

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq. (410-260-1523)
RE: Senate Bill 29
Emancipation of a Minor and Authorization to Marry
DATE: January 12, 2022
(1/26)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 29. This bill would establish a process for a petition for the emancipation of a minor and authorization to marry.

First, the bill provides that a court shall appoint a lawyer [with family law experience] to serve as a best interest attorney for the petitioner but does not identify any funding source for the representation. Given the mandatory language as to the appointment, it is unclear what should occur if an attorney is unavailable to serve in that capacity.

In addition, this bill alters what is currently a relatively straight-forward determination into a hearing process that could easily result in protracted litigation lasting beyond a petitioner's 18th birthday, whereupon the issue would be moot.

Finally, the bill provides that the clerk, upon issuance of an order granting emancipation of a minor, provide a certified copy of the order to the petitioner. Clerks typically only provide certified copies upon request and also require a fee for providing certified copies.

cc. Hon. Sarah Elfreth
Judicial Council
Legislative Committee
Kelley O'Connor