

STAND. COM. REP. NO. 2946

Honolulu, Hawaii

MAR 04 2022

RE: S.B. No. 2424
S.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2424, S.D. 1, entitled:

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

begs 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 all parties involved in a marriage, including the prospective spouse and any person giving written consent to a minor's marriage, and report its findings to the Family Court before the court approves the marriage when one of the parties to the marriage is a minor at the time of contracting the marriage and the other party is more than five years older than the minor.

Your Committee received testimony in support of this measure from the Stonewall Caucus of the Democratic Party of Hawai'i, Hawaii Youth Services Network, and three individuals. Your Committee received comments on this measure from the Department of Health and Department of Human Services.

Your Committee finds that there is growing recognition that child marriage is a human rights violation and a severe impediment to social and economic development. This has resulted in states and countries considering legislation to end the practice of allowing children to marry. Existing state law allows children as young as sixteen years of age to marry. State law further



authorizes the Family Court to approve a marriage of a child who is fifteen years of age. Comparatively, sexual assault laws criminalize sexual conduct with a fifteen-year-old, though an exception is made if the fifteen-year-old is legally married to the sexual partner or the sexual partner is no more than five years older than the minor victim. This measure will balance certain protections with existing law.

Your Committee has amended this measure by:

- (1) Clarifying that written consent of the Family Court is required for a marriage when one of the parties to the marriage is a minor at the time of contracting the marriage and the other party is more than five years older than the minor;
- (2) Specifying that when the Department of Health receives an application for a license to marry where one of the parties is a minor and the other party is more than five years older than the minor, the Department of Health shall inform the parties that written consent of the Family Court is required;
- (3) Specifying that the Department of Health shall provide written notification of the application for a license to marry to the Child Protective Services Unit of the Department of Human Services, which shall investigate all parties involved in the marriage, including the prospective spouse and any person giving written consent to the minor's marriage;
- (4) Specifying that the Child Protective Services shall submit a report of its findings to the Family Court within a reasonable period of not more than two weeks from the date of the application for the license to marry;
- (5) Inserting an effective date of July 30, 2075, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2424, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2424, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



