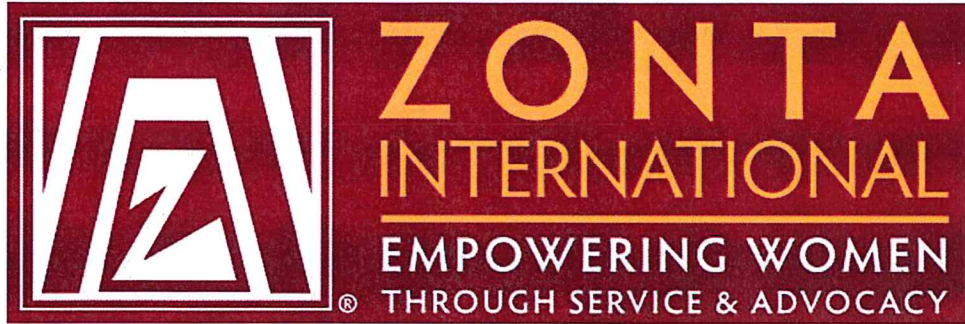


ZONTA Intl_fav_sb949

Uploaded by: Cardillo, Bobbee

Position: FAV



Statement from Zonta International, District 3, Maryland

IN SUPPORT OF SB 949

March 4, 2020

Zonta International, District 3, its clubs and members throughout Maryland are speaking in support of passage of SB 949.

Zonta International is a global organization of professionals empowering women worldwide through service and advocacy for 100 years. We have been championing the advancement of women in Maryland since 1929. Maryland Zontians have focused their attention on eliminating child marriage in the state for the last several years.

The position of Zonta International is that marriage of any child under the age of 18 should be prohibited in all circumstances, as this is the age of majority and impacts other legal benefits and responsibilities. However, in the state of Maryland, we believe the current laws are so egregious that passage of SB 949, which would raise the minimum age of marriage to 17 and eliminate pregnancy and parental consent loopholes, is a critical and necessary improvement at this time. Zonta would welcome an

amendment to give such minors emancipation along with permission to marry.

Under current MD law, shockingly, children as young as 15 may marry. Statistics indicate that 3,500 minors under 18 were married in Maryland from 2000-2018. As states surrounding Maryland have strengthened their laws, Maryland has become a "destination wedding" site where parents take their daughters to force them into marriage, often to much older adults.

Since 2016, reforms in 21 states have limited or ended child marriage. Nearby states of DE, NJ, VA, NY, KY and OH now limit marriage to legal adults. **Zonta has been active in the last year supporting legislation to expand such protections in PA.**

Objections to raising the age of marriage include the so-called child in love. At most waiting for marriage is an inconvenience compared with the traumatic experience suffered by a child being forced into marriage and raped. Because such a child is not at the age of majority, she cannot take legal steps to protect herself, and often can't even get into a shelter.

Why not give a pregnancy exemption at a younger age? Such exemptions have been used to cover up rape and force girls to marry their rapist.

Evidence has shown that teen brides face greater vulnerability to domestic and sexual violence. They are more likely to drop out of

school. They have an increased likelihood of future poverty, requiring government assistance. Sex traffickers use lax marriage laws to support their victimization of young girls. And divorce rates of 70-80% occur in cases of marriage before age 18. How can this be beneficial to anyone, especially the girls so vicimized? How can this be sanctioned by the state of Maryland?

In summary, while Zonta International District 3 and the Zonta Clubs of Maryland would prefer legislation raising the minimum marriage age to 18 with no exceptions, at this time we strongly encourage you to pass SB 949.

MoCo_Irwin_FAV_SB 949

Uploaded by: Irwin, Laura

Position: FAV



**Testimony in Support of SB949
Family Law – Authorization for a Minor to Marry
Wednesday, March 4, 2020**

TO: The Honorable William Smith, Chair, The Honorable Jeff Waldstreicher, Vice Chair, and Members of the Senate Judicial Proceedings Committee

FROM: Laura E. Irwin, Chair, Montgomery County Community Action Board

As advocates for the low-income community, the Montgomery County Community Action Board (CAB) supports increasing the minimum age to marry in Maryland to eighteen. While SB949 takes a step in the right direction by increasing the marriage age to seventeen when a minor has been emancipated and when the prospective partner is no more than four years older than the minor, CAB recommends increasing the minimum age to eighteen in all circumstances.

Approximately 3,130 children were married in Maryland between 2000 and 2014, including more than 5 children under the age of 15.ⁱ Research shows that children who marry are far more likely to face serious physical and mental health problems and domestic violence. Furthermore, child marriage often leads to an increased risk of poverty. Many of these children drop out of school and 70% of child marriages end in divorce, often leading to a life of poverty.ⁱⁱ

As the voice of low-income residents in Montgomery County, CAB advocates for vulnerable members of our community, including children. Research shows that the detrimental effects of child marriage are quite clear. CAB believes that children should have the opportunity to pursue an education and become self-sufficient adults. In most cases, child marriage prevents this from happening. Changing the minimum age to marry in Maryland to eighteen will ensure that no child in the state faces the numerous negative impacts of child marriage.

The Community Action Board recommends amending SB949 to reflect a minimum marriage age of eighteen as a way to protect children and prevent poverty.

We thank you for your consideration.

ⁱ Unchained at Last <http://www.unchainedatlast.org/>

ⁱⁱ The Washington Post https://www.washingtonpost.com/posteverything/wp/2017/02/10/why-does-the-united-states-still-let-12-year-old-girls-get-married/?tid=pm_pop_b&utm_term=.62a7b9c8ef6c

MDAAP_Pam Kasemeyer_FAV_SB0949

Uploaded by: Kasemeyer, Pam

Position: FAV



TO: The Honorable William C. Smith, Jr., Chair
Members, Senate Judicial Proceedings Committee
The Honorable Sarah K. Elfreth

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
Richard A. Tabuteau

DATE: March 4, 2020

RE: **SUPPORT** – Senate Bill 949 – *Family Law – Authorization for a Minor to Marry*

The Maryland Chapter of the American Academy of Pediatrics (MDAAP) is a statewide association representing more than 1,100 pediatricians and allied pediatric and adolescent healthcare practitioners in the State and is a strong and established advocate promoting the health and safety of all the children we serve. On behalf of MDAAP, we submit this letter of **support** for Senate Bill 949.

Senate Bill 949 provides important changes to Maryland's law regarding a minor's right to marry. The bill would limit the right to marry to individuals who are 17 and enhances the requirements that must be met for an individual who is age 17 to marry, including that there may not be more than a 4 year difference in age. Under current law, an individual, age 16 or 17 is allowed to marry if the individual has consent of the parent or guardian or has been certified to be pregnant or has had a child. An individual who is age 15 may not marry without consent of a parent or guardian and a certification that the individual is pregnant or has had a child.

Limiting the ability to minors to marry to age 17 with no more than 4 years difference in age substantially limits the threat of a minor being forced or coerced into a marriage. Forced marriage victims experience significantly high rates of sexual abuse, economic threats, and isolation. Additionally, many married minors do not have the legal rights of adults. A 2016 review by The American College of Obstetricians and Gynecologists found that women and girls who were threatened with forced marriage reported higher instances of intimate partner violence.

Furthermore, parents may believe early marriage is in their daughter's best interest, especially if she's pregnant. However, the vast majority of girls who marry before age 18 face significant lifelong challenges. American women who marry before the age of 18 are more likely to face psychiatric disorders like clinical depression, according to a 2011 nationwide study published by the American Academy of Pediatrics. Early marriage doubles a teenager's chances of living in poverty and triples the likelihood of domestic violence, compared to married adults. Senate Bill 949 provides important enhancements for the protection of minors as it relates to the right to marry. A favorable report is requested.

For more information call:

Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
Richard A. Tabuteau
410-244-7000

Maryland Catholic Conference_FAV_SB949

Uploaded by: Kraska, Jenny

Position: FAV



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

March 04, 2020

SB 949

**Family Law - Marriage - Age Requirements
Senate Judicial Proceedings Committee**

SUPPORT

The Maryland Catholic Conference represents the mutual public policy interests of the three (arch)dioceses serving the state of Maryland, including the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington. We offer this testimony in support of Senate Bill 949, which would raise the legal age of marriage to age 17 only under certain conditions.

We believe this legislation will provide an important means of preventing the exploitation particularly of young women through human trafficking and coercion by older partners and even family members.

Preventing the real-life situations of abuse and coercion that proponents of this measure have highlighted provides the most compelling reason to raise the legal age of marriage. Additionally, it is important to consider the potential impact the bill can have on preventing two young persons from entering into a legal commitment without the needed maturity to understand the serious and lifelong impact that their decision to marry carries with it.

It has been the constant teaching of the Catholic Church that marriage is a "...covenant by which a man and a woman establish between themselves a partnership of the whole of life and which is ordered by its nature to the good of the spouses..."¹ The Church believes that this "covenant" is not the result of a happenstance meeting or pure chance, but rather, the result of God working in the lives of two people, bringing them together for a divine purpose according to the Almighty's divine plan for them.

Senate Bill 949 is a critically important measure in preventing the tragedy of young women being coerced or exploited through a marriage imposed on them against their will. It is also an important measure in preventing young people from mistakenly entering into one of the most serious commitments of their lives, only to later suffer the negative consequences that the dissolution of that marriage would likely have on both the partners and any children born of the marriage.

For these reasons, we respectfully urge a favorable report on Senate Bill 949.

¹ Canon 1055. 1983 Code of Canon Law

LifeBridge (BCAC)_FAV_SB949

Uploaded by: lombardi, joyce

Position: FAV



SB949 – Family Law – Authorization for a Minor to Marry

Senate Judicial Proceedings Committee – March 4, 2020

Testimony of Adam Rosenberg, Executive Director, and Joyce Lombardi, Baltimore Child Abuse Center

Position: **SUPPORT**

We write to urge a favorable report of SB949. The bill raises the age of marriage from 15 to 17, provided certain conditions are met.

As Maryland's oldest accredited children's advocacy center, Baltimore Child Abuse Center (BCAC), a subsidiary of LifeBridge Health, provides trauma-informed services with a multidisciplinary team approach that includes law enforcement, forensic interviewers, social service workers, prosecutors, family advocates, and medical and mental health providers. Since its inception over 30 years ago, BCAC has provided help to over 40,000 children and their families.

Under current Maryland law, children as young as 15 can get married with parental consent AND if they are pregnant or parenting; and a 16 or 17-year-old can marry if they have parental consent OR if pregnant or parenting. Under current law, the court clerk has no authority to intervene if they suspect that a parent or partner is coercing the minor. There is also no emancipation law in Maryland (though one is currently pending this session), thus no way for the minor applicant to demonstrate maturity or independence in the court proceeding.

Almost 3,400 teens married in Maryland from 2000 to 2017, according to the Md. Health Department. In 2016, 25 Maryland minors married someone in their 20s and six married someone in their 30s.

By creating strict regulations, the bill will help protect children who may be coerced into marriage by a parent or a would-be partner. As a child advocacy center, we are unfortunately well acquainted with ways that parents are complicit in enabling a child's abuse or exploitation at the hands of another.

This bill can help prevent coercion by parents or partners. SB939 will allow 17-year olds to marry in limited circumstances while expanding courts' ability to detect force, fraud or coercion. The bill requires that the other party to be married is not four years older, which is consistent with Maryland's statutory rape laws. The bill also requires that court to appoint a lawyer, and conduct an in-camera review apart from family members. Pregnancy alone is deemed an insufficient reason to marry. The bill prohibits marriage if one of the parties has been convicted or adjudicated for a sex crime or a crime against a minor or human trafficking or was in a position of authority over the minor.

Marriage is a legal contract with long-lasting financial and legal obligations. Brain chemistry tells us that adolescent brain, especially the decision-making function and impulse control, is not mature until the early 20s. Some data suggests that child marriages often fail. In the U.S. people who marry before 18 have a 70 to 80 % chance of getting divorced according to Pew Research foundation.

Marriage of a minor is outlawed in many states. Several states have raised marriage minimums to 17 (Indiana, Nebraska, Oregon, Washington) or 18 (Kentucky, Louisiana, West Virginia).

For all of the heretofore stated reasons, we request a **FAVORABLE** report for SB949.



SB949 – Family Law – Authorization for a Minor to Marry
Senate Judicial Proceedings Committee – March 4, 2020
Testimony of Adam Rosenberg, Executive Director, and Joyce Lombardi, Baltimore Child Abuse Center
Position: **SUPPORT**

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For all of the heretofore stated reasons, we request a **FAVORABLE** report for SB949.

Poyer_Anne Arundel Clerk_FAV_SB0949

Uploaded by: Poyer, Scott

Position: FAV

BILL NO: Senate Bill 949

TITLE: Family Law – Authorization for a Minor to Marry

COMMITTEE: Judicial Proceedings

HEARING: March 4, 2020

POSITION: **SUPPORT WITH AMENDMENTS**

Testimony of Scott Poyer, Clerk of the Circuit Court, Anne Arundel County

Thank you Chairman Smith and members of the committee for this opportunity to testify in support of SB 949. For the record, my name is Scott Poyer and I am the Clerk of the Circuit Court for Anne Arundel County. My testimony today is not on behalf of the Maryland Judiciary. I am here representing myself as the elected official who is responsible for issuing all the marriage licenses and performing about half of all the marriage ceremonies in Anne Arundel County. Implementing the marriage laws that you pass is a regular part of my job.

I am in favor of SB 949 because I do not feel the current laws provide enough protection for minors who may find themselves being pressured into marriage, and I would like to talk about several aspects of the current system that may not be widely known.

I examined five years of data for the minors who were married in my county, which is the fifth largest in Maryland. Approximately 30 percent of these marriages were for couples from out-of-state. The average age difference for the couples from out-of-state was three times higher than for the in-state marriages.

There is no data on why the out-of-state couples are coming here to get married. But it does appear that some of these marriages would not have been authorized in the home state where they came from. I have read that 21 states have tightened their marriage age requirements in the last six years, and I believe this could be driving some of our out-of-state marriages.

I would also like to say a few words about the relative lack of safeguards for minors under the current system. While it takes two to get married, it only takes one to apply for a marriage license, and that may be the only one we ever see. Only one petitioner needs to show up at the courthouse to fill out the marriage license application. If both participants come to my office for the marriage ceremony I may only see them for a few minutes. But for the half of all marriage ceremonies performed by clergy we don't see the other person at all. And there is no such thing as a "Central Clergy Registration Authority" that lists official clergy. These days anybody can get ordained on the internet sight unseen. The reality is that under the current system, one spouse can come in to fill out the application, come in two days later to give us the return copy signed by a "clergy member," and they have a valid Maryland marriage license recognized in all 50 states. And no one will have ever seen the minor who was involved, to determine if the minor was under duress or was marrying against their will.

I support the proposed legislation because it provides better safeguards for minors who may find themselves being forced into marriage. It does add unfunded requirements on the court system in that an attorney is required to be appointed to represent the underage petitioner, and a court hearing is required. But the impact in Anne Arundel County would have only been 4 cases last year, out of the 19,000 cases we handle every year; while the impact on the lives of minors who are involved is tremendous.

Thank you for the opportunity to comment on this bill.

Senator Elfreth_FAV_SB0949

Uploaded by: Senator Elfreth, Senator Elfreth

Position: FAV

SENATOR SARAH ELFRETH
Legislative District 30
Anne Arundel County

Budget and Taxation Committee

Subcommittees

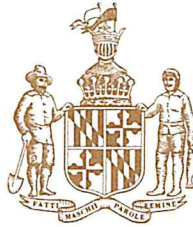
Education, Business and Administration

Chair, Pensions

Senate Chair

Joint Committee on Administrative,
Executive, and Legislative Review

Joint Committee on the Chesapeake and
Atlantic Coastal Bays Critical Area



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

March 04, 2020

Testimony in Favor of SB0949

Family Law- Authorization for a Minor to Marry

Chairman Smith, Vice-Chair Waldstreicher, & members of the Judicial Proceedings Committee,

I respectfully request a favorable report of Senate Bill 949. This bill would set an age floor of 17 to marry and create a judicial process for a 17-year-old to be authorized to marry. The bill would also grant emancipation to any 17-year-old that is given authorization to marry.

Let me begin by saying that I have had the privilege of working on this issue for the last year and I have been unable to find a single person in the real world - outside of our hallowed halls - who believes that Maryland's current law allowing 15 year olds to marry is acceptable.

You have seen this bill in different iterations many times before. What's different now is that it represents a compromise. There are many in our State who believe the age floor should be raised to 18 with no exceptions. You will hear from those groups today. There are those who believe that changing Maryland's law would lead to threats to women's autonomy and choice. You will hear from those groups today as well. This Committee knows that there is no easy answer, no silver bullet policy solution. More often than not, the right answer lies somewhere in the middle. The amendments I am offering today were taken from both sides of this argument in order to make SB949 the strongest public policy possible. I stand here today as a proud pro-choice Senator who also believes our current laws allowing child marriage are deeply flawed and harmful to young men and women. This body has made tremendous strides to protect women and children from the threats of domestic violence, sexual assault, and human trafficking, yet this State has still condoned child marriage. SB 949 accomplishes this necessary balance and takes Maryland out of the dark ages.

I will attempt to make a highly emotional issue strictly about the facts and as data-driven as possible:

Current Maryland law allows for children as young as 15 to get married with parental consent and if they are pregnant. Current law allows for 16-year olds to marry if they have parental consent OR if they are parenting. Our current law does not allow for a clerk of the court to intervene if they suspect a parent or a partner is coercing a minor. Nothing under Maryland law prohibits a pregnant 15 year old from Delaware, a state that set the minimum age of marriage at 18, from being taken to Maryland to marry a man 22 years her senior. This didn't happen in 1953. It happened in 2018.

This is not a small problem. Nearly 3,500 minors were married in Maryland between 2000 and 2018. 85 percent of those minors were women. In 2016, 25 Maryland children married someone in their 20s and six married someone in their 30s.

Child marriages lead to significantly harmful outcomes. The vast majority of girls who marry before the age of 18 face significant lifelong challenges:

- Marrying before 18 doubles the chances of living in poverty;
- Those who marry before 18 are 50 percent more likely to drop out of high school;
- Marrying before 18 triples the likelihood of domestic violence;
- Those who marry before 18 have a 70 to 80 percent greater chance of getting divorced.

Other states have recognized the importance of protecting children. Twenty-one states since 2016, the first year this bill was introduced, have strengthened their minimum age laws. Delaware and New Jersey have raised the minimum age of marriage to 18 with no exceptions.

Senate Bill 949, as amended, does four main things:

- Raises the age of marriage to 17, no exceptions;
- Provides for no more than a 4 year age difference between potential partners;
- Creates a judicial review process that ensures a judge can independently determine the health of a relationship, maturity of a petitioner, and potential presence of coercion or abuse from a petitioner's parent or partner;
- Ensures that a 17-year old who successfully petitions for a marriage license is also emancipated

The emancipation language added in the amendment allows any 17-year old the court rules able to marry to sign a contract for a cell phone, open a bank account, sign a lease, retain an attorney, and, perhaps most critically, petition for their own divorce. This critical amendment ensures that vulnerable women and men are empowered with the ability to get themselves out of an abusive marriage.

Today you will hear and read supportive testimony from a broad coalition, including:

- A survivor of a child marriage
- The Anne Arundel Clerk of the Court
- The Tahirih Justice Center
- The Maryland Chapter of Pediatricians
- Teenagers from Reservoir High School and Marriotts' Ridge High School
- The Baltimore Child Abuse Center
- The Maryland Catholic Conference
- The Maryland State Bar Association

SB 949 ensures that if a minor is marrying she is making that decision for herself rather than being coerced and, thanks to the amendments, is able to escape an abusive home. It ensures that the union of a pregnant 15-year old and a 37-year old is not sanctioned by a government contract. It is the correct balance

The time for the Senate and Maryland to act is now. I once again request a favorable report.

Sincerely,



Sarah Elfreth

MSBAFamilyLaw_FAV_SB949

Uploaded by: Smith, Michelle

Position: FAV

To: Members of The House Judicial Committee

From: Family & Juvenile Law Section Council (FJLSC)
by Ilene Glickman, Esquire and Daniel Renart, Esquire

Date: March 3, 2020

Subject: **Senate Bill 949:**
Family Law – Authorization for a Minor To Marry

Position: **SUPPORT WITH AMMENDMENTS**

The Maryland State Bar Association (MSBA) FJLSC supports with amendments Senate Bill 949 – Family Law – Authorization for a Minor To Marry.

This testimony is submitted on behalf of the Family and Juvenile Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MSBA”). The FJLSC is the formal representative of the Family and Juvenile Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise. The FJLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members.

Legal Background:

Currently, Maryland Family Law Article §2-301 allows minors to marry under the following circumstances:

- At 16 or 17 years of age, either:
 - With the parents’ or guardians’ consenting and swearing that the minor is aged 16 or older; or,
 - Without the consent of said adults, but with a medical certificate that the bride is pregnant or has given birth.
- A 15 year old if s/he has the consent of a parent or guardian and provides the marriage licensing clerk a medical certificate that the bride is pregnant or has given birth.

A person under the age of 15 years may not marry.

Need for Change:

From the public policy perspective, marriage of minor children can be used to disguise human trafficking and to conceal abuse, domestic violence, neglect, and rape of the minor either by the spouse or parents.

This testimony focuses on the many legal problems with the current law on married minors and why SB949 should receive a favorable report.

Emancipation and Legal Capacity:

Marriage is not an emancipation event. Maryland lacks a formal emancipation procedure or statute for minors. A minor does not attain all the capacity, rights, powers, privileges, duties, liabilities, and responsibilities of an adult until reaching the age of majority, which is 18 years old in Maryland (General Provisions §1-401). Until then, as it pertains to legal age and capacity, a minor is a person under the age of 18 (General Provisions §1-103). Age, not marriage, is the triggering event.

Marriage may confer certain rights on a minor if provided by statute. For example, a married minor can consent to medical treatment (Health General II §20-102(a)), and a married minor has expanded rights with respect to driver's license applications (Transportation §16-107(a)) and ownership of real property (Estates and Trusts §13-503(a)). Marriage is an emancipating event for child support purposes if the child has reached the age of 18 but not yet graduated high school (General Provisions §1-401).

Because marriage is not an emancipating event, a minor lacks capacity to enter into contracts. This could impact a married minor's ability to open a bank account, apply for credit, apply for a job, or establish an estate plan (including without limitation power of attorney and healthcare directive).

Access to Justice and Due Process:

According to the Maryland Rules of Civil Procedure, a married minor lacks legal capacity to file a petition for protection from domestic violence or suit for divorce on his/her own behalf.

Maryland Rule 2-202 on "capacity" requires an "individual under disability" to file or defend a suit through a guardian, other fiduciary, next friend, by a parent if in the parent's custody, or by other interested person. Rule 1-202 defines, in part, an "individual under disability" as an individual under the age of 18 years. There is no exception for married minors.

Interestingly, "guardian" is defined as a natural or legal guardian (Rule 1-202) and pursuant to Family Law §5-203, the parents are the joint natural guardians of their minor child. This begs the question of whether a married minor is in the custody of his/her parent(s) for purposes of Rule 2-202. If so, the custodial parent has one year following accrual of the cause of action to institute suit on behalf of the minor and if suit is not filed within one year, then any "person interested in the minor" has the right to sue on behalf of the minor as a next friend.

With some exceptions, Rule 2-202 requires the next friend to settle the case, which may require parent approval if the next friend is not the parent.

Picarella v. Picarella, 20 Md. App. 499 (1974), is an example of a married minor seeking an annulment through a next friend.

Without legal capacity to contract, a married minor may encounter problems retaining an attorney for representation without parental or spousal consent (which may be unlikely, if not impossible or dangerous to obtain).

Emancipation from Parental Control:

To further confuse the issue, certain sources speak of “emancipation from parental control” upon marriage. Specifically:

Pumphrey v. Pumphrey, 11 Md. App. 287 (1971), states: “While [the child’s] marriage may have emancipated him from parental control (see 8 Md. L. Rev. 71), it did not make him “self-supporting” within the ordinary sense of that term... Marriage, majority, and self-support may come at nearly the same time but each differs fundamentally from the others.”

Likewise, an informal opinion of the Attorney General dated July 3, 1997 states: “Emancipation by marriage frees the child from the control of the parents... Emancipation by marriage does not, however, free the child from legal disabilities imposed on minors, unless specifically provided by statute.”

But, saying that marriage is an emancipating event does not make it legally so.

It is worth noting that per Family Law §9-103, a child aged 16 or older and subject to a custody order may file a petition to change custody, proceeding in his/her own name without guardian or next friend. It is perplexing why the law does not provide the same, clear right to married minors in the situations discussed above.

SB 949 creates a procedure for Judges to follow in weighing important factors before authorizing a 17 year old to marry, which will serve as a safeguard to protect those minors from abuse. The MSBA FJLSC approves of the appointment of “a Lawyer” for said minors. Although, we believe it will be incumbent on the Judge and the lawyer to make the fluid determination if the lawyer shall act as a “Best Interest” Attorney or an “Advocate Attorney” for the child as the case progresses. See Rule 9-205.1.

In order for SB 949 to more comprehensively address both the authorization for minors to marry as well as the emancipation issues, we would respectfully suggest amendments to SB 949 to include language that requires evidence that the minor has demonstrated a capacity for self-sufficiency and self-support, independent of the minor’s parents or intended spouse and also indicates that those minors authorized to marry shall also be considered emancipated.



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For the reason(s) stated above, the MSBA **supports Senate Bill 949 and urges a favorable committee report with amendments.**

Should you have any questions, please contact Ilene Glickman by e-mail at ilene@lawhj.com or by telephone at (410) 821-8718.

Dana O. Williams
President

Hon. Mark F. Scurti
President-Elect

Delegate Erik L. Barron
Secretary

M. Natalie McSherry
Treasurer

Victor L. Velazquez
Executive Director

Tahirih Justice Center_FWA_SB949

Uploaded by: Smoot, Jeanne

Position: FAV



BILL NO: Senate Bill 949
TITLE: Family Law – Authorization for a Minor to Marry
COMMITTEE: Senate JPR
HEARING: March 4, 2020
POSITION: **SUPPORT WITH AMENDMENTS**

The Tahirih Justice Center (Tahirih) is a non-profit legal advocacy organization that, since 1997, has served survivors of domestic violence, sexual assault, human trafficking, and other abuse. Through a specialized initiative launched in 2011, Tahirih has worked on several hundred cases involving forced marriage, including many in Maryland. Tahirih galvanized a national movement to tackle forced and child marriage as U.S. problems, and after securing landmark legislation in Virginia in 2016, has helped bring about new laws to end or limit child marriage in a total of 21 states to date.ⁱ

Tahirih strongly supports provisions in SB 949 that eliminate lax pregnancy and parental consent loopholes in Maryland’s current minimum marriage-age laws, and that put in place instead a limited judicial approval process.

However, Tahirih urges amendments to ensure that the judge also evaluates the minor’s maturity and capacity for self-sufficiency, and then, if all criteria and thresholds are met, grants the minor an order of emancipation at the same time as approval to marry. We understand the bill sponsor is amenable to this amendment, for which we are grateful.

The empowerment that emancipation provides is a critical and core component of judicial approval for a minor to marry. Without it, even after enacting SB 949, Maryland would still be permitting an individual who is *legally and practically a child* to be married. Moreover, without the clarity of a court order of emancipation, married minors in Maryland would remain in a “gray space” in terms of their legal rights. For example, a minor may not be able to file for a protective order or petition for divorce on her own, and may instead have to rely on an adult to file on her behalf.ⁱⁱ

SB 949 responds to an alarming problem. Nearly 3,500 minors were married in Maryland from 2000-2018, most of them girls married to adult men, many of whom were significantly older.ⁱⁱⁱ In 2018, for example, a 15 year old was brought from Delaware to Maryland to be married to a 22 year old under the pregnancy exception – yet in both states, sex between individuals at those ages is a crime punishable by substantial jail time.

Maryland’s pregnancy and parental consent exceptions have provided cover-ups for sexual assault and work-arounds for predators, enabled human trafficking to slip by under the guise of marriage, facilitated forced marriages of girls against their will, and trapped vulnerable girls in violent homes without the rights or resources to find safety.

*Protecting Immigrant
Women and Girls
Fleeing Violence*

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Current laws have also failed to protect girls from other serious risks and harms of early marriage. Research shows that girls who marry before age 18 face greater vulnerability to sexual and domestic violence, increased medical and mental health problems, increased high school drop-out rates, a greater risk of future poverty, and up to 80% divorce rates, among other potentially lifelong, irreparable harm.^{iv}

The reforms envisioned in SB 949 – strengthened by amendments to build in an emancipation element – are urgently needed to prevent forced marriages of children; to mitigate the steep risks posed to girls’ health, safety and welfare by marrying before age 18; and to ensure that marriage licenses are only issued to legal adults with the legal and practical ability to protect themselves from abuse.

Among other important safeguards, SB 949 would:

- Set a floor for marriage at age 17, and set a maximum age difference of 4 years when the marriage involves a minor;
- Require judicial approval of all marriage petitions involving a minor, including an inquiry into the minor’s best interests, in order to vet for forced marriages or other abuse or exploitation and to protect the minor’s welfare and wellbeing;
- Require the judge to appoint an attorney for the minor, and also require the judge to interview the minor in private, to provide an opportunity outside of open court for the minor to disclose any threats she may be facing;
- Require the judge to vet the intended spouse – for example, to see if the intended spouse has a violent criminal history, or is/was in a position of authority over the minor;
- Clarify that pregnancy is not sufficient evidence that a marriage is in a minor’s best interests, considering that it can be a red flag that a girl was raped, not a reason to green-light a marriage;
- Give minors a factsheet on resources available to victims of domestic violence, so that they receive accurate and practical information they may need, for example, about seeking a protective order or accessing help from legal aid; and
- Institute a waiting period after judicial approval is granted and before a marriage license is issued.

If the amendments that Tahirih urges are adopted, then SB 949 would also:

- Require the minor to have a degree of demonstrated self-sufficiency and maturity, to better ensure that she is making this decision of her own free will and would have the means to leave if she faces abuse in the marriage, rather than be trapped without resources or options; and
- Make a judge’s grant of permission to marry simultaneously a judge’s decree of emancipation. This ensures that no one who is still a “child” under the law is allowed to marry, and that both parties to the marriage will be on equal legal footing.

Similar protective elements were incorporated in new laws enacted in Georgia (2019), Ohio (2019), Kentucky (2018), Texas (2017), and Virginia (2016), among other states.

Tahirih strongly believes that the best way to protect girls from forced marriages and other risks of marrying young is to set the legal marriage age at 18, without exception. However, we believe that SB 949, as amended will help accomplish these objectives.

Together, SB 949's safeguards would help ensure that if a minor is marrying, she is making that decision for herself rather than being coerced, and that, if necessary, she will be able to escape an abusive home. They also help mitigate the other steep risks, both individual and intergenerational, that are posed by early marriage.

As more states in the region and nationwide strengthen their laws, those seeking to abuse and exploit girls under the guise of marriage will increasingly gravitate to Maryland for its weaker laws. Maryland must act *this year* to eliminate these marriage-age loopholes, and to put in place meaningful safeguards.

The Tahirih Justice Center respectfully urges a favorable report on SB 949, with amendments as outlined.

Attachments:

Map: Child Marriage Laws in Maryland and the Region, and Measurable Outcomes

Summary: The National Movement to End Child Marriage

Backgrounder: Child Marriage Poses Serious Risks to Children

ⁱ For a 50-state report that Tahirih has prepared analyzing minimum marriage age laws and how they can either increase protections or instead ratchet up risks of forced marriages and other harm, as well as other resources, please visit www.tahirih.org/childmarriage.

ⁱⁱ See <https://mdcourts.gov/sites/default/files/import/courtforms/joint/ccdcvpo001br.pdf> and <https://www.womenslaw.org/laws/md/restraining-orders/domestic-violence-protective-orders/who-can-get-protective-order#node-31346>. Attaining majority or being court-emancipated can make a pivotal difference to the rights and options a minor has available to her. In Maryland, un-emancipated minors are disabled from advocating to protect themselves from forced or abusive marriages in numerous ways. For example, runaway youth can be taken into custody without a warrant; shelters may have to request a parent's consent within 24 hours of a minor's arrival or petition for legal custody of the minor themselves; relatives or friends who might offer a runaway a place to stay risk being sued by the parents for interfering with parental rights or charged by police for harboring a runaway; un-emancipated minors cannot enter binding legal contracts, and as a result, adults (from lawyers to landlords) tend to avoid entering contracts with minors; and the marriage of a minor relieves the minor's parents of support obligations, but it does not clearly grant the minor the rights of an adult. See, e.g., Md. Code, Family Law § 9-304 (prohibiting a relative from "harboring" a child under age 16) and *Khalifa v. Shannon*, 404 Md. 107, 123, 945 A.2d 1244, 1253 (2008); COMAR 14.31.07.09 (shelter regulations re: minors); Md. Commercial Law Code Ann. § 1-103 (c)(1) ("The age of majority as it pertains to the capacity to contract is 18 years of age"); Md. Code, General Provisions §1-401 (defining age 18 as the age of majority, and at subpart "b," relieving parents of support obligations upon the marriage of a child).

ⁱⁱⁱ Marriage license records obtained from the Maryland Department of Public Health, Vital Statistics Administration, and analyzed by the Tahirih Justice Center. On file with Tahirih.

^{iv} See specific statistics and sources cited in Tahirih Justice Center's backgrounder, "Child Marriage Poses Serious Risks to Children."

Child Marriage Laws in Maryland and the Region

Age “floor” is given for each state in parentheses. The floor is the age below which no child can be married, regardless of parental consent or judicial approval.

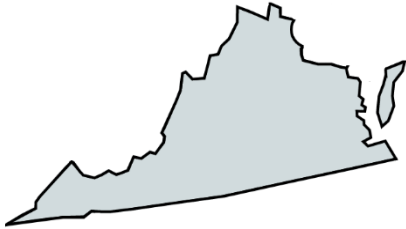
In addition to an age floor, New York, Ohio, Kentucky and Virginia also have several additional safeguards, including a requirement that a minor be court-emancipated (given the rights of a legal adult) before marriage.



FAST FACTS:

- *Maryland’s current laws on minimum marriage age are weaker than 7 of the other 9 states plus DC in this region. And a bill with dozens of bipartisan co-sponsors that would set the age at 18, no exceptions, is expected to become law soon in Pennsylvania.*
- *Six states and DC set a higher age floor than Maryland and/or require that individuals must be legal adults before marrying.*
- *Maryland is the only state in the region that still has a pregnancy exception, and is only one of 6 such states nationwide. Most states now recognize that a pregnant underage girl may need a protection order, not a marriage license.*

Measurable Outcomes in States Leading the Movement to End Child Marriage



Virginia was the first state to limit marriage to legal adults, with a 2016 law that set a minimum marriage age of 18 with an exception for court-emancipated minors.

The year before Virginia's new law went into effect, 182 children married in the state. The year after, that number fell to just 13 – over a 90% decline.

Most married a spouse within 4-6 years of their age (compared with decades of age difference in some cases before the new law).



Texas also set a minimum marriage age of 18, with an exception for court-emancipated minors with a new law that went into effect in September 2017.

Preliminary data shows a decline in children marrying of about 90% following the law's effective date.

From September 2016 to February 2017, 175 children married in Texas. Over the same six-month period immediately following the law's effective date, that number fell to just 18.

Those same comparison periods also saw a decline in age differences in marriages involving a spouse under age 18, with the maximum age gap falling from 14 years to 7 years.

A total of 21 states have enacted some reforms to limit child marriage. In addition to **Virginia** and **Texas**, six more have limited marriage to legal adults since 2016: **Delaware and New Jersey** (age 18, no exceptions); **New York, Kentucky, Ohio and Georgia** (age 18, or age 17 and emancipated).

In states that set the bar for marriage at legal adulthood, we can see the greatest impact on the child marriage problem.

In states that adopted some reforms but did not set the bar for marriage at legal adulthood – for example, Florida, which simply raised the age floor to 17 and limited age differences – measurable outcomes are far lower.

Learn more about child marriage in the United States: tahirih.org/childmarriage.

The National Movement to End Child Marriage

To Ensure Full and Free Consent to Marriage, and To Protect Children from Irreparable Harm

What are states doing to address child marriage?

Prior to 2015, the public and policymakers had no idea what the nature and scope of America's child marriage problem really was. At that time, investigative reporters and advocates serving child marriage survivors began to pull and analyze state marriage license records, leading to the startling realization that over 200,000 minors (children under age 18) were married from 2000-2015 alone.¹

The overwhelming majority were girls, most married adult men, and many times, those men were significantly older. Increasing media coverage over the last few years has called attention to the horrific experiences of many former "child brides" who were abused and exploited under the guise of marriage.²

In response, twenty-one U.S. states have strengthened their minimum marriage age laws since 2016, and there has been significant growth, year over year, in the number of states taking up reforms.

Eight of those states have effectively ended child marriage – *either* by setting the minimum marriage age at 18 without exception, *or* by prohibiting marriage licenses from being issued to minors unless they have been court-emancipated³.

New laws were enacted in Delaware and New Jersey which entirely ban marriage under age 18⁴:

State	Marriage-Age Requirements <u>Before</u> Reform	Marriage-Age Requirements <u>After</u> Reform	Effective:
Delaware	No age floor; judicial approval required for all minors, based on several criteria	Minimum marriage age set ⁵ at 18, no exceptions	2018
New Jersey	No age floor; for age 16-17, only parental consent required; under age 16, judicial approval required, with little to no guidance for judges' decisions	Minimum marriage age set at 18, no exceptions	2018

Other states that have recently enacted new marriage-age laws are:

State	Marriage-Age Requirements <u>After</u> Reform	Effective:
Virginia	Minor must be court-emancipated (eligible at age 16); attorney appointed to minor; if emancipating to marry, several criteria apply (e.g., judge must find minor is not being coerced and examine criminal record/protective order history of intended spouse); "best interests" inquiry	2016

¹ Stats are from *Frontline*, "Child Marriage in America: By the Numbers" (July 6, 2017).

² See, e.g., "Child Brides Call on U.S. States to End 'Legal Rape,'" *Reuters* (October 24, 2018); "She Was Forced into Child Marriage in Texas. Now She Wants to End the Pain for Others," *Dallas News* (July 11, 2018); "Sherry Johnson Was Raped, Pregnant, and Married by 11. Now She's Fighting to End Child Marriage in America," *CNN* (January 30, 2018); "Grown Men Are Exploiting Loopholes in State Laws to Marry Children," *Huffington Post* (August 30, 2017).

³ A petition for emancipation seeks a court order granting a mature and self-sufficient minor the legal rights and status of an adult. States that have enacted new laws with a limited exception permitting court-emancipated minors to marry are Virginia, Texas, New York, Kentucky, Ohio, and Georgia (see reverse).

⁴ As of January 2020, bills are pending in several additional states that would entirely ban marriage under age 18.

⁵ As used in these charts, "set" refers to states that previously had *no age floor* (no lower limit to how young a child could be married, if the statutory criteria for an exception were met), and that through legislative reforms, instituted a firm age floor for the first time. "Raised" refers to states that previously had a lower age floor, and that through legislative reforms, instituted a new, higher age floor.

State	Marriage-Age Requirements After Reform	Effective:
Connecticut	Age floor set at 16; age 16-17 now requires judicial approval; judge must consider factors including whether there is coercion	2017
New York	Age floor raised to 17; minor must be court-emancipated; attorney must be appointed to minor and judge must interview privately; judge must consider several factors to vet the intended marriage including whether there is coercion or a history of violence or power imbalance between the parties; rights/resources info must be provided to minor	2017
Texas	Minor must be court-emancipated (eligible at age 16); attorney appointed to minor; "best interests" inquiry	2017
Arizona	Age floor set at 16; parties' age difference limited to 3 years	2018
Florida	Age floor set at 17; parties' age difference limited to 2 years	2018
Kentucky	Age floor set at 17 and other party cannot be more than 4 years older; minor must be court-emancipated; attorney may be appointed to minor and judge must interview privately; court must consider several factors (e.g., judge must find minor is not being coerced and examine criminal record/protective order history of intended spouse); "best interests" inquiry; 15-day waiting period between emancipation order and marriage license; rights/resources factsheet given to minor	2018
Missouri	Age floor set at 16; no one age 21 or older can marry a minor	2018
Tennessee	Age floor set at 17; parties' age difference limited to 4 years; rights/resources factsheet given to minor	2018
Arkansas	Age floor set at 16 (in case of pregnancy); girls now subject to the same rules at the same ages as boys (previously, exceptions were gender-differentiated); judicial approval required only for age 16	2019
California	No age floor; exception based on judicial approval; reforms improved judicial approval process, including by requiring private interviews with both a Family Court Services officer and the judge	2019
Colorado	Age floor set at 16; judicial approval now required; guardian ad litem appointed for the minor to investigate "best interests" and to file a report with the court addressing several factors, including the independent ability of the minor to manage the minor's own financial, personal, educational, and other affairs; certain rights of married minors clarified	2019
Georgia	Age floor raised to 17 and other party cannot be more than 4 years older; minor must be court-emancipated; attorney must be appointed to minor; if emancipating to marry, additional criteria apply (e.g., judge must find minor is not being coerced and examine criminal record/protective order history of intended spouse); "best interests" inquiry; 15-day waiting period between emancipation order and marriage license; minor must complete premarital education and receive rights/resources factsheet	2019
Louisiana	Age floor set at 17; age 16-17 now requires judicial approval; judge must consider several factors including whether parties are mature and self-sufficient and whether there is evidence of coercion or violence; parties' age difference limited to 3 years	2019
Nevada	Age floor set at 17; age 17 now requires judicial approval; judge must consider factors including maturity of minor and age differences of parties, must be "extraordinary circumstances" and "clear and convincing evidence" including that marriage is in the minor's best interests	2019
New Hampshire	Age floor raised to 16; judicial approval required; improved judicial approval process, including by requiring "clear and convincing evidence" that marriage is in the minor's best interests	2019
Ohio	Age floor set at 17; parties' age difference limited to 4 years; minor must be court-emancipated; attorney must be appointed to minor; court must consider several factors including whether there is coercion; 14-day waiting period between emancipation order and marriage license	2019
Utah	Age floor raised to 16; parties' age difference limited to 7 years; age 16-17 now requires judicial approval; court must find that the marriage is voluntary and in the best interest of the minor; allows court to make other orders (e.g., continuing schooling, getting premarital counseling)	2019
Maine	Age floor set at 16; parties' age difference limited to 3 years	2020

For more information, please contact Jeanne Smoot, Senior Counsel for Public Policy and Strategy, jeanne@tahirih.org, or visit tahirih.org/childmarriage.

Child Marriage Poses Serious Risks to Children



PHYSICAL IMPACT

- Women who marry before age 19 have a 23% greater risk of developing a serious health condition including diabetes, cancer, heart attack, or stroke.¹
- Teen girls who marry tend to have more children, earlier, and more closely spaced.² They are:
 - » Much more (130%) likely to get pregnant than unmarried teens who live with a partner³
 - » More likely to have their first child before age 18⁴
 - » 40% more likely to have a second birth within 24 months of their first⁵
 - » Nearly 3x more likely to have at least 5 children⁶
- Young women and girls aged 16-19 face intimate partner violence victimization rates almost 3x the national average.⁷
- Overall, women who marry as children are more likely to seek and access health services, compared to women who married in adulthood.⁸



ECONOMIC IMPACT

- Child brides tend to come from poverty and remain in poverty.⁹
 - » Girls who marry underage are up to 31 percentage points more likely to live in future poverty.¹⁰
 - » For teen mothers, getting married and later divorcing can more than double the likelihood of poverty.¹¹
- Earning potential and work opportunities are limited by interrupted education and low education levels. Girls who marry under age 19 are:
 - » 50% more likely to drop out of high school
 - » 4x less likely to graduate college¹²



SOCIAL IMPACT

- Child brides tend to be isolated from support networks including school, friends, and family.
- The majority (70-80%) of marriages entered into when at least one person is under age 18 ultimately end in divorce.¹³
 - » According to one study based on census data, 23% of children who marry are already separated or divorced by the time they turn 18¹⁴
- These negative outcomes, combined with the economic impacts of child marriage which limit a woman's ability to become financially independent, increase vulnerability to multiple victimization and often result in consequences becoming cyclical and intergenerational.



MENTAL IMPACT

- Women who marry before age 18 are more likely to report stressful life events.
- Women who marry before age 18 are also present with significantly more psychiatric disorders, including:
 - » mood and anxiety disorders including major depressive disorder
 - » antisocial personality disorder (prevalence nearly 3x higher)¹⁵
- Social isolation and feeling a lack of control over their lives can contribute to a "child bride's" poor mental health. In fact, agencies working with girls facing or trying to escape forced marriages report that nearly all have contemplated or attempted suicide.¹⁶

ENDNOTES

- ¹ Compared with a study cohort of those who married between age 19 and 25. See Matthew E. Dupre and Sarah O. Meadows, “[Disaggregating the Effects of Marital Trajectories on Health](#),” *Journal of Family Issues* (Vol. 28, No. 5, May 2007, 623-652), at pp. 630-636, and 646-647; see also Bridget M. Kuehn, “[Early Marriage Has Lasting Consequences on Women’s Mental Health](#),” news@JAMA (August 29, 2011), posts by *The Journal of the American Medical Association* (“research has linked such early marriages to a higher risk of HIV or other sexually transmitted infections, cervical cancer, unintended pregnancy, maternal death during childbirth, and abortion; early marriage is also associated with malnutrition among offspring”).
- ² See Naomi Seiler, “[Is Teen Marriage a Solution?](#)” (Center for Law and Social Policy, April 2002), at p. 8; see also *infra*, n. 3.
- ³ See Wendy D. Manning and Jessica A. Cohen, “[Teenage Cohabitation, Marriage, and Childbearing](#),” *Population Research and Policy Review* (April 2015), 34(2): 161-177.
- ⁴ *Id.*
- ⁵ See Gordon B. Dahl, “Early Teen Marriage and Future Poverty,” *Demography* (August 2010: 47(3): 689-718), at 691, n. 2.
- ⁶ *Id.*
- ⁷ See [loveisrespect.org](#) factsheet.
- ⁸ See Yann Le Strat, Caroline Dubertet & Bernard Le Foll, “[Child Marriage in the United States and Its Association with Mental Health in Women](#)” 128 *Pediatrics* 524 (September 2011).
- ⁹ See *supra*, n. 8; see also “[Poverty](#),” Girls Not Brides factsheet, and Abby Phillip, *The Washington Post* (WorldViews: July 23, 2014), “[Here’s proof that child marriage and poverty go hand in hand](#)”.
- ¹⁰ See *supra*, n. 5, at 714. The author defined “early teen marriage” as marrying before age 16. *Id.*, at 693.
- ¹¹ See research cited by College of William & Mary Law School Professor Vivian E. Hamilton, in “[The Age of Marital Capacity: Reconsidering Civil Recognition of Adolescent Marriage](#)” (*Boston University Law Review*: December 2012) 92 B. U. L. Rev. 1817, 1820 and at n. 15.
- ¹² See *supra*, n. 5, at 691.
- ¹³ See *supra*, n. 11, at 1820.
- ¹⁴ See Alissa Koski and Jody Heymann, “Child Marriage in the United States: How Common Is the Practice, And Which Children Are at Greatest Risk?” *Perspectives on Sexual and Reproductive Health* (June 2018: 50 (2), 59-65), at 61.
- ¹⁵ See *supra*, n. 8.
- ¹⁶ As observed by the Tahiri Justice Center’s Forced Marriage Initiative and other legal and social service-providers in the national Forced Marriage Working Group that Tahiri chairs.



Sasha K. Taylor_FWA_SB949

Uploaded by: Taylor, Sasha

Position: FAV

My name is Sasha K. Taylor. I support SB 949 because it would be a step closer to what I prefer, a minimum age of 18. But I seek amendments to SB 949 because I think it needs to do more to ensure that the minor really can support a household on their own, to increase the chance that they're not being forced into the marriage and to make sure they have options if they need to leave the marriage.

I am a third-generation victim survivor of a forced arranged marriage, living now in the Washington DC area. Even though this took place in September 1991 in Arizona, it could easily have taken place in Maryland, or any state where archaic laws still allow legal guardians to forcefully marry off their minor children.

In 1991, I began my sophomore year in high school. I got off the bus, and was told to go to my Grandmother's home for dinner. When I arrived, I discovered that I was to be engaged to a man seven years older than me, whom I had never met or spoken to before. I was surrounded by family members, forced into submission, and engaged that night.

A few months later, this individual's student visa was expiring, and the families agreed to marry us legally. I have one photo from that day. I am sitting in a waiting room surrounded by family. I still don't know who filled out the paperwork. Everyone is waiting for us to be called in front of the judge. I walked up, and repeated what I was told to say. I was not able to speak up. NO child is able to speak for themselves, when these atrocities are occurring to them.

- No child is able to speak when they are scared and surrounded by family.
- No child is able to speak when they are pressured or abused into submission.
- No child is able to speak because nobody ever asks them what they want.
- No child is able to speak because there is nobody there to speak for their best interest.
- No child is able to speak because there is nobody there to advocate for them.
- No child is able to speak because nobody ever questions the process, since "*it's the law*" and local government employees are simply checking boxes and doing their jobs.
- No child is able to speak because they don't have the privilege of choice.
- No child is able to speak because they have not discovered the power of their own voice.
- I was unable to speak, and remained silent that day. I had been silent since that day.

You see, what almost every victim survivor of forced arranged marriages have in common are; **abuse and socioeconomic background**. My father was a physically and emotionally abusive man and to get me out of that house, my Mother and Grandmother arranged this marriage, since they felt this was their only option, because the same had been done to them. They didn't imagine any other choice for me, because they were not given any another choice. They did not have the privilege of choosing college, or a fulfilling career. It was a cycle that kept repeating, over and over again.

Every victim of a forced arranged marriage is raped. Either the night of, or soon after their wedding night. There is no such thing in her world as meeting a guy on her own because HE was HER choice, and there is no such thing as falling in love with him. Victims of forced marriages don't get to have that. If it were up to me, marriage at 18 would be a federal law in the US, and this battle would not be happening state to state.

Archaic laws repeat toxic cycles and set generations back years, without education or careers. It took me over ten years to complete my college degree. I have no relationship with anyone I went to high school with, nor they to me. I did not experience high school like a kid should. I never had a high school crush. I never went out on a date in college. I never had experiences like all young adults should. My childhood was taken away from me. Even conversations with individuals around me are difficult to have. What do you even talk about? What did you do at 15? I was groomed to go in a back room to make out with someone I was not the least bit attracted to, be a daughter-in-law, and think of the kids I was supposed to have with him, and stay home and be a wife. And I was not allowed to leave the house to go see my family. Not a conversation starter, exactly.

I still cannot believe I am writing a statement about laws that should not even exist anymore in today's day and age. These laws only benefit those that seek to exploit their children, and repeat cycles of abuse. These are archaic laws made in early times when women were seen as property, and married off as children, to secure land deals when the US was still a young territory. These laws need to change. As a First World country, the United States – **this state** – can do better to protect its children.

MCASA_FWA_SB949

Uploaded by: Jordan, Lisae C

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Testimony Supporting Senate Bill 949 Only if Amended
Lisae C. Jordan, Executive Director & Counsel
March 4, 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 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**

Olivia Lim Testimony__FWA_SB949

Uploaded by: Lim, Olivia

Position: FWA

Olivia Lim Testimony
SB0949 Family Law – Authorization for a Minor to Marry
Support with Amendments
March 4th, 2020

Thank you. My name is Olivia Lim and I am a student at Marriotts Ridge High School in Howard County and a member of our school's Girl Up club. Girl Up is a movement to advance girls' skills, rights, and opportunities so that every girl can reach their fullest potential. I am testifying in support of SB0949 and the amendments proposed by the Tahirih Justice Center to further strengthen the bill.

Looking at me you might think I look mature - I'm standing in front of a Senate Committee, I'm lobbying on behalf of a bill - and that such a mature minor should have the right to be married if they want. But I'm here to tell you, while I am ready to stand in front of you to fight for the rights of girls, I am *not at all* ready for marriage.

And neither was Michelle. Like Sungyoon, I am here to share the story of a courageous survivor of child marriage who has had to overcome countless obstacles. It is Michelle's story and the stories of so many others that have inspired me to be here today.¹

In her own words Michelle's mother and father were drunks. They separated when she was 14 and it became apparent that she was in the way of her mother's drinking and many, many men.

Michelle was an honor student in High School when she began talking to the brother of her cousin's boyfriend. She was 14 and he was 21. She did not think anything of it because he was so kind to her. He listened and took her back and forth to school because Michelle's mother was never there or too drunk to get out of bed. He also fed her. They became close. It did end up being sexual which she did not think anything of at the time because she was young and alone.

Just a few days before her 16th birthday, Michelle's mother came home and threw her out. So she went and stayed with a friend from school. About a week later she was in Honors English class and put in handcuffs by an Officer for being a runaway. She was placed in a single cell just like you see on TV. Michelle's mother came the next day and told her that in order to get out she would have to marry her friend/boyfriend or her mother would leave her in jail.

Michelle was terrified. The man was 23 and she had just turned 16. But she agreed just to get out of jail. Her mother took her to the local courthouse and made her marry someone she did not want to because she had power over her and there was nothing Michelle could do. Once they got married they walked outside the Courthouse and her mother said "now get out of my house!" Here she was an Honor Student, now married with no place to go. She ended up living in the back of his truck...

Again, he was 23 and Michelle was a week over 16. Throughout the marriage she was pregnant multiple times and miscarried over 5 times due to the abuse and being hit in the stomach over and over. She lost a child who died inside her while she was 5 months pregnant. It was horrible. She had no one to confide in and nowhere to go because she was 16, 17 and all her friends still lived with their parents so there was nothing they could do. She was too ashamed to tell anyone and did the typical lying about black eyes and bruises. She went from aspirations of Law School to being forced to marry someone that she now considers a child molester because he and her mother preyed on her and there was nothing she could do...because she was too young and had no voice.

This bill would have protected a girl like Michelle. While she is not yet ready to fully and publicly share her story, she has told us that she is not ashamed and she knows the importance of exposing the details of the brutal abuse she experienced throughout her childhood and her forced child marriage. I hope that you will keep her and all the other girls behind the statistics in mind when you vote to support this bill.

Thank you.

¹ For more details of Skyler's story and those of many other former child brides stepping forward advocating for change, please see: <https://www.tahirih.org/wp-content/uploads/2020/01/2019-Child-Marriage-Survivor-Story-Compilation-FOR-WEB.pdf>

Sungyoon Lim_FWA_SB949

Uploaded by: Lim, Sungyoon

Position: FWA

Sungyoon Lim Testimony
SB0949 Family Law – Authorization for a Minor to Marry
Support with Amendments
March 4th, 2020

Thank you. My name is Sungyoon Lim and I am a student at Marriotts Ridge High School in Howard County. I am the leader of our school's Girl Up club. Girl Up is a movement to advance girls' skills, rights, and opportunities so that every girl can reach their fullest potential. I am testifying in support of SB0949 and the amendments proposed by the Tahirih Justice Center to further strengthen the bill.

I want to put front and center the stories of survivors who cannot be here. One is emotionally exhausted from testifying year after year. Another is not yet ready for public speaking but has shared her story in writing to support the movement to end child marriage. Others live too far away.

It is my privilege to share the story of Skyler. A survivor some of you may remember as she has testified before this very committee about her experience as a victim of child marriage on more than one occasion. Her story is just as relevant now as it was back in 2016 when she first tried to get a bill passed in Maryland and it is *her story* that has inspired me to speak out today.¹

I share her story with you as she has testified before:

Skyler was a victim of child marriage in Maryland. Most of you may believe child marriage only happens in 3rd world countries, but it happens in the USA, right here in your own back yard.

It happens to that young girl that thinks it is what she needs to do for her family. That she cannot go against what her parents tell her she must do because she has been raised to listen to her parents, to trust them and with faith in hand do what they say.

That little girl was Skyler and her perfect soccer mom did not look like an abuser and no one saw her for what she was and no one helped. Because the basement of the courthouse in Elkton, Maryland was not the first time Skyler was victimized.

Her mother had abused her for years and she reached out for help more than once, but Child Protective Services failed her and the police failed her. They left her in the custody of her mother who, when she was just 13 years old, began dressing her up and taking her out cruising for men. By the time she was 15 she had been raped 150 times all at the hands of men her mother brought into her life. Time and time again the system failed to protect her and she fell through the cracks. It felt like there was no one who cared about her.

This went on until the age of 16 when her mother decided she wanted Skyler out of the house and got an offer from a man twice Skyler's age to marry her.

And so, Skyler thought to herself "if I say yes then at least it will be my husband not my step-dad and maybe he won't hit me maybe it will be different".

She first met the man who was to be her husband on January 29th, 2009.

One week later, she was driven from Delaware down to a courthouse in Elkton, Maryland. In the basement her mother and step-father stood behind her and her soon to be husband, a man TWICE HER AGE, as they met with two clerks in charge of issuing marriage licenses.

In that small basement her whole life was stolen. One of the ladies there actually said to her as she stood there crying “cheer up, this will be the happiest day of your life, wipe them tears.”

Her whole life Skyler has wondered why no one at the court asked any questions. Why did no one say no?

As a 16 year old child married to a man twice her age, it was like he owned her. He abused and raped her and eventually she gave birth to two children whom he would ultimately kidnap. To this day Skyler is fighting for custody and every day she is wracked with fear about how close her daughter is to puberty.

Often she thinks of what her life would have been like as a normal 16 year old. Kids her age were worried about their collage applications and the party next Friday. Skyler was married and she wasn't allowed to leave the house, she wasn't allowed TV or radio. It was like living in a jail cell.

Her life as a child bride could have been prevented. If this had been the law 12 years ago, Skyler would be 12 years further ahead in her life – instead she is still trying to repair the damage and catch up. She has asked for your help in stopping this cycle of abuse, interrupted education, and poverty for four years.

Please make year 5 the year you act to protect the children of Maryland from the harmful impacts of child marriage and put an end to Maryland being the child marriage destination of our region.

Thank you.

¹ For more details of Skyler's story and those of many other former child brides stepping forward advocating for change, please see: <https://www.tahirih.org/wp-content/uploads/2020/01/2019-Child-Marriage-Survivor-Story-Compilation-FOR-WEB.pdf>

MD_NARAL_UNF_SB949

Uploaded by: bell, sandy

Position: UNF

SB0949 - Family Law – Authorization for a Minor to Marry

Presented to the Hon. Will Smith and Members of the Senate Judicial Proceedings Committee

March 4, 2020 12:00 p.m.

POSITION: OPPOSE

As the President of a women's organization, I obviously agree that no young woman should be forced to marry. However, speaking personally and not for my organization, I oppose this legislation. I married at the age of 16 in the State of Maryland, and it was my choice to do so. At that time if you were pregnant and wanted to marry, you did not need parental consent.

I lived in an abusive household and was treated by my parents as a free nanny and housekeeper. They even had the nerve to ask me to remain at home after marriage to care for my siblings but I declined. I wanted very much to be emancipated. It may be hard to imagine but I had less responsibility with a husband and new baby than I did living with my parents. I had four younger siblings that I had to care for as well as preparing dinner every weekday evening for 7 people. I was required to clean the house every other day, do laundry, iron and share my room with the baby. No teenager should bear such a burden.

This law needs to provide for a teenager in a similar situation who wants to be emancipated. It also needs to provide an easy way to get a bypass from needing consent. Going before a judge is not acceptable in my opinion. For a teen woman this would be difficult and frightening. She may not have transportation to a court or anyone to take her or give her moral support.

Please stand up for teen women who want to marry and oppose this bill as currently presented.

Sandy Bell

3330 Blue Heron Drive N, Chesapeake Beach, MD 20732

MDJudiciary_UNF_SB949

Uploaded by: Jones, Tyler

Position: UNF

MARYLAND JUDICIAL CONFERENCE
OFFICE OF GOVERNMENT RELATIONS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 949
Family Law – Authorization for Minor to Marry
DATE: February 12, 2020
(3/4)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 949. This bill would amend Md. Code. Ann., Family Law Article § 2-301 by prohibiting individuals under 18 from marrying. The bill provides an exception for individuals who are 17 years old and the other party to be married is not more than 4 years older, if the minor obtains an order from the court authorizing the minor to marry. The court upon receiving said petition must 1) appoint a lawyer to represent the minor; 2) set an evidentiary hearing; 3) provide the minor with information on the rights and responsibilities of marrying, referral information for legal aid agencies and information on state and national hotlines for child abuse, domestic violence, and human trafficking. At the hearing the court must conduct an *In Camera* interview with the minor, separate from their parents or guardians and intended spouse. After the hearing, the court may issue an order granting the minor to marry if the court makes written certain specific findings. The court may not grant the petition if the court determines other certain specific findings.

This bill adds a court process to determine whether the marriage can occur. A trial to establish whether a minor can get married, and exploring their intentions makes a difficult premise untenable. This process could easily lead to warring parents taking opposite views, resulting in protracted litigation over whether the child can marry. In addition, it is not clear what standard of proof is required in this bill. Current law states clearly the requirements for marriage of a person under 18 years old.

cc. Hon. Sarah Elfreth
Judicial Council
Legislative Committee
Kelley O'Connor

MD_NARAL_UNF_SB949

Uploaded by: philip, diana

Position: UNF



SB0949 - Family Law – Authorization for a Minor to Marry

Presented to the Hon. Will Smith and Members of the Senate Judicial Proceedings Committee
March 4, 2020 12:00 p.m.

POSITION: OPPOSE

NARAL Pro-Choice Maryland **urges the Senate Judicial Proceedings Committee an unfavorable report on SB0949 - Family Law – Authorization for a Minor to Marry**, sponsored by Senator Sarah Elfreth.

Our organization is an advocate for reproductive health, rights, and justice. As part of our efforts to protect reproductive freedom for all Marylanders, we work to ensure every child-bearing individual has the right to decide if, when, and how many children to have. We honor pregnancy in all its complexity. In doing so, we support pregnant and parenting youth as they navigate the challenges of building their families in good health, in safety, and with dignity.

Based on statistics from 2014 to 2018, approximately 800 babies are born in Maryland to those ages 15 to 17. Some in a consensual, loving relationship may freely choose to marry to more effectively co-parent with their partners. Youth seek legal marriage for a variety of reasons, such as accessing a partner's health insurance coverage, gaining priority for housing assistance for married couples, solidifying custody rights, receiving military spousal benefits, or adhering to one's cultural and religious norms. The U. S. Supreme Court has recognized the many benefits associated with legal marriage, including but not limited to health insurance, taxation, property rights, spousal privilege, hospital access, and medical decision-making authority.

However, minors who marry in Maryland are not automatically legally emancipated. The ability to seek a legal emancipation order is an important option for minors seeking to build homes separate from parents and legal guardians and control their own finances as they form their own families. As advocates for youth, we are aware that minors may seek emancipation orders authorizing the same rights as adults for a variety of reasons, and removing what is known as the "disability of minority". If a 16 or 17-year-old can prove to a court of law the ability to be able to manage one's own affairs without parental involvement and meet basic needs, that person should have the right to contract, and should include the constitutional right to committing to a legal, consensual marriage. For pregnant youth, there should be as little delay as possible as when securing these rights, as areas such as access to healthcare and stable housing are paramount to promoting healthy pregnancy outcomes.

16 is the age to consent to sex in Maryland, and youth 16 and 17 years-old who decide to form their own families should have access to medical services and legal rights to adequately care for themselves throughout pregnancy and for any children they might have. The legal benefits of marriage can help those seeking positive pregnancy outcomes and the ability to raise their children in safety and good health. We cannot say to a 16-year-old who has made an 18-year commitment to raise a child that she has the capacity and agency to make such a mature decision and take on such responsibilities, but not mature enough to determine whether to act in her best interests by marrying her partner to help build her family.

SB0949 attempts to address two important reproductive justice issues: reducing incidences of forced marriage and ensuring the right to marry as it figures into pregnancy decision-making. However, we believe it fails to do both. The legislation seeks to reduce the number of marriages under the age of 17 by creating a legal mechanism requiring a judicial review of the minor seeking a marriage license, and on broad grounds that leave open the opportunity for discrimination against the youth if a judge feels no person under 18 should be afforded the right to marry. The judicial review requires extensive documentation including any child abuse, protective orders, or criminal records affecting either party – as if the presumption is that any minor seeking to engage in the legal proceeding is a potential abuse victim and anyone that is a minor is potential perpetrator – coloring the dynamic of the legal proceeding. The standards appear to be what is “appropriate” or “necessary”, rather than what is in the best interests of the petitioner. A judge who thinks that anyone under 17 is too immature to marry can deny all petitions.

SB0949 seeks to create a separate legal mechanism that does not include emancipation, which is different from the one detailed in pending legislation also introduced this session, SB0680, Family Law - Minors - Emancipation (Emancipation of Minors Act). We want to ensure that all 16 and 17-year-olds who are pregnant or newly parenting have access to the legal benefits of marriage or other benefits and resources which can be secured through the right to contract. SB0949 seeks to stop forced marriage – which is a domestic violence issue affecting victims of any age - by simply denying the applicant under the age of 18 a marriage license unless someone at least 17 years of age has successfully be granted permission through the judicial review process, which appears to have no set timeline for convening a hearing after the petition has been filed. SB0949 does not address forced marriage through a system’s advocacy framework, but instead seeks to eliminate the constitutional right to marry for minors in Maryland.

It is important to note that SB0949 seeks to remove the current laws authorizing certain minors to marry. Stripping young people of the human right of marriage should not be taken lightly. Advocates have cautioned legislators to not pass a law that will discriminate against youth who seek to marry according to their personal belief systems or remove themselves from families where abuse, neglect or criminal activity may exist. The desire to form a new family is stronger when parents are missing, incarcerated or deceased. Also, an unexpected pregnancy can bring out the worst in families, triggering acts of violence, humiliation and rejection. Banning marriage without any legal exception interferes with autonomous pregnancy and parenting decision-making as it blocks the option of marrying for those who fear unhealthy parental interference. No one has an interest in subjecting youth to reproductive coercion. Faced with abusive parents, a young person may choose to terminate a pregnancy for fear of being unable to provide her baby a safe home or be forced to surrender her child to adoption as a condition of her remaining in her home. Again, the right to marry figures into pregnancy decision-making, and the state shall not interfere with pregnancy-decision making.

We urge the Maryland General Assembly to not ignore that youth have agency and the right to act in their best interests. Maturity evolves from facing life challenges, resolving conflicts, and increasing one’s responsibilities. Maturity is not suddenly granted by achieving the numerical age of 18. We need to strike the balance and agree on a systems advocacy approach against forced marriage that will also respect the different maturity levels, familial support, cultural norms and individual circumstances of young people choosing legal marriage. We must try harder to suspend old notions of how all youth should act and meet youth where they really are. For these reasons, **NARAL Pro-Choice Maryland urges an unfavorable report on SB0949**, and urges the committee to concentrate its efforts on the passage of SB0680, which will give the legal rights of 16 and 17-year-olds to decide for themselves whether to consensual marry when forming their own families. Thank you for your time and consideration.

Womens Law Ctr_unf_sb949

Uploaded by: Ruth, Laure

Position: UNF

BILL NO:	Senate Bill 949
TITLE:	Family Law – Marriage – Age Requirements
COMMITTEE:	Judicial Proceedings
HEARING DATE:	March 4, 2020
POSITION:	OPPOSE

Senate Bill 949 seeks to create a system where individuals under the age of 17 are unable to marry, and anyone who is 17 may only marry if they are granted an order of authorization to marry, and if the person they are marrying is no more than 4 years older than them. The Women's Law Center (WLC) respectfully opposes this bill, as it will undercut the agency of young women without furthering its goal of preventing forced marriage and sex trafficking. It is our position that the first step to addressing those concerns related to underage marriage would be to create a system for certain mature minors to be deemed emancipated.

Current law states that an individual younger than age 15 may not marry. An individual age 16 or 17 may not marry unless the individual has the consent of a parent or guardian or if the individual does not have consent, either party to be married presents certification from a health care provider asserting that the woman to be married is pregnant or has given birth to a child. An individual who is age 15 may not marry without consent of a parent or guardian and a certificate from a medical professional, as specified above. SB 949 seeks to remove the options for parental consent and medical certification and raise the minimum age for marriage to 17 years of age, under certain circumstances, in an attempt to eradicate forced marriages.

The WLC is not opposed to eliminating the ability of 15 year olds to marry. Nor does the WLC oppose preventing those under the age of 18 from marrying anyone more than 4 years older than them. We believe the latter provisions would eliminate much of the risk of coercion. However, the WLC maintains that these issues cannot be addressed in a vacuum. The WLC is particularly concerned with the provisions regarding judicial review prior to authorizing a 17 year old to marry. As drafted, we do not believe this would be a workable option within the current family law framework, especially where the court is authorized to "issue an order regarding the petition or the petitioner that it considers appropriate or necessary¹" – an overly broad and troublesome grant of authority.

For the past several decades, the WLC operated two family law hotlines, a domestic violence legal services project, and a project dedicated to providing immigration services for victims of domestic violence, sex trafficking, and sexual assault. We now also operate a statewide divorce and custody project for survivors of domestic violence. We interact with, and provide legal advice to, young women in all stages of life, from a variety of cultures and economic situations. While the WLC clearly opposes the coercion of any woman into marriage, our experiences have shown neither an epidemic of forced marriages, nor evidence that raising the age of marriageability to 18 would prevent them. Rather, we strongly believe in the autonomy of women to choose what is best for them given their personal

¹ Page 5, line 29-Page 6, line 1. See also, the court may issue any other order or impose any condition on an order that it considers necessary for the protection of the petitioner". Page 7, lines 15-17.

situation, culture, and needs. Maturity varies by the individual and while it may be tempting to insert our beliefs and judgments into the lives of young women, we believe they deserve respect and agency over their own lives. In other words, we trust women over all else to make the choices that are best for them.

Additionally, while several other states have raised the age of marriageability, or imposed blanket bans on minors marrying, those jurisdictions have sophisticated statutory schemes in place addressing the emancipation of minors that protect a minor's ability to marry under certain circumstances. Maryland is currently within the minority of states that have not yet codified an emancipation process, and thus any safeguards, which may be found in other jurisdictions, would not be found in Maryland. The WLC believes that any attempt to address the age at which a minor can consent to marry without first addressing emancipation is premature. The judicial bypass proposed by this bill is not a substitute to the considerations that would be addressed in the broader scope of emancipation. Legislation is pending that would allow for the emancipation of 16 and 17 year olds, and for emancipated 17 year olds to marry. The WLC urges adoption of that legislation, with the caveat that any emancipated minor should be afforded the opportunity to marry, not just emancipated 17 year olds.

For these reasons, the Women's Law Center of Maryland, Inc. urges an unfavorable report on Senate Bill 949.

The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change. The Women's Law Center operates legal hotlines, Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County and the state-wide Collateral Legal Assistance for Survivors and Multi-Ethnic Domestic Violence Projects.