

# SENATE BILL 680

D4

0lr1936

---

By: **Senators Washington, Feldman, Lee, and Smith**

Introduced and read first time: February 3, 2020

Assigned to: Judicial Proceedings

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Minors – Emancipation**  
3 **(Emancipation of Minors Act)**

4 FOR the purpose of extending the jurisdiction of the equity court to include a petition for  
5 the emancipation of a minor; authorizing a minor to file a petition for emancipation  
6 in the minor's own name subject to certain requirements; prohibiting a parent from  
7 filing a petition for the emancipation of a minor; requiring that a certain petition for  
8 the emancipation of a minor contain certain information; requiring a court to appoint  
9 a certain attorney to represent the petitioner on the filing of a petition for the  
10 emancipation of a minor; requiring the court to request certain information from the  
11 Department of Human Services and requiring the Department to provide the  
12 information to the court; requiring a court to issue a certain show-cause order under  
13 certain circumstances; requiring a petitioner to serve a certain show-cause order on  
14 certain individuals and in a certain manner; authorizing a court to issue certain  
15 orders; requiring a court to hold a hearing on a petition for the emancipation of a  
16 minor within a certain period of time; authorizing a court to issue an order of  
17 emancipation under certain circumstances; requiring a clerk of the court to issue a  
18 certified copy of an order of emancipation to a petitioner under certain  
19 circumstances; providing for the effect of an order of emancipation; prohibiting the  
20 emancipation of a minor from being used as a factor in determining whether the  
21 minor is charged as an adult or proceeded against as a juvenile; authorizing an  
22 emancipated minor to file a petition for the rescission of an order of emancipation;  
23 requiring a petitioner to serve a petition for the rescission of an order of emancipation  
24 on certain individuals; requiring a court to hold a hearing on a petition for the  
25 rescission of an order of emancipation within a certain period of time; authorizing a  
26 court to rescind an order of emancipation under certain circumstances; requiring a  
27 court to maintain a record of the rescission of an order of emancipation until the  
28 minor reaches a certain age; providing for the effect of the rescission of an order of  
29 emancipation; authorizing a minor to appeal the denial of a petition for rescission of  
30 an order of emancipation to the Court of Special Appeals in accordance with the  
31 Maryland Rules; authorizing the Court of Appeals to adopt rules to implement the

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 provisions of this Act; making conforming changes; and generally relating to the  
2 emancipation of a minor.

3 BY repealing and reenacting, with amendments,  
4 Article – Family Law  
5 Section 1–201(b)  
6 Annotated Code of Maryland  
7 (2019 Replacement Volume)

8 BY adding to  
9 Article – Family Law  
10 Section 5–2A–01 through 5–2A–07 to be under the new subtitle “Subtitle 2A.  
11 Emancipation of a Minor”  
12 Annotated Code of Maryland  
13 (2019 Replacement Volume)

14 BY repealing and reenacting, with amendments,  
15 Article – General Provisions  
16 Section 1–401(a)  
17 Annotated Code of Maryland  
18 (2019 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
20 That the Laws of Maryland read as follows:

21 **Article – Family Law**

22 1–201.

23 (b) An equity court has jurisdiction over:

24 (1) adoption of a child, except for a child who is under the jurisdiction of  
25 any juvenile court and who previously has been adjudicated to be a child in need of  
26 assistance;

27 (2) alimony;

28 (3) annulment of a marriage;

29 (4) divorce;

30 (5) custody or guardianship of a child except for a child who is under the  
31 jurisdiction of any juvenile court and who previously has been adjudicated to be a child in  
32 need of assistance;

33 (6) visitation of a child;

1 (7) legitimation of a child;

2 (8) paternity;

3 (9) support of a child; [and]

4 (10) custody or guardianship of an immigrant child pursuant to a motion for  
5 Special Immigrant Juvenile factual findings requesting a determination that the child was  
6 abused, neglected, or abandoned before the age of 18 years for purposes of § 101(a)(27)(J)  
7 of the federal Immigration and Nationality Act; AND

8 (11) A PETITION FOR THE EMANCIPATION OF A MINOR.

9 SUBTITLE 2A. EMANCIPATION OF A MINOR.

10 5-2A-01.

11 (A) A MINOR WHO IS AT LEAST 16 YEARS OLD MAY FILE A PETITION IN THE  
12 MINOR'S OWN NAME TO BECOME EMANCIPATED FROM THE MINOR'S PARENTS OR  
13 LEGAL GUARDIAN IN THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE MINOR  
14 RESIDES.

15 (B) A PARENT MAY NOT FILE A PETITION FOR THE EMANCIPATION OF A  
16 MINOR INDIVIDUALLY OR ON BEHALF OF THE MINOR.

17 5-2A-02.

18 A PETITION FOR THE EMANCIPATION OF A MINOR SHALL CONTAIN THE  
19 FOLLOWING:

20 (1) THE PETITIONER'S FULL NAME AND DATE OF BIRTH;

21 (2) THE NAME AND LAST KNOWN ADDRESS OF THE PETITIONER'S  
22 PARENTS OR LEGAL GUARDIAN;

23 (3) A STATEMENT EXPLAINING WHY THE PETITIONER SEEKS  
24 EMANCIPATION AND WHY EMANCIPATION SHOULD BE GRANTED; AND

25 (4) SUPPORTING DOCUMENTS, WHICH MAY INCLUDE:

26 (I) PROOF OF THE PETITIONER'S EMPLOYMENT OR OTHER  
27 MEANS OF SELF-SUPPORT;

28 (II) A STATEMENT BY THE PETITIONER OUTLINING HOW THE

1 PETITIONER PLANS TO PROVIDE FOR FOOD, HOUSING, MEDICAL CARE, AND OTHER  
2 NECESSITIES;

3 (III) A STATEMENT CONCERNING THE PETITIONER'S EDUCATION  
4 PLANS;

5 (IV) AFFIDAVITS OF SUPPORT FROM INDIVIDUALS WITH  
6 PERSONAL KNOWLEDGE OF THE PETITIONER'S CIRCUMSTANCES; AND

7 (V) ANY OTHER INFORMATION THAT MAY HELP SUPPORT THE  
8 PETITION.

9 **5-2A-03.**

10 (A) ON THE FILING OF A PETITION FOR THE EMANCIPATION OF A MINOR, A  
11 COURT SHALL:

12 (1) APPOINT A CHILD ADVOCATE ATTORNEY TO REPRESENT AND  
13 ADVOCATE ON BEHALF OF THE PETITIONER; AND

14 (2) REQUEST FROM THE DEPARTMENT AND THE DEPARTMENT  
15 SHALL PROVIDE:

16 (I) ANY RECORDS OF REPORTED CHILD ABUSE OR NEGLECT  
17 RELATING TO THE PETITIONER; AND

18 (II) A STATEMENT CONCERNING WHETHER THE PETITIONER IS  
19 CURRENTLY IN THE CARE OF THE DEPARTMENT.

20 (B) (1) PROMPTLY AFTER A PETITION IS FILED UNDER THIS SUBTITLE,  
21 THE COURT SHALL ISSUE A SHOW-CAUSE ORDER THAT REQUIRES THE PARTY TO  
22 WHOM IT IS ISSUED TO RESPOND AS REQUIRED UNDER THE MARYLAND RULES.

23 (2) ON ISSUANCE OF A SHOW-CAUSE ORDER AS TO THE  
24 EMANCIPATION OF THE PETITIONER, A PETITIONER SHALL SERVE THE ORDER ON  
25 EACH OF THE PETITIONER'S LIVING PARENTS OR THE PETITIONER'S GUARDIAN.

26 (3) SERVICE UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE  
27 BY:

28 (I) PERSONAL SERVICE; OR

29 (II) CERTIFIED MAIL, RESTRICTED DELIVERY, RETURN RECEIPT

1 REQUESTED.

2 (C) A COURT MAY ISSUE ANY OTHER ORDER REGARDING THE PETITION OR  
3 THE PETITIONER THAT IT CONSIDERS APPROPRIATE OR NECESSARY.

4 (D) A COURT SHALL HOLD A HEARING ON A PETITION FOR THE  
5 EMANCIPATION OF A MINOR WITHIN 30 DAYS AFTER THE FILING OF THE PETITION.

6 5-2A-04.

7 (A) AFTER A HEARING, A COURT MAY ENTER AN ORDER OF EMANCIPATION  
8 IF THE COURT FINDS THAT:

9 (1) THE PETITIONER IS CAPABLE OF LIVING INDEPENDENTLY, BEING  
10 SELF-SUPPORTING, AND MANAGING THE PETITIONER'S OWN AFFAIRS;

11 (2) THE PETITIONER UNDERSTANDS THE RIGHTS, RESPONSIBILITIES,  
12 AND OTHER CONSEQUENCES OF EMANCIPATION; AND

13 (3) EMANCIPATION IS IN THE BEST INTEREST OF THE PETITIONER.

14 (B) ON ENTERING AN ORDER OF EMANCIPATION, THE CLERK OF THE COURT  
15 SHALL ISSUE A CERTIFIED COPY OF THE ORDER TO THE PETITIONER.

16 5-2A-05.

17 (A) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN ORDER  
18 OF EMANCIPATION SHALL HAVE THE SAME EFFECT AS THE PETITIONER REACHING  
19 THE AGE OF MAJORITY AND SHALL CONFER ON THE PETITIONER ALL OF THE RIGHTS  
20 AND RESPONSIBILITIES OF LEGAL ADULTHOOD, INCLUDING THE RIGHT TO:

21 (I) ENTER INTO ENFORCEABLE CONTRACTUAL  
22 RELATIONSHIPS INCLUDING LEASE AGREEMENTS, REAL ESTATE TRANSACTIONS,  
23 AND AGREEMENTS FOR THE PROVISION OF UTILITIES;

24 (II) SUE AND BE SUED IN THE PETITIONER'S OWN NAME;

25 (III) EARN A LIVING AND RETAIN THE EARNINGS FREE OF  
26 CONTROL BY A PARENT OR LEGAL GUARDIAN;

27 (IV) ESTABLISH A DOMICILE OR RESIDENCE SEPARATE FROM A  
28 PARENT OR LEGAL GUARDIAN;

1 (V) ACT AUTONOMOUSLY AND WITH THE RIGHTS AND  
2 RESPONSIBILITIES OF AN ADULT IN BUSINESS RELATIONSHIPS;

3 (VI) AUTHORIZE HEALTH CARE INCLUDING PREVENTIVE CARE,  
4 DENTAL CARE, AND MENTAL HEALTH CARE, WITHOUT THE KNOWLEDGE OR  
5 LIABILITY OF A PARENT OR LEGAL GUARDIAN;

6 (VII) FILE AN INDIVIDUAL STATE INCOME TAX RETURN;

7 (VIII) REGISTER FOR SCHOOL OR ENROLL AT A COLLEGE OR  
8 UNIVERSITY;

9 (IX) APPLY FOR A DRIVER'S LICENSE OR OTHER STATE  
10 IDENTIFICATION FOR WHICH THE PETITIONER IS ELIGIBLE;

11 (X) APPLY FOR PUBLIC ASSISTANCE AND BENEFITS  
12 ADMINISTERED BY THE STATE AND VARIOUS COUNTIES;

13 (XI) EXECUTE A WILL OR CODICIL; AND

14 (XII) APPLY FOR A MARRIAGE LICENSE.

15 (2) AN ORDER OF EMANCIPATION DOES NOT SUPERSEDE AGE  
16 REQUIREMENTS FOR:

17 (I) VOTING;

18 (II) THE PURCHASE, POSSESSION, OR CONSUMPTION OF  
19 ALCOHOLIC BEVERAGES, TOBACCO PRODUCTS, OR ELECTRONIC CIGARETTES;

20 (III) COMPULSORY SCHOOL ATTENDANCE;

21 (IV) HEALTH AND SAFETY REGULATIONS INCLUDING  
22 WORKPLACE REGULATIONS DESIGNED TO PROTECT THOSE UNDER THE AGE OF 18  
23 YEARS; OR

24 (V) GAMING BY A PERSON UNDER THE AGE OF 18 YEARS OR  
25 EMPLOYMENT IN GAMING OF A PERSON UNDER THE AGE OF 18 YEARS.

26 (B) THE EMANCIPATION OF A MINOR MAY NOT BE USED AS A FACTOR IN  
27 DETERMINING WHETHER A MINOR ALLEGED TO HAVE COMMITTED A CRIMINAL OR  
28 DELINQUENT ACT IS CHARGED AS AN ADULT OR PROCEEDED AGAINST AS A  
29 JUVENILE.

1 5-2A-06.

2 (A) AN EMANCIPATED MINOR MAY PETITION THE COURT THAT ISSUED AN  
3 EMANCIPATION ORDER UNDER THIS SUBTITLE FOR A RESCISSION OF THE ORDER OF  
4 EMANCIPATION.

5 (B) THE PETITIONER SHALL SERVE THE PETITION FOR THE RESCISSION OF  
6 AN ORDER OF EMANCIPATION OF A MINOR ON THE PARENT OR FORMER LEGAL  
7 GUARDIAN OF THE MINOR.

8 (C) THE COURT SHALL HOLD A HEARING ON A PETITION FOR THE  
9 RESCISSION OF AN ORDER OF EMANCIPATION OF A MINOR WITHIN 30 DAYS AFTER  
10 THE FILING OF THE PETITION.

11 (D) A COURT SHALL GRANT A PETITION FOR THE RESCISSION OF AN ORDER  
12 OF EMANCIPATION OF A MINOR IF THE COURT FINDS:

13 (1) THAT THE MINOR IS INDIGENT AND HAS NO MEANS OF  
14 SELF-SUPPORT;

15 (2) THAT THE MINOR AND THE PARENT OR FORMER GUARDIAN OF  
16 THE MINOR AGREE THAT THE ORDER OF EMANCIPATION SHOULD BE RESCINDED;

17 (3) THAT THERE IS A RESUMPTION OF FAMILY RELATIONS THAT IS  
18 INCONSISTENT WITH THE EMANCIPATION ORDER; OR

19 (4) THAT THE EMANCIPATION DECREE WAS OBTAINED THROUGH  
20 FRAUD, MISREPRESENTATION, OR THE WITHHOLDING OF MATERIAL FACT.

21 (E) IF THE COURT GRANTS A PETITION FOR THE RESCISSION OF AN ORDER  
22 OF EMANCIPATION OF A MINOR, THE COURT SHALL MAINTAIN A RECORD OF THE  
23 RESCISSION OF THE ORDER OF EMANCIPATION UNTIL THE MINOR REACHES THE AGE  
24 OF 25 YEARS.

25 (F) A MINOR WHO WAS FORMERLY IN THE CUSTODY OF THE DEPARTMENT  
26 IS ENTITLED TO THE RESUMPTION OF SERVICES, INCLUDING OUT-OF-HOME  
27 PLACEMENT, ON THE RESCISSION OF AN ORDER OF EMANCIPATION.

28 (G) A MINOR MAY FILE AN APPEAL OF A DENIAL OF A PETITION FOR  
29 RESCISSION OF AN ORDER OF EMANCIPATION WITH THE COURT OF SPECIAL  
30 APPEALS DURING THE PERIOD ALLOWED AND IN THE MANNER REQUIRED BY THE  
31 MARYLAND RULES.

1           **(H) THE RESCISSION OF AN ORDER OF EMANCIPATION DOES NOT ALTER OR**  
2 **AFFECT CONTRACTUAL OR PROPERTY RIGHTS OR OBLIGATIONS INCURRED DURING**  
3 **THE TIME THAT THE ORDER OF EMANCIPATION WAS IN EFFECT.**

4 **5-2A-07.**

5           **THE COURT OF APPEALS MAY ADOPT RULES TO IMPLEMENT THIS SUBTITLE.**

6   **Article – General Provisions**

7 1-401.

8           (a) (1) The age of majority is 18 years.

9                             (2) Except as provided in subsection (b) of this section, **TITLE 5, SUBTITLE**  
10 **2A OF THE FAMILY LAW ARTICLE,** or as otherwise specifically provided by statute, an  
11 individual at least 18 years old is an adult for all purposes and has the same legal capacity,  
12 rights, powers, privileges, duties, liabilities, and responsibilities that an individual at least  
13 21 years old had before July 1, 1973.

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2020.