

Senate Bill 471

In The Senate

February 13, 1981

Introduced and referred
to Committee on Highways
and Transportation.

February 21, 1981

Committee recommend bill
do not pass.

1 *Senate* BILL NO. *471*
 2 INTRODUCED BY *DeBalkenberg Mahoney*

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE EMANCIPATION
 5 STATUS FOR CERTAIN YOUTHS 16 YEARS OF AGE OR OLDER AND
 6 PROVIDING A PROCEDURE FOR OBTAINING THAT STATUS; AMENDING
 7 SECTION 41-1-101, MCA."

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 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 41-1-101, MCA, is amended to read:
 11 "41-1-101. Minors and adults defined. (1) Minors
 12 Except as provided in [sections 2 through 5], minors are:

- 13 (a) males under 18 years of age;
- 14 (b) females under 18 years of age.
- 15 (2) All other persons are adults."

16 NEW SECTION. Section 2. Petition for emancipation
 17 status. A youth over 16 years of age may petition the youth
 18 court, as defined in 41-5-103, for emancipation status.

19 NEW SECTION. Section 3. Granting of emancipation
 20 status. (1) The granting of emancipation status must be
 21 based on a finding by the youth court, as defined in
 22 41-5-103, that the juvenile is sufficiently mature and
 23 responsible to be able to manage his own affairs and
 24 adequately care for himself.

25 (2) In granting emancipation status, the court shall

1 consider the following:

- 2 (a) the youth's ability to hold a job;
- 3 (b) the youth's educational plans;
- 4 (c) the youth's ability in securing adequate living
 5 accommodations; and
- 6 (d) results of a social evaluation provided for in
 7 [section 4].

8 NEW SECTION. Section 4. Social evaluation of a youth
 9 petitioning for emancipation status. (1) If a youth
 10 petitions for emancipation status, the primary public agency
 11 or officer providing services to the youth shall conduct a
 12 social evaluation. Such agency may be the department of
 13 institutions, department of social and rehabilitation
 14 services, or the county probation officer. If there is no
 15 public agency or officer providing such services, the
 16 evaluation shall be conducted by the department of social
 17 and rehabilitation services.

18 (2) The social evaluation must include:

- 19 (a) an assessment of the youth's financial ability to
 20 provide food, shelter, and clothing for himself; and
- 21 (b) an assessment of the youth's home environment.
- 22 (3) If the youth is living in a different county than
 23 the parent or guardian, a mandatory social evaluation shall
 24 be compiled in each county.

25 NEW SECTION. Section 5. Rights, privileges, and

1 responsibilities of an emancipated youth. (1) The rights,
2 privileges, and responsibilities of an emancipated youth
3 are:

- 4 (a) the ability to contract;
- 5 (b) liability for debts;
- 6 (c) tort liability;
- 7 (d) the ability to sign for his own or his children's
8 medical care;
- 9 (e) the right to receive public assistance;
- 10 (f) the right to marry;
- 11 (g) the right to make a will; and
- 12 (h) the right to bring suit.

13 (2) The youth court, as defined in 41-5-103, does not
14 have jurisdiction over an emancipated youth except for
15 offenses committed prior to emancipation. An emancipated
16 youth is treated as an adult for purposes of criminal
17 prosecutions.

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