

January 18, 2018

To: Chair Ebke and Members of the Judiciary Committee

From: Juliet Summers, Policy Coordinator at Voices for Children in Nebraska

Re: LB 714 – Provide a procedure for judicial emancipation of a minor

All youth deserve the opportunity to grow into strong and independent adults. Voices for Children in Nebraska supports LB 714, because it provides one piece of a puzzle to protecting older, mature teens who may be vulnerable to loopholes in our state's child protective response. As you've heard today from Faith Walker, Nebraska's age of majority is 19, but we have a piecemeal response when it comes to how 18-year-olds should be treated. Her compelling story outlines the lack of protective response available when an 18-year-old is seeking to escape from an abusive home life. You've also heard from Aimee Melton on complexity of Nebraska's case law regarding emancipation, and the current lack of any direct and clear legal course for a minor to take in order to formally seek emancipation from his or her parents. This bill would provide that clear course.

At Voices, we strongly believe that work still needs to be done to close the gap between the age when a child protective response can be initiated and Nebraska's older age of majority. Today's bill is one important piece of the puzzle: by offering a statutory avenue for minors to seek emancipation through filing in probate or district court, truly independent teenagers like Faith could avoid the dangerous loophole year between 18-19 and support themselves without system involvement. Currently there is no clear statutory authority for a minor to file for emancipation. Without statutory language permitting such a filing, lawyers may be chilled from doing so by fear of filing a frivolous suit, judges may refuse to hear such proceedings, and vulnerable youth may be least likely to understand what, if any, avenue they would have to request this finding.

Twenty-one states offer minors some relief in the ability to initiate proceedings for emancipation, usually setting a minimum age to do so. Some permit the court to appoint a guardian ad litem or investigator to provide evidence regarding the minor's financial means and whether they have cut ties in such a way as to be considered truly independent. Nearly all the states that permit emancipation by court filing have set statutory requirements regarding financial and personal independence, findings that the court must make prior to ordering legal emancipation.¹

I want to be clear that we do not believe this bill will open the floodgates of young people seeking to get out from under their parents' roof and expectations; Voices for Children would not be here in support of the bill if it did. Most teens, whether they believe it or not, need and rely on their parents or guardians to meet their physical, emotional, and financial needs. The bill mirrors current Nebraska case law

¹ *Emancipation of Minors*. Legal Information Institute: Cornell Law School. Available at https://www.law.cornell.edu/wex/table_emancipation

in setting a high burden that must be met to demonstrate true independence for the purposes of emancipation.² The bill also carefully outlines the notice that must be given at filing, the findings that the court must make in order to enter an order of emancipation, and the changes in circumstances that could later invalidate the order. It also is clear that emancipation will not free a child from juvenile court proceedings – judicial emancipation is not meant to provide a work-around for child welfare or juvenile justice system involvement. I believe that in light of all these protections, the bill opens a very small window to provide an avenue for relief for a very small population of unique teenagers, like Faith.

I'd like to thank the Committee for your time and consideration of this important issue, and Senator Howard for her dedication to supporting young people like Faith in seeking solutions. I would be happy to answer any questions.

² See, e.g. *Wulff v. Wulff*, 243 Neb. 616, 500 N.W.2d 845 (1993)