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Teenage Emancipation: Living On Their Own--Legally

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deal with the multitude of complex legal issues present in child pornography litigation.

Ed. Note — Because of the ongoing nature of efforts to control and eliminate child pornography in Maryland, Mr. Aiken’s sources asked not to be identified more specifically than they have been in this article. However, all sources and all information have been verified.

ADDITIONAL readings

TEENAGE EMANCIPATION:
Living On Their Own—Legally

by Lu Clark

Used to be, a kid could just pack up a few things in a red knapsack and head down the river with his friend and his dog. The weather was warm, the terrain friendly, and the enemies basically nice guys. Hot cocoa and a hot bath awaited the intrepid wanderers.

Gradually the profile of the runaway has changed from a twelve year old boy to a teenager of either sex. Gradually the reason for running away emerged not as wanderlust but an intolerable home life. Trying to save himself from physical and mental abuse, the child solves the problem the only way he knows how: running away. But to what? For many children, prostitution; for most, drugs, poverty, filth, loneliness, and often death. The runaway’s plight has been both sordid and well-documented. You may remember that the problem grew so great during the early Seventies that a national hotline was available for any runaway to call his parents, no charge, no questions asked.

The flood of runaways in the last two decades has ebbed and the Eighties brings a modern attempt to help those older children who cannot live at home. Rather than force them to escape, to live furtively outside the law until they are 18, a few states are allowing the teenager to leave home legally. California, under a new Emancipation of Minors Act, permits 14 year olds to be declared independent and receive the right to be treated as adults for most legal purposes. Included are such rights as being...
able to obtain credit and the right to sign contracts or leases.

What does a teenager have to demonstrate to reach this emancipated status? First, the parents must either consent or acquiesce. Acquiesce here means only that they are not making an active effort to get the child back. Then the applicant must show the court that he can be self-supporting and exist as a functioning member of society.

For most teenagers this means getting a job, either part-time or full-time. Some choose to further their education and are eligible in their own right for financial aid. In some states, the emancipated child may be eligible for welfare benefits. (Indeed, if you were an unmarried pregnant girl of 16 who was asked to leave home, this is about all you would be able to do to support yourself.) The important factor is that a conscious decision to leave home is made with the help of the court and a social services agency.

The National Center for Youth Law, which helped draft the California legislation, says it is receiving one inquiry a week about the process. California’s law sets the minimum age as 14; most other states adopting an Emancipation of Minors Act set it at 16 when the compulsory school attendance requirement is no longer a factor.

Seven other states have enacted laws similar in import to the law in California, but Maryland has nothing comparable in this area for its juveniles. The closest provisions are contained in the Courts article §3-801, et seq., that deal with a “child in need of assistance.” In cases where parents are unwilling or unable to provide proper attention for their child, a complaint can be filed with the Juvenile Services intake officer for that jurisdiction requesting a preliminary inquiry. The inquiry may result in the court assuming control over the child. It is not clear if the child can make the request, and the Title does not address that issue. The one thing that is clear, however, is that according to an Attorney General Opinion a runaway is not considered a delinquent and so may not be placed in a detention center upon returning home. A Maryland youth emancipation act will have to await another day and another legislature.

The Juvenile Justice System: A Brief Overview
by Brad Sures

It was not until 1899, in Chicago, Illinois, that the nation’s first juvenile court was founded. Prior to that time, in the eyes of criminal law, youths reached maturity at age 14, and suspects as young as 6 were legally considered adults if the state could show they knew right from wrong. Thus, several cases are recorded of 12- and 13-year-olds tried for murder, and of 7- and 8-year-olds locked up in adult prisons.

This new and innovative concept of a juvenile court was the culmination of a widespread belief that children were too frequently being institutionalized in unhealthy and degrading almshouses and reform schools. Now, with a sympathetic judge acting as a surrogate parent, misguided adolescents would be treated with compassion and understanding.

It was also at about this same time that juvenile probation officers first appeared. They began as unpaid volunteers supplying the court with investigations of young offenders’ backgrounds and supervising the child’s living at the parents’ home. Such supervision was considered an alternative to punishment in an institution.

The states, however, were slow in giving juvenile courts the resources necessary for them to be effective. As late as 1967, one-third of the juvenile courts in the country had no social workers or probation officers specifically available to them, and less than a dozen states offered such courts any psychiatric assistance.

Eventually, the juvenile court system began to break