

EMANCIPATION AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lorie D. Fowlke

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill allows a court to dismiss a petition for emancipation if it is insufficient or incomplete.

Highlighted Provisions:

This bill:

- ▶ provides that the court shall review a petition for emancipation for completeness and whether the petitioner meets the age requirement before setting a hearing;
- ▶ allows the court to dismiss a petition without setting a hearing if it is incomplete or insufficient on its face; and
- ▶ removes the requirement that a guardian ad litem be appointed in every case.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-6-804, as renumbered and amended by Laws of Utah 2008, Chapter 3

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78A-6-804** is amended to read:

78A-6-804. Court procedure.

(1) Upon the filing of a petition in accordance with Section 78A-6-803, the court shall

30 review the petition for completeness and whether the petitioner meets the age requirement for
31 filing the petition.

32 (a) If the petition is incomplete or the petitioner does not meet the age requirement, the
33 court may dismiss the action immediately.

34 (b) If the petition is complete and the petitioner meets the age requirement, the court
35 shall schedule a pretrial hearing on the matter within 30 days.

36 (2) The court [~~shall~~] may appoint a guardian ad litem in accordance with Section
37 78A-6-902 to represent the minor.

38 (3) At the hearing, the court shall consider the best interests of the minor according to
39 the following:

40 (a) whether the minor is capable of assuming adult responsibilities;

41 (b) whether the minor is capable of living independently of his or her parents,
42 guardian, or custodian;

43 (c) opinions and recommendations from the guardian ad litem, parents, guardian, or
44 custodian, and any other evidence; and

45 (d) whether emancipation will create a risk of harm to the minor.

46 (4) If the court determines by clear and convincing evidence that emancipation is in
47 the best interests of the minor, it shall issue a declaration of emancipation.