

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
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 680
Family Law – Minors – Emancipation (Emancipation of Minors Act)
DATE: February 12, 2020
(2/25)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 680. This bill would establish a process for a petition for the emancipation of a minor.

The bill provides that a court shall appoint a lawyer to serve as a best interest attorney for the petitioner but does not identify any funding source for the representation.

In addition, the bill requires the court to hold a hearing within 30 days after the petition is filed, which interferes with the court's docket management. The 30-day time period is also unrealistic, given service and response timelines, and the requirement to appoint a best interest attorney to investigate the petition. In addition, page four requires the court to "issue a show-cause order that requires the party to whom it is issued to respond as required under the Maryland Rules." If the bill is referencing a show-cause order under Maryland Rule 9-105, the hearing envisioned within 30 days under the bill would be required to be held before service may be required under the rule which requires service within 90 days. It is also unclear who/what party is intended in this provision.

The bill also does not fully address the role of the Department of Human Services (Department). Although the bill does require the court to ask for, and the Department to provide, certain information about the child, it does not address any confidentiality issues that might arise out of the disclosures, or clearly address the Department's status in the case.

Further, §5-2A-06(f) states that a minor who was formerly in the custody of the Department is entitled to the resumption of services, including out-of-home placement, on the rescission of an order of emancipation. The bill does not specifically address how an order granting or rescinding emancipation would affect the minor's status as a Child in

Need of Assistance; the bill does not make any corresponding amendments to Courts and Judicial Proceedings § 3-801 *et seq.*

In addition, the bill does not provide a mechanism for discovery or evidentiary issues at the hearing. Finally, the appeal provision only applies to the denial of the petition for rescission – meaning only the minor can appeal. Parents/guardians are given no appeal rights in this bill.

cc. Hon. Mary Washington
Judicial Council
Legislative Committee
Kelley O'Connor