

SENATOR SARAH ELFRETH
Legislative District 30
Anne Arundel County

Budget and Taxation Committee

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Joint Committee on Administrative,
Executive, and Legislative Review

Joint Committee on the Chesapeake and
Atlantic Coastal Bays Critical Area



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

James Senate Office Building
11 Bladen Street, Room 103
Annapolis, Maryland 21401
410-841-3578 · 301-858-3578
800-492-7122 Ext. 3578
Fax 410-841-3156 · 301-858-3156
Sarah.Elfreth@senate.state.md.us

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Testimony in Favor of SB0173
Family Law - Emancipation of a Minor and Authorization to Marry

Chairman Smith, Vice-Chairman Waldstreicher, and Members of the Judicial Proceedings Committee,

I respectfully request a favorable report of Senate Bill 173. This bill will correct Maryland's child marriage law by setting an age floor of 17 to marry and create a judicial review 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.

I have had the privilege of working on this issue for the last two years 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 of allowing 15 year olds to marry is acceptable.

This Committee has seen this bill in different iterations for the last six years. The difference in 2021: SB 173 represents a true compromise. There are many in our State who believe the age floor should be raised to 18 with no expectations -- and I have personally been on the receiving end of outrage over the mere fact that I would try and find the compromise of 17 in this bill instead of 18. You will hear and read testimony from these 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 these groups today.

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 bill as introduced represents input from both sides of this argument in order to make SB173 the strongest public policy possible.

I stand here today as a proud pro-choice Senator who also believes that our current laws of 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 threats of domestic violence, sexual assault, and human trafficking - and yet has still condoned child marriage. Senate Bill 173 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 -- and you will hear from my County's Clerk on this specific point. Nothing under Maryland law prohibits a pregnant 15 year old from Delaware, a State that has 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 200 and 2018. 85 percent of those minors were women. In 2016, 25 Maryland married children married someone in their 20's 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 chance 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 - including our neighboring states of Pennsylvania, Delaware, Virginia, and New Jersey. Two of which, Delaware and New Jersey have raised the minimum age of 18 with no exceptions.

Senate Bill 173 does four main things:

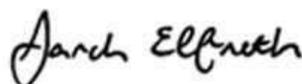
- Raises the age of marriage to 17, no exceptions;
- Provides for no more than a 4 year age difference between potential partners;
- Creates a judicial review process to ensure that the Court can independently determine that the relationship is voluntary and free from coercion and that the 17 year old seeking to marry is mature and capable of self-sufficiency;
- Ensures that a 17 year old who successfully petitions for a marriage license is also emancipated.

The emancipation language added allows any 17 year old the court authorizes 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 ensures that vulnerable women and men are empowered with the ability to get themselves out of an abusive marriage.

Senate Bill 173 ensures that if a minor is marrying, they are making that decision for themselves rather than being coerced and 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

