

By Mrs. Gray of Framingham, petition of Barbara E. Gray and Philip W. Johnston for legislation to authorize the courts of the Commonwealth to grant certain rights to minors. The Judiciary.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Eighty-One.

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**AN ACT PROVIDING FOR THE EMANCIPATION OF CERTAIN MINORS.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

The General Laws are hereby amended by inserting after chapter 119 the following chapter: —

**CHAPTER 119A  
EMANCIPATION OF MINORS**

1 SECTION 1. This chapter does not repeal provisions of other  
2 chapters of the General Laws reserving certain privileges for the  
3 attainment of the age of majority.

1 SECTION 2. A declaration of emancipation issued pursuant to  
2 this chapter:

3 a) confers upon a minor the following rights of majority:

4 (1) to earn and retain ages;

5 (2) to own and manage real and personal property;

6 (3) to establish a residence;

7 (4) to sue and be sued; and

8 (5) to make enforceable contracts; and

9 (6) to be free from the control of his parents or guardian; and

10 b) terminates obligations of the parent for care and protection  
11 of the minor.

1 SECTION 3. The probate court may receive a petition in writ-  
2 ing for a declaration of emancipation by a minor who is at least  
3 sixteen years of age and who resides within the jurisdiction of the  
4 court. The petition shall state:

5 (a) the name, age, and address of the minor;

6 (b) the names and addresses of the minor's parents or legal  
7 guardian;

8 (c) the purpose for which the minor seeks the declaration of  
9 emancipation; and

10 (d) the reasons which the court should consider in granting the  
11 petition, including but not limited to evidence that the minor:

12 (1) has parental consent to be declared emancipated;

13 (2) has entered into a valid marriage pursuant to chapter 207,  
14 section 7;

15 (3) has served in the armed forces of the United States of Ameri-  
16 ca; or

17 (4) has established and maintained for three months a residence  
18 separate from that of his or her parents, and manages his or her  
19 own financial affairs.

1 SECTION 4. When the court receives the petition:

2 (a) the court shall advise the minor of his or her right to retain  
3 counsel, and if the minor cannot retain counsel, the court shall  
4 appoint counsel;

5 (b) the court shall set a date for hearing the petition no later than  
6 60 days after the date on which the petition was filed;

7 (c) no less than two weeks prior to the date set for the hearing  
8 the court shall give notice of the hearing to the minor's parents or  
9 legal guardian by certified mail, return receipt requested, and by  
10 publication as the court requires.

1 SECTION 5. The court shall render its decision within 10 days  
2 of the hearing:

3 (a) the court may declare the minor emancipated:

4 (1) if the court finds the petition should be granted for the  
5 reasons described in section 3(d); or

6 (2) if the court finds the minor's emancipated status proven by  
7 other evidence not enumerated in this chapter;

- 8 (b) if the court denies the petition, it shall provide the minor  
9 with a written statement of reasons for the denial;  
10 (c) the minor may appeal an adverse decision;  
11 (d) the parents or legal guardian must raise all objections to the  
12 declaration of emancipation at the hearing.

1 SECTION 6. When the court issues the declaration of emanci-  
2 pation, it shall take effect upon issue. The court shall:

- 3 (a) record the declaration for the public record with the clerk of  
4 the city or town where the emancipated minor resides; and  
5 (b) give a copy to the petitioner.

