
BILL NO: House Bill 458
TITLE: Family Law – Minors – Emancipation (Emancipation of Minors Act of 2020)
COMMITTEE: Judiciary
HEARING DATE: February 6, 2020
POSITION: **SUPPORT WITH AMENDMENTS**

House Bill 458 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, but respectfully requests an amendment to address an important issue.

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. HB 458 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 are 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. HB 458 also enunciates what rights an emancipated minor would be able to avail him or herself of, and reasonably excludes voting, alcohol consumption, and some other rights as a matter of public policy. The WLC fully supports all of these components of HB 458.

HB 458 also addresses the issue of marriage, allowing 16 or 17 year olds to marry either with parental consent or if the minor can certify that they are pregnant or have given birth, and eliminating the right of 15 year olds to marry. The WLC supports this change to current law. However, while HB 458 also allows 17 year olds to marry once emancipated, it would not afford the same right to an emancipated 16 year old. The WLC respectfully suggests that this incongruity should be amended to allow any minor who is emancipated the right to be treated as an adult and marry. Maryland gives 16 year olds rights in other areas of the law – to consent to counseling, to file to modify your own custody arrangement, and some others, and if we are to treat them as adults with full agency and autonomy over their bodies, they should also be permitted to marry under those circumstances.

The WLC has been made aware that additional amendments of HB 458 are forthcoming, and that those amendments would include an outright ban to marriage under the age of 18, with the exception of 17 year old emancipated minors. The WLC would continue to have the same concerns regarding 16 year olds, and would support those amendments only if they permitted the emancipated 16 year old with the same rights as the emancipated 17 year old, including the right to marry.

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 HB 458, but only with amendments.

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.