



HB1147 - Family Law - Minors - Emancipation (Emancipation of Minors Act)
Presented to the Hon. Bobby Zirkin and Members of the Senate Judicial Proceeding Committee
March 27, 2019 12:00 p.m.

POSITION: SUPPORT WITH AMENDMENTS

NARAL Pro-Choice Maryland **urges the Senate Judicial Proceedings Committee a favorable report with amendments on HB1147 - Family Law - Minors - Emancipation (Emancipation of Minors Act)**, sponsored by Delegate Vanessa Atterbeary.

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 child-bearing 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 appoint attorney representing the minor's interests, HB1147 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 Juvenile Justice Round Table, 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, or criminal activity occur. Housing options may open up for these youth if they have the right to contract as adults do. 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 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 HB0911/SB0930, we know that there are only three youth shelters and one youth drop-in center in our state. Youth living in areas without these 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 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. If a 16 or 17-year-old can prove to a court of law the ability to be self-supporting without parental involvement in meeting one's basic needs, that person should have the right to contract. This should also include committing to a legal, consensual marriage. We recommend that HB1147 be amended to include the right for a 16-year-old to apply for a

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marriage license after an emancipation order has been granted. We also recommend that the court respond to the petition within 30 days of filing, as we want to ensure that all 16 and 17-year-olds who are pregnant have access to the legal benefits of marriage or other 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.

We urge the Maryland General Assembly to not ignore that youth have agency and the right to act in their best interests. Maturity evolves from facing life challenges, resolving conflicts, and increasing one’s responsibilities. 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. For these reasons, **NARAL Pro-Choice Maryland urges a favorable report with amendments on HB1147.** Thank you for your time and consideration.

Below is a list of amendments that have been offered to the bill sponsor for her consideration that our organization has worked with other advocates to identify for the committee’s review.

P. 2 L. 18	Change equity back to Juvenile Court.
P. 3 L. 7 (11)(a) P. 3 L. 26 (11)(b)	An individual 16 or 17 may not marry unless ... An individual under the age of 16 may not marry.
P. 6 L. 14(A)(1)	Appoint a lawyer to represent the petitioner --> Appoint a Child Advocate Attorney, as defined by Maryland Rule 9-205.1, who shall represent and advocate on behalf of, the minor.
P. 6 L. 10 (D)	A court shall hold a hearing on a petition... within 30 days of filing the petition
P. 7 L. 14 (B)(VII)	Register for school or enroll in a college or university
P. 8 L. 5 (VI)	Add (VI) Gaming or employment in gaming by or of a person under the age of 18 years
P. 8 5-2A-06	(create a new 5-2A-06) Rescission: (1) A minor emancipated by court order may petition the court that issued the order to rescind the order. (2) A copy of the petition for rescission and a summons shall be served on the minor's parents. (3) A court shall hold a hearing on the petition to rescind the emancipation order with 30 days of filing the petition to rescission. (4) A court shall grant the petition and rescind the order of emancipation if it determines 1 or more of the following: (a) That the minor is indigent and has no means of support. (b) That the minor and the minor's parents agree that the order should be rescinded. (c) That there is a resumption of family relations inconsistent with the existing emancipation order. (d) The decree of emancipation was obtained by fraud, misrepresentation, or the withholding of material information. (5) If a petition for rescission is granted, the court shall issue an order rescinding the emancipation order and retain a copy of the order until the minor becomes 25 years of age. (6) Rescission of an emancipation order does not alter any contractual obligations or rights or any property rights or interests that arose during the period of time that the emancipation order was in effect. (7) The minor may file an appeal from the court's grant or denial of a petition for rescission of an emancipation order. The appeal shall be filed in the court of appeals.
P. 8 L. 5	5-2A-06 --> 5-2A-07