



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
Fax: 301-565-3619

For more information contact:
Lisae C. Jordan, Esquire
443-995-5544
www.mcasa.org

Testimony Supporting House Bill 1231 Only if Amended
Lisae C. Jordan, Executive Director & Counsel
February 20, 2020

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judiciary Committee to report favorably on House Bill 1231 only if amended.

House Bill 1231 – Authorization to Marry

This bill sets up a detailed process to allow minors who are 17 years old to ask the court for permission to marry. There are significant procedural requirements, including appointment of counsel for the minor, and the court has broad authority to overrule a minor's choices, even if the minor is mature and self-supporting.

Of most concern to MCASA and the sexual assault survivors we represent is the bill's potential effect on the autonomy of mature minors, including the ability to make decisions about reproductive care, counseling, and health care related to sexual assault. If enacted, this bill would start down a slippery slope of requiring judicial review of important and constitutionally protected decision. This is unwise in the current climate.

We note that some of the restrictions in HB1231 are reasonable and in keeping with the spirit of current law. In particular, eliminating the ability of 15 year olds to marry is in alignment with the age of consent to have sexual relations. We also note that the criminal law already addresses forcible marriage: § 3-1103(a)(1). A person may not knowingly take or detain another with the intent to use force, threat, coercion, or fraud to compel the other to marry the person. Finally, MCASA expresses concern that the process created by SB1231 would not fit into the current family law court system as a practical or fiscal matter. Among the concerns is who would pay for the counsel for the minor child and whether these matters would ever be able to be decided prior to the 17 year old turning 18.

Overall, MCASA respectfully suggests that this bill be amended to respect the decisions of mature minor by incorporating emancipation and that the procedural processes be changed to eliminate judicial review of the decisions of mature minors.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to
report favorably on House Bill 1231 ONLY if Amended**