

STAND. COM. REP. NO. **2467**

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



