
BILL NO: Senate Bill 680
TITLE: Family Law – Minors – Emancipation (Emancipation of Minors Act)
COMMITTEE: Judicial Proceedings
HEARING DATE: February 25, 2020
POSITION: **SUPPORT**

Senate Bill 680 would codify Maryland's common-law emancipation laws to address circumstances when 16 and 17 year olds may seek to separate themselves legally from their parents or guardians. The Women's Law Center (WLC) supports codifying emancipation, providing a realistic opportunity for minors to emancipate in Maryland if their circumstances suggest this as their best opportunity for success.

Currently in Maryland, emancipation is a common law concept, difficult for non-attorneys to access and navigate. A minor may file for emancipation and a court must then decide whether to emancipate the child. The primary factor is the minor's ability to be self-supporting. While the WLC believes emancipation should occur in only extraordinary circumstances, there must be clear guidelines in place for those wishing to avail themselves of the process. SB 680 provides just such a detailed framework for a minor who wishes to emancipate. Importantly, a lawyer would be appointed to represent the minor as that minor's advocate. Numerous safeguards would be in place to ensure the minor is not being exploited or manipulated into the process, and emancipation may be ordered only if it is found to be within the minor's best interest. Only in this way does the proposed law provide a viable opportunity to emancipate. SB 680 also enunciates to which rights an emancipated minor would be able to avail him or herself, and reasonably excludes voting, alcohol consumption, and some other rights as a matter of public policy. The WLC fully supports all of the safeguards provided in SB 680.

Under SB 680 a court may enter an order of emancipation if the court finds that (1) the petitioner is capable of living independently, being self-supporting, and managing the petitioner's own affairs; (2) the petitioner understands the rights, responsibilities, and other consequences of emancipation; and (3) emancipation is in the best interest of the petitioner. Because they are represented by counsel, they would have a full understanding of the ramifications of emancipation. Also provided in SB 680 is that an emancipated minor may petition the court that issued an emancipation order for a rescission of the order. Protections are provided for anyone who entered into a contract with or received any legal obligation from the minor while they were emancipated. We think this is an important piece of the puzzle for young people trying to find the best way to move forward in their lives in a safe and secure manner.

Maryland is currently within the minority of states that have not yet codified an emancipation process. The Women's Law Center of Maryland, Inc. therefore urges a favorable report on SB 680.

The Women's Law Center of Maryland is a non-profit, legal services organization that advocates for the rights of women through direct legal representation of individuals and strategic initiatives to achieve systemic change.

The Women's Law Center operates two hotlines, Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County and the state-wide Collateral Legal Assistance for Survivors and Multi-Ethnic Domestic Violence Projects.