



[Secular Coalition for Maryland](http://secular.org) Secular Coalition for  
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February 06, 2020

The Honorable Luke Clippinger  
Judiciary Committee  
Room 101, House Office Building  
Annapolis, MD 21401-1991

Re: SUPPORT WITH AMENDMENTS *HB0458 Family Law - Minors - Emancipation*  
(*Emancipation of Minors Act of 2020*)

Chairman and Members of the Committee

The Secular Coalition for Maryland favors modifying Maryland marriage law to increase the minimum marriage age to 18 or at least require that individuals 16-17 first obtain age of majority legal independence from a judge before being married. According to Family Law §2-301, a person can marry at the age of 16 or 17 if there is parental consent or the woman to be married is pregnant or has a child. Early marriages are positively correlated with negative effects on health and education and increased likelihood of domestic violence.

This bill adds a provision to enable teenagers who are 16 and 17 years old to qualify for marriage if they have been granted legal emancipation. The roles of spouse and parent are incomplete without the authority to initiate self-defensive legal actions. No minor should be allowed to enter into a marriage contract that they lack full legal standing to seek to enforce. Any minor considering marriage should *be required* to formally obtain a full emancipation from their Circuit Court as a prerequisite to marriage. We favor an amendment to remove parental consent and pregnancy as qualifications.

Dependent teenagers are vulnerable to being pressured by parents into a marriage that they would not themselves choose. Pressure tactics include asserting that the family's or individual's

reputation will be ruined if the unwed teenager resists the marriage, severely limiting the unwed teenager's social contacts or ability to leave the home, preventing the unwed teenager from going to school, claiming that the unwed teenager will be an outcast in their community, and threatening to kick the unwed teenager out of the house or otherwise withdraw support.

One objection is that imposing restrictions on early marriages improperly stifles religious freedom. However, impeding child marriage does not illegally infringe on religious rights. The Supreme Court has upheld laws that incidentally forbid an act required by religion provided that these laws do not specifically target religious practice. Religious freedom is not unbounded or unlimited. Religious freedom should not prevail over protecting the welfare of citizens as measured by the empirical data. The religious freedom of parents should not be prioritized over the right of the adolescent, who may not adopt the same beliefs as their parents, to have an opportunity to freely choose whether, when, or whom to marry. By preventing child marriages we are protecting both the young members of religious communities that endorse early marriages and adolescents of non-religious families who also may otherwise marry too early.