



Working to end sexual violence in Maryland

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Testimony Supporting Senate Bill 949 Only if Amended
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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 Judicial Proceedings Committee to report favorably on Senate Bill 949 only if amended.

Senate Bill 949 – 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 decisions. This is unwise in the current climate.

We note that some of the restrictions in HB949 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 SB949 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 minors by incorporating an emancipation process, and that the procedural processes be changed to eliminate judicial review of the decisions of mature minors. We note that SB680 establishing an emancipation process avoids many of the concerns raised by SB949 and its provisions could be incorporated into this bill.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to
report favorably on Senate Bill 949 ONLY if Amended**