

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.