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Anne Arundel County

Budget and Taxation Committee

Subcommittees

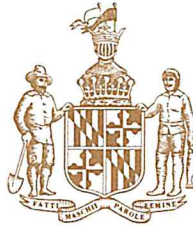
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Chair, Pensions

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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