

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1552

H.P. 1109

House of Representatives, March 18, 1997

**An Act to Amend the Conditions upon Which a Minor May Obtain
Emancipation.**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative PLOWMAN of Hampden.
Cosponsored by Representatives: BERRY of Belmont, JOY of Crystal, JOYNER of Hollis,
O'BRIEN of Augusta, OTT of York, THOMPSON of Naples, WHEELER of Bridgewater.

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

2
4 **Sec. 1. 15 MRSA §3506-A**, as amended by PL 1989, c. 126, §§1 and 2, is further amended to read:

6 **1. Petition for emancipation.** If a juvenile is 16 years of
8 age or older and refuses to live in the home provided by ~~his~~ the
10 juvenile's parents, guardian or custodian, ~~he~~ the juvenile may
12 request the District Court in the division in which ~~his~~ the
14 parents, guardian or custodian resides to appoint counsel for ~~him~~
16 the juvenile to petition for emancipation.

18 **2. Contents of petition.** The petition shall ~~shall~~ must state
20 plainly:

22 A. The facts ~~which~~ that bring the juvenile within the
24 court's jurisdiction and ~~which~~ form the basis for the
26 petition;

28 B. The name, date of birth, sex and residence of the
30 juvenile; and

32 C. The name and residence of ~~his~~ the juvenile's parent or
34 parents, guardian or custodian.

36 **2-A. Mediation.** Upon the filing of a petition and prior to
38 a hearing under this section, the court may refer the parties to
40 mediation. Any agreement reached by the parties through
42 mediation on any issues shall ~~shall~~ must be stated in writing, signed
44 by the parties and presented to the court for approval as a court
46 order.

48 **3. Hearing.** On the filing of a petition, the court shall
50 schedule a hearing and shall notify the parent or parents,
52 guardian or custodian of the date of the hearing, the legal
54 consequences of an order of emancipation, the right to be
56 represented by legal counsel and the right to present evidence at
58 the hearing. Notice shall ~~shall~~ must be given in the manner provided
60 in the Maine Rules of Civil Procedure, Rule 4, for service of
62 process.

64 **4. Order of emancipation.** The court shall issue a
66 preliminary order of emancipation of the juvenile if it
68 determines that:

70 A. The juvenile has made reasonable provision for ~~his~~ the
72 juvenile's room, board, health care and education,
74 vocational training or employment; and

76 B. The juvenile is sufficiently mature to assume
78 responsibility for ~~his~~ the juvenile's own care and it is in
80 ~~his~~ the juvenile's best interest to do so.

2 A preliminary order of emancipation is effective for 120 days
4 from the date of issuance.

6 4-A. Final order. At least 90 days after a preliminary
8 order is issued under subsection 4, the juvenile may petition the
10 court for a final order of emancipation. The court shall issue a
12 final order of emancipation if the juvenile demonstrates that the
14 criteria established in subsection 4 were met for the duration of
16 the preliminary order and continue to be met.

18 **5. Denial of petition.** If the court determines that the
20 criteria established in subsection 4 are not met, the court shall
22 deny the petition and may recommend that the Department of Human
24 Services provide continuing services and counseling to the family.

26 **6. Appeal.** Any person named in the petition who is
28 aggrieved by the order of the court may appeal to the Superior
30 Court.

32 **7. Public proceeding; exception.** Notwithstanding section
34 3307, subsection 2, paragraph B, the court shall ~~shall~~ may not exclude
36 the public unless the minor or the minor's parent or parents,
38 guardian or custodian, requests that the public be excluded and
the minor or the minor's parent or parents, guardian or
custodian, does not object. If the public is excluded, only the
parties, their attorneys, court officers and witnesses may be
present.

SUMMARY

This bill amends the procedures for the emancipation of a
minor to provide for a preliminary order of emancipation that is
effective for 120 days. Ninety days after the preliminary order
is issued, the juvenile may petition the court for a final order
of emancipation, which must be issued if the criteria for
emancipation are met.