STAND. COM. REP. NO. 2461

Honolulu, Hawaii

FEB 17 2022

RE: S.B. No. 2424

S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirty-First State Legislature Regular Session of 2022 State of Hawaii

Sir:

Your Committees on Human Services and Health, to which was referred S.B. No. 2424 entitled:

"A BILL FOR AN ACT RELATING TO MARRIAGE OF MINORS,"

beg leave to report as follows:

The purpose and intent of this measure is to require the Department of Human Services' Child Protective Services Unit to investigate a marriage and report to the family court before the court approves a marriage, when one of the parties to the marriage is a minor and the other party is more than five years older than the minor.

Your Committees received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, Stonewall Caucus of the Democratic Party of Hawaii, Zonta Club of Hilo, Zonta Club of Kauai, Hawaii Youth Services Network, and two individuals. Your Committees received testimony in opposition to this measure from Unchained at Last, Tahirih Justice Center, and one individual. Your Committees received comments on this measure from the Department of Human Services.

Your Committees find that state laws typically define "children" to mean as individuals who are under the age of eighteen years, and the term "minors" to mean individuals who are not given the rights or responsibilities of an adult. Yet existing law allows children as young as sixteen years of age to

marry with the written consent of their parents, guardian, or a person who has custody of the child; and as young as fifteen years of age with the written approval of the family court. Your Committees further find that Hawaii laws that hold a person guilty of sexual assault for engaging in sexual acts with a fourteen- or fifteen-years old minor do not apply when the accused person is at least five years older than the child and legally married to the child. This measure will ensure that children are not being pressured or coerced into a marriage with an older adult by the prospective spouse or the child's parents, guardians, or any other persons who have custody of the child.

Your Committees note the testimony of the Department of Human Services requesting clarification on the subject of the investigation by its Child Protective Services Unit pursuant to this measure.

Accordingly, your Committees have amended this measure by:

- (1) Clarifying that when one of the parties to a marriage is a minor at the time of contracting the marriage and the other party is more than five years older than the minor, the Department of Human Services' Child Protective Services Unit is required to investigate all parties involved in the marriage, including the prospective spouse and any person giving written consent to minor's marriage, and report its findings to the family court before the court approves the marriage; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2424, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2424, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committees on Human Services and Health,

JARRETT KEOHOKALOLE, Chair

JOY A SAN BUENAVENTURA, Chair

## The Senate Thirty-First Legislature State of Hawai'i

## Record of Votes Committee on Human Services HMS

Bill / Resolution No.:*	Committee Referral:			Date:					
SB 2424	HMS/HTH, JDC 02/10/2022				2011				
The Committee is reconsidering its previous decision on this measure.  If so, then the previous decision was to:									
The Recommendation is:									
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313									
Members		Aye	Aye (WR)	Nay	Excused				
SAN BUENAVENTURA, Joy A. (C)		V							
IHARA, Jr., Les (VC)		V							
ACASIO, Laura		V							
MISALUCHA, Bennette E.		V							
FEVELLA, Kurt					V				
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Recommendation:	Not Adopted								
Chair's or Designee's Signature:									
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\*Only one measure per Record of Votes

## The Senate Thirty-First Legislature State of Hawai'i

## Record of Votes Committee on Health HTH

Bill / Resolution No.:*	Committee Referral:			Date:			
SB2424	HMS/HTH, JDC			2-10-	2022		
The Committee is reco	<del>-</del>		ecision or	this measure			
The Recommendation is:							
Pass, unamended 2312	Pass, with amendments Hold Recommit 2311 2310 2313						
Members		Aye	Aye (WF	R) Nay	Excused		
KEOHOKALOLE, Jarrett (C)							
BAKER, Rosalyn H. (VC)							
MORIWAKI, Sharon Y.					<u> </u>		
SAN BUENAVENTURA, Joy A	١	V					
FEVELLA, Kurt					<u></u>		
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Recommendation:  Adopted  Not Adopted							
Chair's or Designee's Signatur	re: J H	Bul					
<b>Distribution:</b> Original File with Committee Re		ellow 's Office D	Pink Prafting Ager		ldenrod ee File Copy		

<sup>\*</sup>Only one measure per Record of Votes