

§3506-A. Emancipation

1. Petition for emancipation. If a juvenile is 16 years of age or older and refuses to live in the home provided by the juvenile's parent or parents, guardian or legal custodian, the juvenile may request the District Court in the division in which the juvenile's parent or parents, guardian or legal custodian resides to appoint counsel for the juvenile to petition for emancipation.

[PL 2019, c. 525, §32 (AMD).]

2. Contents of petition. The petition shall state plainly:

A. The facts which bring the juvenile within the court's jurisdiction and which form the basis for the petition; [PL 1981, c. 619, §12 (NEW).]

B. The name, date of birth, sex and residence of the juvenile; and [PL 1981, c. 619, §12 (NEW).]

C. The name and residence of the juvenile's parent or parents, guardian or legal custodian. [PL 2019, c. 525, §33 (AMD).]

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

[PL 1989, c. 126, §1 (NEW).]

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

[PL 1981, c. 619, §12 (NEW).]

4. Order of emancipation. The court shall order emancipation of the juvenile if it determines that:

A. The juvenile has made reasonable provision for the juvenile's room, board, health care and education, vocational training or employment; and [PL 2019, c. 525, §34 (AMD).]

B. The juvenile is sufficiently mature to assume responsibility for the juvenile's own care and it is in the juvenile's best interest to do so. [PL 2019, c. 525, §34 (AMD).]

[PL 2019, c. 525, §34 (AMD).]

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

[PL 1981, c. 619, §12 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

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

[PL 1981, c. 619, §12 (NEW).]

7. Public proceeding; exception. Notwithstanding section 3307, subsection 2, paragraph B, the court shall not exclude the public unless the minor or the minor's parent or parents, 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.

[PL 1989, c. 126, §2 (NEW).]

SECTION HISTORY

PL 1981, c. 619, §12 (NEW). PL 1989, c. 126, §§1,2 (AMD). PL 2003, c. 689, §B6 (REV). PL 2019, c. 525, §§32-34 (AMD).

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