

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 597

H.P. 444 House of Representatives, March 3, 1987  
Reference to the Committee on Judiciary suggested and  
ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative ROLDE of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Enable Parents to be Emancipated  
2 from Parental or Guardian  
3 Responsibility.  
4

5 Be it enacted by the People of the State of Maine as  
6 follows:

7 19 MRSA §222 is enacted to read:

8 §222. Emancipation

9 1. Petition for emancipation. The parent or  
10 parents of a juvenile who is at least 16 years of age  
11 may petition the District Court in the division in  
12 which the parent or parents reside for an order of  
13 emancipation.

1           2. Counsel for juvenile. The District Court may  
2 appoint counsel for the juvenile upon request of the  
3 juvenile or upon its own motion.

4           3. Contents of petition. The petition shall  
5 state plainly:

6           A. The facts which bring the parent or parents  
7 and juvenile within the court's jurisdiction and  
8 which form the basis for the petition;

9           B. The name, date of birth, sex and residence of  
10 the juvenile; and

11           C. The name and residence of the parent or par-  
12 ents.

13           4. Hearing. On the filing of a petition, the  
14 court shall schedule a hearing and shall notify the  
15 parent or parents and the juvenile of the date of the  
16 hearing, the legal consequences of an order of eman-  
17 ipation, the right to be represented by legal coun-  
18 sel and the right to present evidence at the hearing.  
19 Notice shall be given in the manner provided in the  
20 Maine Rules of Civil Procedure, Rule 4, for service  
21 of process.

22           5. Order of emancipation. The court shall order  
23 emancipation of the juvenile if it determines that:

24           A. The juvenile has made reasonable provision  
25 for his room, board, health care and education,  
26 vocational training or employment; and

27           B. The juvenile is sufficiently mature to assume  
28 responsibility for his own care and it is in the  
29 juvenile's best interest to do so.

30           6. Denial of petition. If the court determines  
31 that the criteria established in subsection 5 are not  
32 met, the court shall deny the petition and may recom-  
33 mend that the Department of Human Services provide  
34 continuing services and counseling to the family.

35           7. Effect of order. If an order of emancipation  
36 is issued under this section, the parent or parents  
37 may not be held liable for any act committed by the

1 juvenile on or after the date that order is issued.

2

STATEMENT OF FACT

3 This bill provides a mechanism for parents to pe-  
4 tition the court for emancipation of a juvenile who  
5 is at least 16 years of age. Upon the effective date  
6 of such an order, the parents would no longer be held  
7 liable for any act of that child.

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