

**SUBSTITUTE FOR
HOUSE BILL NO. 4301**

A bill to amend 1968 PA 293, entitled
"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,"
by amending sections 4 and 4e (MCL 722.4 and 722.4e), section 4 as
amended by 1998 PA 509 and section 4e as added by 1988 PA 403.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) Emancipation may occur by operation of law or
2 ~~pursuant~~**-according** to a petition filed by a minor with the family
3 division of circuit court as provided in this act.

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

1 (a) When a minor is validly ~~married.~~**emancipated under the laws**
2 **of another state.**

3 (b) When ~~a person~~**an individual** reaches ~~the age of 18~~ years of
4 **age.**

5 (c) During the period when the minor is on active duty with
6 ~~the armed forces of the United States.~~**United States Armed Forces.**

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

16 (e) For the purposes of consenting to his or her own
17 preventive health care or medical care including surgery, dental
18 care, or mental health care, except vasectomies or any procedure
19 related to reproduction, during the period when the minor is a
20 prisoner committed to the jurisdiction of the department of
21 corrections and is housed in a state correctional facility operated
22 by the department of corrections or in a youth correctional
23 facility operated by the department of corrections or a private
24 vendor under section 20g of **the corrections code of 1953**, 1953 PA
25 232, MCL 791.220g; or the period when the minor is a probationer
26 residing in a special alternative incarceration unit established
27 under the special alternative incarceration act, 1988 PA 287, MCL
28 798.11 to 798.18. This subdivision applies only if a parent or
29 guardian of the minor cannot promptly be located by the department

1 of corrections or, in the case of a youth correctional facility
2 operated by a private vendor, by the responsible official of the
3 youth correctional facility.

4 (3) An emancipation occurs by court order ~~pursuant to~~**under** a
5 petition filed by a minor with the family division of circuit court
6 as provided in sections 4a to 4e.

7 Sec. 4e. (1) A minor emancipated by operation of law or by
8 court order ~~shall be considered to have~~**has** the rights and
9 responsibilities of an adult, except for those specific
10 constitutional and statutory age requirements regarding voting, use
11 of alcoholic beverages, and other health and safety regulations
12 relevant to him or her because of his or her age. A minor ~~shall be~~
13 **is** considered emancipated for the purposes of, but not limited to,
14 all of the following:

15 (a) The right to enter into enforceable contracts, including
16 apartment leases.

17 (b) The right to sue or be sued in his or her own name.

18 (c) The right to retain his or her own earnings.

19 (d) The right to establish a separate domicile.

20 (e) The right to act autonomously, and with the rights and
21 responsibilities of an adult, in all business relationships,
22 including, but not limited to, property transactions and obtaining
23 accounts for utilities, except for those estate or property matters
24 that the court determines may require a conservator or guardian ad
25 litem.

26 (f) The right to earn a living, subject only to the health and
27 safety regulations designed to protect those under the age of
28 majority regardless of their legal status.

29 (g) The right to authorize his or her own preventive health

1 care, medical care, dental care, and mental health care, without
2 parental knowledge or liability.

3 (h) The right to apply for a ~~driver's~~**driver** license or other
4 state licenses for which he or she might be eligible.

5 (i) The right to register for school.

6 ~~(j) The right to marry.~~

7 **(j)** ~~(k)~~The right to apply to the medical assistance program
8 administered under the social welfare act, ~~Act No. 280 of the~~
9 ~~Public Acts of 1939, being sections 400.1 to 400.121 of the~~
10 ~~Michigan Compiled Laws, 1939 PA 280, MCL 400.1 to 400.119b,~~ if
11 needed.

12 **(k)** ~~(l)~~The right to apply for other ~~welfare~~**public** assistance,
13 ~~including general assistance and aid to families with dependent~~
14 ~~children administered under Act No. 280 of the Public Acts of 1939,~~
15 **the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b,** if
16 needed.

17 **(l)** ~~(m)~~The right, if a parent, to make decisions and give
18 authority in caring for his or her own minor child.

19 **(m)** ~~(n)~~The right to make a will.

20 (2) The parents of a minor emancipated by court order are
21 jointly and severally obligated to support the minor. ~~However, the~~
22 **The** parents of a minor emancipated by court order are not liable
23 for any debts incurred by the minor during the period of
24 emancipation.