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Legislative District 43
Baltimore City

Education, Health, and
Environmental Affairs Committee

Chair
Joint Committee on Ending
Homelessness

Chair
Joint Committee on Children,
Youth, and Families



THE SENATE OF MARYLAND
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February 25, 2020

SUPPORT – SB 680
Family Law – Minors – Emancipation
(Emancipation of Minors Act)

Dear Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

Under current Maryland law, there is no law allowing youth under the age of 18 to petition for emancipation from their parents or legal guardians. Senate Bill 680 establishes a process by which a minor, who is at least 16 years old, may pursue a court petition to be emancipated. This law would provide needed relief to minors for a variety of reasons, including unaccompanied youth who face significant barriers to accessing services and rights, youth who wish to leave a living situation that is unsafe due to dysfunction or neglect, youth who are forced out of their homes as a result of discrimination based on religious beliefs, gender identity, or sexual orientation, and pregnant and parenting youth who may be forced out of their homes or are in need of economic independence.

This process for filing an emancipation is detailed in the bill and includes specific requirements for what must be included in a petition, including a statement explaining the reasons for why the petitioner is seeking emancipation and supporting documents. The petition must be filed with the circuit court for the county in which the minor resides. The bill also establishes specific requirements for the court and the timeline for the petition and hearing process. Included is the requirement for the court to appoint a child advocate attorney to represent the petitioner and for the court to request records of reported child abuse or neglect from the Department of Human Services (DHS) related to the petitioner.

Once the case for an emancipation petition is heard, a court may approve an order of emancipation if the court finds that the following three criteria are met: 1) the petitioner is capable of living independently, being self-supporting, and managing the petitioners 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.

The bill also details specifics about the rights and responsibilities that are and are not conferred on a petitioner as the result of an order of emancipation. Except for these detailed specifics, an order of emancipation is to have the same effect as the petitioner reaching the age of 18. The final provision of the bill ensures the right of an emancipated

minor to petition the court for a rescission of the order and the process for the court to handle these petitions.

The passage of SB680 would establish an avenue for minors who are sufficiently independent and self-sufficient to gain access to the rights and responsibilities of an adult. This is especially important for minors who face adverse circumstances and have the maturity and competencies to exercise their own rights and act in their best interest.

Thank you for your time and I urge you to issue a favorable report on Senate Bill 680.

In Partnership,

A handwritten signature in blue ink, appearing to read "Mary Washington". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Senator Mary Washington, PhD