

**MINUTES OF THE
JUDICIARY INTERIM COMMITTEE**

Wednesday, November 10, 2004 – 9:30 a.m. – Room W130 House Building

Members Present:

Rep. Ben C. Ferry, House Chair
Sen. Patrice M. Arent
Sen. Gregory S Bell
Sen. James Evans
Rep. J. Stuart Adams
Rep. Chad E. Bennion
Rep. Scott Daniels
Rep. Neal B. Hendrickson
Rep. David L. Hogue
Rep. Eric K. Hutchings
Rep. Susan Lawrence
Rep. Roz McGee

Rep. Mike Thompson

Rep. Mark Walker

Members Absent:

Sen. David L. Gladwell, Senate Chair
Sen. John L. Valentine
Rep. Katherine M. Bryson

Staff Present:

Mr. Jerry D. Howe, Policy Analyst
Ms. Esther Chelsea-McCarty, Associate General Counsel
Ms. Cassandra N. Bauman, Legislative Secretary

Note: A list of others present and a copy of related materials can be found at www.leg.utah.gov or by contacting the committee secretary, Cassandra Bauman, at 538-1032. A recording of the meeting is available from the committee secretary.

1. Committee Business

Chair Ferry asked Rep. Adams to conduct the meeting. Rep. Adams called the meeting to order at 9:36 a.m.

MOTION: Sen. Arent moved to approve the minutes of the October 20, 2004 meeting. The motion passed unanimously with Rep. Thompson absent for the vote.

2. Intercountry Adoption Accreditation

Rep. McGee explained the circumstances for intercountry adoptions. She indicated that it is in the interest of Utah to designate which agency will be the accrediting agency for intercountry adoptions.

Mr. Mark Duke, Legislative Chair, Utah Adoption Council, spoke in favor of the legislation.

MOTION: Sen. Arent moved to adopt the legislation as a committee bill. The motion passed unanimously with Rep. Bennion, Rep. Ferry, and Rep. Thompson absent for the vote.

3. Provisions for Emancipation of a Minor

Rep. McGee explained that the legislation has been considered in the past. She opined that Utah is ready to pass emancipation of a minor legislation, indicating that the state now has more information about the issue. She reviewed the proposed legislation.

Mr. Richard Schwermer, Administrative Office of the Courts, indicated that the legislation specifies that age-specific provisions in law are still applicable even if a minor has been emancipated. He also clarified that an emancipated minor will not automatically be adjudicated as an adult.

Ms. Chelsea-McCarty explained the provision in the legislation allowing an emancipated minor to enter into contracts, while other age-specific provisions are not exempt from the legislation.

Rep. Hogue stated that there might be some statutes which would cause ambiguity in the intent of the legislation and suggested that the legislation may need some cross-references, referencing child support, for example.

Sen. Arent questioned what impact the legislation would have on truancy. Rep. McGee indicated that, even under current law, truancy may be addressed by a juvenile court judge or the school system when a parent is not successful in getting the minor to school. Ms. McCarty stated that the judge may place requirements for attendance in school when granting a petition for emancipation of a minor who has not finished high school.

Mr. Blake Lyman questioned how contractual adjudication would be handled for emancipated minors. Ms. Chelsea-McCarty explained that the emancipated minor could be sued or other action taken, depending on what the other party to the contract wanted to pursue.

Ms. Brandy McCochren explained that the legislation would advocate making certain youth independent, including having a voice in court.

Ms. Melissa Larsen indicated that an assessment of today's homeless youth showed that many youth are staying in unhealthy relationships to get access to food, clothing, and shelter because they do not currently have the ability to enter into contracts themselves for things such as utilities, rent, and auto loans.

Mr. Jeff St. Romain, Volunteers of America, indicated that the youth which would be applying for emancipation are children who are in abusive or neglectful situations or even have been abandoned by their parents.

Ms. Barbara Feaster spoke in favor of the legislation. She explained her circumstances which allowed her to move out of her home and on her own. She stated that certain 16 and 17 year olds need to have the opportunity to petition the court for emancipation.

Ms. Lynette Phillips, Jordan School District Board of Education and Director, Diversity Foundation, spoke in support of the legislation. She indicated that it would help place the youth in a safe environment and assist the youth in achieving their life goals. She stated that many homeless youth have been living on their own for years and cannot access needed services.

Rep. Lawrence expressed concern for minors to be emancipated to receive services with the responsibilities and obligations of an adult. She indicated that there may be a possibility to legally allow services to be given to these youth without giving them responsibilities that many are not prepared for.

Ms. Bonnie Macri, JEDI, opined that children who have been abandoned do not have skills that would allow them to be employable. She stated that they do not have driver licenses. She stated that these children have not only been neglected by their parents or guardian, but also neglected by the system.

Ms. Gayle Ruzicka, Eagle Forum, stated that there is a big difference between 16-year olds and 18-year olds. She stated that children should not be rushed into adulthood. She spoke against emancipation of minors.

Sen. Evans suggested to Rep. McGee that the standard to emancipate a minor should be for clear and convincing evidence, and that the sunset date should be amended to allow sooner review of effectiveness.

4. Child Welfare Legislative Oversight Panel Report

Rep. Thompson distributed and reviewed "Child Welfare Legislative Oversight Panel Annual Report."

5. Other Items / Adjourn

The Committee expressed appreciation to the several members who are not returning to the Legislature.

MOTION: Rep. Bennion moved to adjourn the meeting. The motion passed unanimously with Rep. Ferry and Rep. Hogue absent for the vote.

Chair Ferry adjourned the meeting at 11:33 a.m.