

Honolulu, Hawaii

FEB 19 2021

RE: S.B. No. 279  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 279  
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:

- (1) Raise the minimum age requirement to enter into marriage  
from sixteen to eighteen years of age;
- (2) Remove the requirement for parental consent and written  
approval by the family court for a minor to marry;
- (3) Remove spousal cohabitation after the parties attain  
legal age as an exception for an annulment based on  
nonage; and
- (4) Make conforming amendments.

Your Committee received testimony in support of this measure  
from the AHA Foundation, Small Business Association Leadership  
Council, Global Hope 365, Unchained At Last, National Consumers  
League, CHILD USA, American Atheists, Students Against Child  
Marriage, William & Mary Law School Center for Racial & Social  
Justice, Hawaii Zonta International, and nine individuals. Your



Committee received comments on this measure from the Department of Health.

Your Committee finds that child marriage can severely limit opportunities and poses risks to health, education, and economic freedom. In certain cases, minors lack the rights and resources of adults and are more vulnerable to coercion and predation. This measure would raise the minimum age requirement to enter into marriage from sixteen to eighteen to conform to other age thresholds that grant certain rights and responsibilities. However, according to the Department of Health, in general, marriage with persons under the age of eighteen or couples with an age difference of ten to twenty-one years is an uncommon occurrence in Hawaii, but there are a small number of outlier cases that prompt closer scrutiny. Due to a number of possible circumstances including family resilience, socioeconomic potential, cultural perspectives, and a number of other considerations, amendments to this measure are necessary to address these issues.

Your Committee has amended this measure by:

- (1) Amending section 1 to reflect its amended purpose;
- (2) Deleting section 2 of the measure to retain the existing statutory definitions of "guardianship of a minor" and "residual parental rights and responsibilities", which include consent to marriage;
- (3) Deleting section 3 of the measure to retain exclusive original jurisdiction in court proceedings involving judicial consent to the marriage of a child;
- (4) Deleting language that would have raised the minimum age requirement to enter into marriage from sixteen to eighteen years of age;
- (5) Restoring existing statutory language that requires each of the parties at the time of contracting the marriage to be at least sixteen years of age; provided that, with the written approval of the family court of the circuit within which the minor resides, it shall be lawful for a

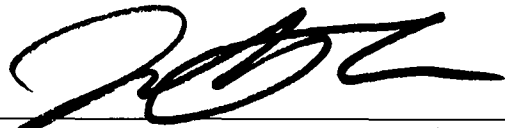


person under the age of sixteen years, but in no event under the age of fifteen years, to marry;

- (6) Inserting language that requires the Child Protective Services Unit of the Department of Human Services to investigate and report to the family court before approving any marriage wherein one of the parties is a minor and the other party is more than five years older than the minor;
- (7) Deleting sections 5, 6, 7, 8, and 9 of the measure that would have made certain conforming amendments, and restoring existing statutory language that requires parental consent for a minor to marry and spousal cohabitation after the parties attain legal age as an exception for an annulment based on nonage; and
- (8) 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 279, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 279, S.D. 1, and be referred to your Committee on Judiciary.

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



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JARRETT KEOHOKALOLE, Chair



