

Family Law – Minors – Emancipation (Emancipation of Minors Act) SBo680 – Senator Mary Washington

What is emancipation and how would it benefit Maryland youth?

Maryland currently has no law allowing youth under the age of 18 to petition for emancipation from the minor's parents or legal guardians or to remove what is known as the “disability of minority”. Such an order allows certain youth to act in one’s best interest.

A proceeding is heard in Circuit Court assessing the youth petitioner’s ability to successfully demonstrate the ability to be financially self-supporting, living apart from a parent or legal guardian, and managing one's own affairs including addressing basic needs and legal requirements, such as compulsory school attendance. A child advocate attorney will be appointed to represent the youth petitioner and a hearing is set within 30 days of the petition filed.

An order of emancipation allows an individual at the age of 16 or 17 years to have the same rights as an 18-year-old. Examples of these rights include the ability to:

- enter into enforceable contracts such as lease and utilities agreements,
- the right to retain an attorney; to sue or be sued
- earn a living and retain earnings free of control by parents or legal guardians,
- establish a home or residence separate parents or legal guardians,
- be authorized to access healthcare without parental involvement or parental liability,
- register for school or enroll in a college or university,
- apply for public assistance and benefits, and
- apply for a marriage license.

This legislation addresses issues regarding systems-involved youth in the juvenile Justice and foster care system, as well as the right for the youth petitioner to rescind the order. Parents and legal guardians are prohibited from filing a petition for emancipation for minors in their legal custody.

Maryland youth choose to petition the court for legal relief for a variety of reasons:

- Unaccompanied youth whose parents or legal guardians are missing, deceased, or incarcerated may find themselves in situations in which access to services and rights are denied, preventing them from acting in their best interests.
- Youth may choose to leave a living situation with family members engaged in criminal activity or violence, or where there is a significant degree of dysfunction or neglect.
- Youth may find themselves pushed or forced out of their homes based upon discrimination and intolerance by family members based upon sexual orientation, gender identity, or religious beliefs.
- Pregnant and parenting youth also may find themselves pushed out or forced from their homes due to discrimination or economic reasons.

This legislation embraces the concept of “evolving capacities”, in which youth who have acquired enhanced competencies should be recognized for their agency, diversity, maturity, and ability to exercise one’s own rights based upon life experiences, challenges, conflicts, and responsibilities, and should be provided with opportunities to participate in the fulfillment of their rights.

For more information, please contact:

Senator Mary Washington

Mary.Washington@senate.state.md.us – (410) 841-3145