



HB0458 - Family Law - Minors - Emancipation (Emancipation of Minors Act of 2020)
Presented to the Hon. Luke Clippinger and Members of the House Judiciary Committee
February 6, 2020 1:00 p.m.

POSITION: SUPPORT WITH AMENDMENTS

NARAL Pro-Choice Maryland **urges the House Judiciary Committee a favorable report with amendments on HB0458 - Family Law - Minors - Emancipation (Emancipation of Minors Act of 2020)**, 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 childbearing 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 appointed attorney representing the minor's interests, HB0458 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 Maryland Youth Justice Coalition, 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, substance abuse, 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, economic strife, 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 HB0206 - Unaccompanied Minors in Need of Shelter and Support Services, 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 HB0458 be amended to include the right for a 16-year-old to apply for a 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. Minors who marry in Maryland are not automatically legally emancipated. 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. There are currently 23 states that have specific laws governing how a minor may legally seek a court process to become emancipated.¹ For these reasons, **NARAL Pro-Choice Maryland urges a favorable report with amendments on HB0458.** Thank you for your time and consideration. Below is a list of amendments that have been offered for consideration that our organization has worked with other advocates to identify for the committee's review, and to have it mirror the language of SB0680, also titled Family Law - Minors - Emancipation (Emancipation of Minors Act).

A court shall hold a hearing on a petition the emancipation of a minor within 30 days after the filing of a petition (HB0458 calls for 60 days)
Apply for a marriage license at 16 or 17 years of age with emancipation order (neither bill strikes other eligibility, such as parental consent or certification by a license health care provider that has found that female petitioner is pregnant or has given birth to a child) (HB0458 call for 17-years of age only)
Outlines how an emancipated minor may petition to rescind the order, discusses when the court shall grant a petition for the rescission, discusses the court shall keep record of the rescission until the minor is 25 years old, and discusses the entitlements of the minor if they were formerly in foster care and seeks to return if eligible (provision not in HB0458)
Register for school: add in HB0458 "enroll at a college or university"
The emancipation of a minor may not be used as a factor in determining whether a minor alleged to have committed a criminal or delinquent act is charged as an adult or proceeded against as a juvenile (clarifying language for HB0458)
Gaming by a person under the age of 18 years or employment in gaming of a person under the age of 18 years (provision not in HB0458)

¹ In the United States, all states have some form of emancipation of minors - however, approx. half of the states regulate emancipation by statutes specifically for that purpose. These states include Alabama, California, Colorado, Connecticut, Florida, Hawaii, Illinois, Kansas, Louisiana, Massachusetts, Michigan, Montana, Nevada, New Hampshire, New Mexico, North Carolina, Oregon, Rhode Island, South Dakota, Vermont, Virginia, Washington and Wyoming.