

Act No. 412
Public Acts of 1996
Approved by the Governor
October 30, 1996
Filed with the Secretary of State
October 31, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Senator Geake

ENROLLED SENATE BILL No. 1041

AN ACT 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:

Section 1. Sections 4, 4a, and 4d of Act No. 293 of the Public Acts of 1968, 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, are amended to read as follows:

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

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

(a) When a minor is validly married.

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

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

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

(e) For the purposes of consenting to his or her own preventive health care or medical care including surgery, dental care, or mental health care, except vasectomies or any procedure related to reproduction, during the period when the minor is a prisoner under the jurisdiction of the department of corrections or the period when the minor is a probationer

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

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

Sec. 4a. (1) A minor seeking emancipation shall file a petition for emancipation in the family division of circuit court in the county where the minor resides. The petition shall be signed and verified by the minor, and shall include all of the following information:

- (a) The minor's full name and birth date, and the county and state where the minor was born.
- (b) A certified copy of the minor's birth certificate.
- (c) The name and last known address of the minor's parents, guardian, or custodian.
- (d) The minor's present address, and length of residency at that address.

(e) A declaration by the minor indicating that he or she has demonstrated the ability to manage his or her financial affairs. The minor may include any information he or she considers necessary to support the declaration.

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

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

- (a) Physician.
- (b) Nurse.
- (c) Member of the clergy.
- (d) Psychologist.
- (e) Family therapist.
- (f) Certified social worker.
- (g) Social worker.
- (h) Social work technician.
- (i) School administrator.
- (j) School counselor.
- (k) Teacher.
- (l) Law enforcement officer.
- (m) Duly regulated child care provider.

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

Sec. 4d. (1) A parent of a minor emancipated by court order or a minor emancipated by court order may petition the family division of circuit court that issued the order to rescind the order. If the order of emancipation is entered by the probate court before January 1, 1998, the parent or minor may petition the family division of the circuit court in the county in which the order was entered to rescind the order.

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

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

- (a) That the minor is indigent and has no means of support.
- (b) That the minor and the minor's parents agree that the order should be rescinded.
- (c) That there is a resumption of family relations inconsistent with the existing emancipation order.

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

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

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

Section 2. This amendatory act shall take effect January 1, 1998.

Section 3. This amendatory act shall not take effect unless Senate Bill No. 1052 of the 88th Legislature is enacted into law.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved -----

Governor.