as well as the new family they are seeking to form. We want to ensure that all 16 and 17-year-olds who are pregnant or parenting have access to the legal benefits and resources which can be secured through the right to contract. There should be as little delay as possible as when securing these rights, as areas such as access to healthcare and stable housing are paramount to promoting healthy pregnancy outcomes, as pregnancy in a timely medical event. We cannot say to a 16-year-old who has made an 18-year commitment to raise a child that she has the capacity and agency to make such a mature decision and take on such responsibilities, but not mature enough to act in her best interests by demonstrating to a court of law the ability to manage one's own affairs, including addressing basic needs and legal requirements, such as compulsory school attendance. When afforded these rights, the soon-to be or new parent will have the ability to enter into enforceable lease and utilities agreements, retain an attorney, be authorized to access healthcare without parental involvement or parental liability, and register for school or enroll in a college or university.

Reproductive justice calls for honoring and supporting youth if, how, and when they choose to form their families. Each year in Maryland, approximately 800 young women under the age of 18 will give birth. Some in a consensual, loving relationship may choose to marry. The legal right to contract also authorizes one the right to enter into legal marriage. The legal benefits of marriage can help youth seeking positive pregnancy outcomes and the ability to raise their children in safety and good health. Currently, minors who marry in Maryland are not automatically legally emancipated. SB0680 seeks to remedy what has been missing from Maryland law – that once married, the 16 or 17-year-old will have the same basic legal rights as an 18-year-old, such as the right to control one's income and determine one's domicile apart from a parent or legal guardian. The U.S. Supreme Court has recognized the many benefits associated with legal marriage, including but not limited to health insurance, taxation, property rights, spousal privilege, hospital access, and medical decision-making authority. Youth seek legal marriage for a variety of reasons, such as accessing a partner's health insurance coverage, gaining priority for housing assistance for married couples, solidifying custody rights, receiving military spousal benefits, or adhering to one's cultural and religious norms.

SB0680 embraces the concept of “evolving capacities”, in which youth who have acquired enhanced competencies should be 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. We urge the Maryland General Assembly to not ignore that youth have agency and the right to act in their best interests. Maturity is not suddenly granted by achieving the numerical age of 18. We must try harder to suspend old notions of how all youth should act and meet youth where they really are. There are currently 23 states that have specific laws governing how a minor may legally seek a court process to become emancipated.<sup>1</sup> For these reasons, **NARAL Pro-Choice Maryland urges a favorable report on SB0680.** Thank you for your time and consideration.

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<sup>1</sup> In the United States, all states have some form of emancipation of minors - however, approx. half of the states regulate emancipation by statutes specifically for that purpose. These states include Alabama, California, Colorado, Connecticut, Florida, Hawaii, Illinois, Kansas, Louisiana, Massachusetts, Michigan, Montana, Nevada, New Hampshire, New Mexico, North Carolina, Oregon, Rhode Island, South Dakota, Vermont, Virginia, Washington and Wyoming.