



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 458 with Amendments **Lisae C. Jordan, Executive Director & Counsel** February 6, 2020

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judiciary Committee to report favorably on House Bill 458 with amendments.

House Bill 458 – Emancipation of Minors (including age requirements for marriage)

This bill sets up a detailed process to allow mature minors who are at least age 16 to ask the court for an order of emancipation. There are significant procedural protections, including appointment of counsel for the minor. While there are rare circumstances under which a 16 or 17 year old should be emancipated, they do occur and House Bill 458 will assist the young people who are in these circumstances and would benefit from emancipation. Survivors of child sexual abuse sometimes are better off being emancipated when they are in their late teens. It is difficult to find a foster care placement for older teens and group homes are not always the best option. MCASA is not suggesting that emancipation should be routine or frequent – but it is a needed alternative.

House Bill 458 also addresses the age of marriage and the bill is, in part, a response to concerns raised about efforts to impose a ban on all marriage under the age of 18. MCASA respectfully suggests that the marriage age should be lowered to 16 years, not 17 years as HB458 proposes. If individuals who are 16 are going to be emancipated and treated as adults, they should also be permitted to marry. Sixteen years is the age of consent for sexual relations, the age of consent for counseling, and the age that an individual can file a petition regarding their own custody. While there are public policies that impose higher age limits on activities (for instance, age limits for consuming alcohol or tobacco), these are not constitutionally protected activities; marriage is constitutionally protected and limits should be imposed with extreme caution. Age 16 should also be the age that an emancipated person can marry. Overall, House Bill 458 is a reasonable approach to the need to respect the agency and autonomy of mature minors who are capable of making important decisions. This sometimes includes minors who have been abused, and MCASA believes it creates an important option for these survivors.

Additional limits on marriage age

MCASA has been advised that significant amendments to HB458 will be proposed and that these include a marriage age ban. Nationally, advocates for survivors of human sex trafficking and sexual

assault have found cases where statutory rape laws are being evaded by offenders who marry their victims. Maryland has significantly stronger protections than many states through its relatively high marriage age (15) and consent or pregnancy-related restrictions. 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. A review of vital statistics in Maryland, however, show a handful of cases over the past several years that may cause concern. While we do not oppose eliminating the ability of 15 year olds to marry, we oppose further restrictions and that the bill is well balanced as introduced.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to
report favorably on House Bill 458 with Amendments**