



# SENATE BILL No. 1041

May 21, 1996, Introduced by Senator GEAKE and referred to the Committee on Judiciary.

A bill to amend sections 4, 4a, and 4d of Act No. 293 of the Public Acts of 1968, entitled as amended

"An act to establish the status of minors; to define the rights and duties of parents; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; and to establish the conditions for emancipation of minors,"

section 4 as amended by Act No. 257 of the Public Acts of 1993 and sections 4a and 4d as added by Act No. 403 of the Public Acts of 1988, being sections 722.4, 722.4a, and 722.4d of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 4, 4a, and 4d of Act No. 293 of the  
2 Public Acts of 1968, section 4 as amended by Act No. 257 of the  
3 Public Acts of 1993 and sections 4a and 4d as added by Act  
4 No. 403 of the Public Acts of 1988, being sections 722.4, 722.4a,

1 and 722.4d of the Michigan Compiled Laws, are amended to read as  
2 follows:

3       Sec. 4. (1) Emancipation may occur by operation of law or  
4 pursuant to a petition filed by a minor with the ~~probate~~ FAMILY  
5 DIVISION OF CIRCUIT court as provided in this act.

6       (2) An emancipation occurs by operation of law under any of  
7 the following circumstances:

8       (a) When a minor is validly married.

9       (b) When a person reaches the age of 18 years.

10       (c) During the period when the minor is on active duty with  
11 the armed forces of the United States.

12       (d) For the purposes of consenting to routine, nonsurgical  
13 medical care or emergency medical treatment to a minor, when the  
14 minor is in the custody of a law enforcement agency and the  
15 minor's parent or guardian cannot be promptly located. The minor  
16 or the minor's parent shall remain responsible for the cost of  
17 any medical care or treatment rendered pursuant to this  
18 subdivision. An emancipation pursuant to this subdivision shall  
19 end upon the termination of medical care or treatment or upon the  
20 minor's release from custody, whichever occurs first.

21       (e) For the purposes of consenting to his or her own preven-  
22 tive health care or medical care including surgery, dental care,  
23 or mental health care, except vasectomies or any procedure  
24 related to reproduction, during the period when the minor is a  
25 prisoner under the jurisdiction of the department of corrections  
26 or the period when the minor is a probationer residing in a  
27 special alternative incarceration unit established under the

1 special alternative incarceration act, Act No. 287 of the Public  
2 Acts of 1988, being sections 798.11 to 798.18 of the Michigan  
3 Compiled Laws, but only if a parent or guardian of the minor  
4 cannot promptly be located by the department of corrections.

5 (3) An emancipation occurs by court order pursuant to a  
6 petition filed by a minor with the ~~probate~~ FAMILY DIVISION OF  
7 CIRCUIT court as provided in sections 4a to 4e.

8 Sec. 4a. (1) A minor seeking emancipation shall file a  
9 petition for emancipation in the ~~probate~~ FAMILY DIVISION OF  
10 CIRCUIT court in the county where the minor resides. The peti-  
11 tion shall be signed and verified by the minor, and shall include  
12 all of the following information:

13 (a) The minor's full name and birth date, and the county and  
14 state where the minor was born.

15 (b) A certified copy of the minor's birth certificate.

16 (c) The name and last known address of the minor's parents,  
17 guardian, or custodian.

18 (d) The minor's present address, and length of residency at  
19 that address.

20 (e) A declaration by the minor indicating that he or she has  
21 demonstrated the ability to manage his or her financial affairs.  
22 The minor may include any information he or she considers neces-  
23 sary to support the declaration.

24 (f) A declaration by the minor indicating that he or she has  
25 the ability to manage his or her personal and social affairs.  
26 The minor may include in this section any information he or she  
27 considers necessary to support the declaration.

1 (2) The petition shall include an affidavit by any of the  
2 following individuals declaring that the individual has personal  
3 knowledge of the minor's circumstances and believes that under  
4 those circumstances emancipation is in the best interests of the  
5 minor:

6 (a) Physician.

7 (b) Nurse.

8 (c) Member of the clergy.

9 (d) Psychologist.

10 (e) Family therapist.

11 (f) Certified social worker.

12 (g) Social worker.

13 (h) Social work technician.

14 (i) School administrator.

15 (j) School counselor.

16 (k) Teacher.

17 (l) Law enforcement officer.

18 (m) Duly regulated child care provider.

19 (3) A copy of the petition and a summons to appear at the  
20 hearing shall be served on the minor's parents or guardian. A  
21 notice of hearing shall be sent to the individual who provided  
22 the affidavit required under subsection (2).

23 Sec. 4d. (1) A parent of a minor emancipated by court order  
24 or a minor emancipated by court order may petition the ~~probate~~  
25 FAMILY DIVISION OF CIRCUIT court that issued the order to rescind  
26 the order.

1 (2) A copy of the petition for rescission and a summons  
2 shall be served on the minor or the minor's parents.

3 (3) The court shall grant the petition and rescind the order  
4 of emancipation if it determines 1 or more of the following:

5 (a) That the minor is indigent and has no means of support.

6 (b) That the minor and the minor's parents agree that the  
7 order should be rescinded.

8 (c) That there is a resumption of family relations inconsis-  
9 tent with the existing emancipation order.

10 (4) If a petition for rescission is granted, the court shall  
11 issue an order rescinding the emancipation order and retain a  
12 copy of the order until the minor becomes 25 years of age.

13 (5) Rescission of an emancipation order does not alter any  
14 contractual obligations or rights or any property rights or  
15 interests that arose during the period of time that the emancipa-  
16 tion order was in effect.

17 (6) The minor or a parent of the minor may file an appeal  
18 from the court's grant or denial of a petition for rescission of  
19 an emancipation order. The appeal shall be filed in the court of  
20 appeals.

21 Section 2. This amendatory act applies to actions or pro-  
22 ceedings commenced on or after January 1, 1998.

23 Section 3. This amendatory act shall not take effect unless  
24 House Bill No. 5158 of the 88th Legislature is enacted into law.