

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on SB2424 SD1
RELATING TO MARRIAGE OF MINORS.**

SENATOR DONOVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date: February 28, 2022

Room Number: Videoconference

1 **Fiscal Implications:** N/A.

2 **Department Testimony:** DOH respectfully provides the following data for context, which were
3 derived from marriage license data, and recommends an amendment to conform with statute that
4 is highlighted in yellow.

5 The Department of Health (DOH) operates the Marriage License Office that issues marriage
6 licenses to local and out-of-state couples. Approximately 20,000 licenses are issues each year.
7 In general, marriage with persons under the age of 18 is an uncommon occurrence, but there are
8 a small number of outlier cases that prompt closer scrutiny proposed by this measure.

9 Hawaii-Based Couples

10 From 1/1/2010 to 9/30/2020, out of 237,163 marriages there were 216 people under the age of 18
11 (153 brides and 63 grooms), or 0.09% where both partners claims Hawaii residency. A further
12 breakdown reveals:

- 13 • Brides:
- 14 ○ 16 years old = 30
- 15 ○ 17 years old = 108
- 16 • Grooms:
- 17 ○ 16 years old = 8

1 ○ 17 years old = 48

2 The vast majority of couples are within a few years of each other, i.e., teens marrying teens, but
3 there are a small number of outliers ranging from 10 to 21 years age difference for both bride and
4 groom, e.g. thirty-plus year old man/woman marrying teen girl/boy.

5 Couples with Hawaii Resident and Mainland/Other Partner

6 In the same time frame, 19 marriages involved a person under 18 and a non-resident. Similar to
7 Hawaii-only couples, most participants were within a few years of each other though there were
8 two clear outliers where the groom was older by many years. Also, one state of origin for both
9 bride and groom is over-represented, with the rest mostly from the West Coast but not
10 exclusively.

11 • Brides:

12 ○ 16 years old = 6

13 ○ 17 years old = 9

14 • Grooms:

15 ○ 16 years old = 2

16 ○ 17 years old = 5

17 Thank you for the opportunity to testify.

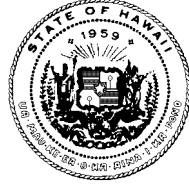
18 **Offered Amendments:** The department recommends the following amendment to conform with
19 other sections of chapter 572.

20 (2) Each of the parties at the time of contracting the marriage is at least sixteen
21 years of age; provided that with the written approval of the family court of the
22 circuit within which the minor resides, it shall be lawful for a person under the age of
23 sixteen years, but in no event under the age of fifteen years, to marry, subject to
24 section 572-2; provided further that in the event that one of the parties is a minor

1 and the other party is more than five years older than the minor, the child protective
2 services unit of the department of human services shall investigate and report to the
3 family court before the marriage [is approved;] license is issued;

LATE

DAVID Y. IGE
GOVERNOR



CATHY BETTS
DIRECTOR

JOSEPH CAMPOS II
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

February 27, 2022

TO: The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary

FROM: Cathy Betts, Director

SUBJECT: **SB 2424 SD1 – RELATING TO MARRIAGE OF MINORS.**

Hearing: February 28, 2022, 10:30 a.m.
Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent, provides comments, and requests further clarification.

PURPOSE: The purpose of this measure requires 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 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. (SD1) The SD1 amended the 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.

The Department appreciates the clarification of the SD1 to investigate all parties involved with the marriage. The Department requests further clarification. As currently drafted, it is still lawful for minors to be married. The proposed measure does not prohibit a marriage license from being issued, and currently, there is no waiting time when a couple obtains a marriage license and when they can get married. It is unclear who will notify DHS of the pending marriages involving 16- or 17-year-olds and when DHS will conduct the investigations. Once DHS provides its findings to the Family Court, it is also unclear what action will be taken and by whom.

The Department's Child Welfare Services Branch (CWS) is mandated to investigate reports of child abuse or neglect of children. Pursuant to section 350-1, Hawaii Revised Statutes (HRS), "child abuse or neglect" means the acts or omissions of any person who, or legal entity which, is in any manner or degree related to the child, is residing with the child, or is otherwise responsible for the child's care, that have resulted in the physical or psychological health or welfare of the child, who is under the age of eighteen, to be harmed, or to be subject to any reasonably foreseeable, substantial risk of being harmed.

Additionally, while CWS social workers are considered experts in the area of child protective services or child welfare services, they are not mental health experts and issues related to capacity should be determined by a qualified mental health expert.

Finally, if this bill were to pass, CWS lacks the additional staff, expertise, and resources to investigate and submit reports to the court for marriage contracts of minors. The measure does not include any appropriation for additional staff or resources for CWS to train on implementing and conducting these types of investigations.

Thank you for the opportunity to provide comments on this measure.

SB-2424-SD-1

Submitted on: 2/24/2022 10:08:52 PM

Testimony for JDC on 2/28/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael Golojuch Jr	Testifying for Stonewall Caucus of the Democratic Party of Hawaii	Support	No

Comments:

Aloha Senators,

The Stonewall Caucus of the Democratic Party of Hawai'i (formerly the LGBT Caucus) Hawai'i's oldest and largest policy and political LGBTQIA+ focused organization fully supports SB 2424 SD 1.

We hope you all will support this important piece of legislation.

Mahalo nui loa,

Michael Golojuch, Jr.
Chair and SCC Representative
Stonewall Caucus for the DPH

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Carole Gruskin, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters Hawaii

Big Island Substance Abuse Council

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children's Justice Center of Maui

Get Ready Hawai'i

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm

Reduction Center

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Kokua Ohana Aloha (KOA)

Maui Youth and Family Services

Na Pu'uwai Molokai Native

Hawaiian Health Care Systems

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

PHOCUSED

PFLAG - Kona Big Island

Planned Parenthood of the

Great Northwest and Hawaiian Islands

Residential Youth Services

& Empowerment (RYSE)

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

February 25, 2022

To: Senator Joy San Buenaventura, Chair,
And members of the Committee on Human Services

Senator Jarrett Keohokalole, Chair,
And members of the Committee on Health

TESTIMONY IN SUPPORT OF SB 2424 RELATING TO MARRIAGE OF MINORS

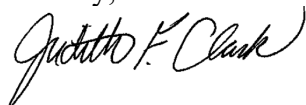
Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports SB 2424 Relating to Marriage of Minors.

HYSN supports laws and practices that protect minors from sexual and other forms of exploitation by adults. We believe that, when an adult marries a minor who is five or more years younger, there may be risk of harm and exploitation.

HYSN agrees that Child Welfare Services should conduct an investigation and make a report to the Court prior to approval of the marriage.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director

LATE

SB-2424-SD-1

Submitted on: 2/28/2022 6:44:41 AM

Testimony for JDC on 2/28/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nanea Lo	Individual	Support	No

Comments:

Support SB2424

LATE

SB-2424-SD-1

Submitted on: 2/28/2022 11:03:27 AM

Testimony for JDC on 2/28/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Samantha-Mai Keakealani Kukahiko- Kyota	Individual	Support	No

Comments:

I am in support of ending marriage involving minors. The core values that were instilled upon me at a young age have shaped my perspective and are the supportive factors for why I strongly believe that marriage should be reserved for a consenting adult that is mature enough to make the conscious decision to marry another consenting adult.

LATE

SB-2424-SD-1

Submitted on: 2/28/2022 1:03:12 PM

Testimony for JDC on 2/28/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Yvonne Mahelona	Individual	Support	No

Comments:

Aloha my name is Yvonne Mahelona, a constituent of Honolulu county. I am asking you to pass SB2424 SD1 , ending child marriage. If you care about Hawai'i's keiki from generations of gender based violence.

Mahalo

LATE

SB-2424-SD-1

Submitted on: 2/28/2022 3:42:47 PM

Testimony for JDC on 2/28/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ashley Galacgac	Testifying for AF3IRM Hawai'i	Support	No

Comments:

Chair Rhoads, Vice Chair Keohokalole, and Honorable Members of the Committee,

Please pass SB2424. There is no such thing as a child spouse. This measure helps to safeguard vulnerable children from harm and coercion. Thank you for your leadership on this measure.