

‘O kēia ‘ōlelo hō’ike no ke
Komikina Kūlana Olakino o Nā Wāhine

Testimony on behalf of the
Hawai‘i State Commission on the Status of Women

In Support of S.B. 2424

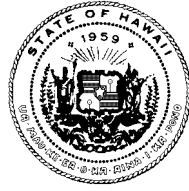
Dear Chairs, Vice Chairs, and Honorable Members,

The Hawai‘i State Commission on the Status of Women **supports** the intent of S.B. 2424, which seeks to screen for problematic child marriages. All child marriages where the adult party, almost always an adult man, is 5 years older than the minor are problematic and should be banned—even if the minor believes he loves her. It is easy for adults to manipulate minors. The power imbalance in this situation is inherently problematic and incompatible with gender equality.

Sincerely,

Khara Jabola-Carolus
Executive Director

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 9, 2022

TO: The Honorable Senator Joy San Buenaventura, Chair
Senate Committee on Human Services

The Honorable Senator Jarrett Keohokalole, Chair
Senate Committee on Health

FROM: Cathy Betts, Director

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

Hearing: February 10, 2022, 3:00 p.m.
Conference Room 225 & Videoconference

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent, offers comments, proposes an amendment, and requests clarification. The Department respectfully defers to the Judiciary.

PURPOSE: Requires that, in the event that one of the respective parties to a marriage contract is a minor and the other party is more than five years older than the minor, the child protective services unit of the Department of Human Services shall investigate and report to the Family Court of the Circuit in which the minor resides before the marriage is approved.

The Department's Child Welfare Services (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.

Section 350-1.1, HRS, mandates employees or officers of any law enforcement agency, including but not limited to the courts, to immediately report to the DHS or to the police when they believe that child abuse or neglect has occurred or that there exists a substantial risk that child abuse or neglect may occur in the reasonably foreseeable future. Therefore, the bill's proposed additional language is unnecessary as employees of the courts are already mandated reporters. The Department respectfully requests the deletion of the proposed section, page 4, lines 11-17, as follows:

~~"§572-1(2) provided further that in the event that one of the parties is a minor and the other party is more than five years older than the minor, the child protective services unit of the department of human services shall investigate and report to the family court before the marriage is approved;"~~

Further, the Legislature should consider the logistics of when an intervention by any party could be staged; currently, there is no waiting time from when a couple obtains a marriage license and when they can get married.

If this bill were to pass as is, CWS lacks the additional staff, expertise, and resources to investigate and submit reports to the court for contracts of marriage 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. As written, it is unclear who CWS would investigate in this situation, the minor, the minor's parents or guardian, the intended spouse, or all involved.

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

SB-2424

Submitted on: 2/4/2022 12:57:10 PM

Testimony for HMS on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael Golojuch Jr	Testifying for Stonewall Caucus of the Democratic Party of Hawaii	Support	Yes

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.

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



ZONTA

CLUB OF
HILO

MEMBER OF ZONTA INTERNATIONAL

EMPOWERING WOMEN
THROUGH SERVICE & ADVOCACY

Zonta Club of Hilo

PO Box 1915

Hilo, HI 96721

My name is Tonya Ozone and I represent the Zonta Club of Hilo. We are 45 local women and a part of Zonta International whose mission is to 'Empower women through service and advocacy'.

We support a ban on child marriage in Hawaii without exemption. Exceptions are rarely worth the risk that they entail. In many cases, parental consent really means parental coercion. House Bill 2353 reflects this minor marriage ban. Here is a link to that bill:

https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=2353&year=2022

If the Legislature wants to take a more moderate approach with family courts and Department of Human Services involved in the process as reflected in Senate Bill 2424, it could adopt the law and require a study to analyze the issue facing minors who request to be married. A thorough study of the issue could be done in Hawaii by the Departments of Human Services and Health, along with the Attorney General's Department handling Human Trafficking. We would also lend our support to a more in-depth review. Additionally, deleting marriages of 15 year olds is recommended now.

The exploitation of children in marriage is well recognized by human rights experts around the globe. When the International Labour Organization and the anti-slavery group Walk Free announced new global estimates of the number of individuals in "modern slavery", they defined the 15.4 million individuals who are in forced marriages as being victims of slavery; 84% of these victims are girls. Six in 10 victims of forced marriage internationally are children.

The State Department describes marriage before age 18 "a human rights abuse that contributes to economic hardship and leads to under-investment in girls' educational and health care needs." The State Department asserts that

early marriages – which are often forced – “enable or exacerbate violence and insecurity, including domestic violence.”

It’s well-recognized that child marriage has very negative health impacts and economic impacts on girls. Women who marry before 18 have significantly higher risks for heart attacks, diabetes, cancer, and stroke, as well as having higher risk of mental health issues. They are 50 percent more likely to drop out of school, and four times less likely to graduate from college. The divorce rate for girls who marry before 18 is 70-80%.

Hawaii risks more than it gains by allowing these early marriages. So do the teens getting married. Since 2000 there have been 811 child marriages. Even if you feel that number is low, passing this law costs nothing and send a strong message that in Hawaii we value our young girls,(and boys) and even one child is one too many.

A 16-year-old in America cannot vote. They cannot fight in combat. They cannot obtain a credit card. You must be 18 to buy cigarettes. You must be 21 to drink. Does it make sense to allow individuals under 18—children—to wed? We believe that by reserving marriage for adults, the likelihood of exploitation in that marriage, whether sexual, labor-related, or financial decreases significantly.

Thank you for your consideration and Aloha.

Testimony to the Senate Committee on Human Services and Committee on Health | February 10, 2022
SB2424: Relating to Marriage of Minors – OPPOSE

Chair San Buenaventura, Chair Keohokalole, Vice Chair Ihara, Vice Chair Baker and distinguished committee members:

Unchained At Last is a survivor-led nonprofit dedicated to ending forced and child marriage in Hawai'i and across the U.S. through direct services and advocacy. **We at Unchained urge the state legislature to vote "NO" on SB2424.**

The marriage age is 18,¹ but loopholes allow marriage before that age. Parents may enter a 16- or 17-year-old into marriage with nothing more than a signature, without any input from the minor.² Parents may marry off a 15-year-old with judicial approval.³

These loopholes disempower and seriously endanger minors

- The law provides no recourse for teens whose parents are forcing them into an unwanted marriage. We have found – as we provide crucial services to forced and child marriage survivors across the U.S. – that when an individual is forced to marry, the perpetrators are almost always the parents. And we have seen repeatedly that even when a teen sobs openly and begs for help, the clerk is powerless to intervene.
- The judicial review process does not require judges to interview the minor; indeed it does not include any criteria courts are required to consider before approving the marriage of a 15-year-old other than the requirement that the minor reside in the court's jurisdiction.⁴ This gives courts wide discretion to approve, for example, marriage between a child and a registered sex offender.
- Even a more robust judicial-review process would put the onus on a teen whose parents are forcing them to marry to figure out how to explain their predicament to the court without facing repercussions at home. Due to this pressure, **every teen we have worked with has stayed silent or lied to the court.**
- A child is automatically emancipated upon marriage,⁵ which likely ends their parents' financial obligation to them, regardless of the child's level of financial or emotional independence. **This automatic emancipation through marriage without regard to financial status can force the minor to become financially dependent on their spouse, and it can lead to teen homelessness,** especially since 70-80% of marriages before age 18 end in divorce.⁶
- Typically, an adult age 20 or older who has sex with a 15-year-old can be charged with sexual assault – but not if they are married to each other.⁷ Between 2000 and 2019, at least one and possibly two adults age 20 or older married 15-year-olds⁸ and received a "get out of jail free" card.

¹ Hawaii Revised Statutes (Haw. Rev. Stat.) §§ 572-1; 572-2; 572-9; 572-10.

² *Id.*

³ *Id.*

⁴ Haw. Rev. Stat. § 572-1(2). Note that judicial review is not required for the marriage of 16- or 17-year-olds.

⁵ Haw. Rev. Stat. § 577-25.

⁶ Vivian Hamilton, *The Age of Marital Capacity: Reconsidering Recognition of Adolescent Marriage*, William & Mary Law School Scholarship Repository (2012), <https://scholarship.law.wm.edu/facpubs/1430>.

⁷ Haw. Rev. Stat. §§ 707-730, 707-732.

⁸ Alissa Koski, *et. al.*, *Child Marriage or Statutory Rape?*, Journal of Adolescent Health (pending publication).

Devastating Consequences of Child Marriage

- Teens can easily be forced into marriage before they turn 18.⁹ Even at 15, 16 or 17, they cannot easily leave home,¹⁰ enter a domestic violence shelter,¹¹ retain an attorney¹² or bring a legal action including seeking a protective order.¹³
- Marriage before age 18 is recognized as a “human rights abuse.”¹⁴ **It destroys nearly every aspect of American girls’ lives, including their health, education and economic opportunities¹⁵ and even their physical safety.**¹⁶
- Teen mothers who marry and then divorce are more likely to suffer economic deprivation and instability than teen mothers who stay single – and, as noted above, teen marriage has a 70-80% divorce rate.¹⁷
- **Child marriage undermines reproductive and sexual rights.** Globally, child marriage is associated with higher rates of sexually transmitted infections including HIV, as well as early and unwanted pregnancies, because child brides often are unable to negotiate safe sex and access to medical care.¹⁸ Indeed, individuals in the U.S. who married before age 18 report high rates of unwanted or unplanned pregnancies.¹⁹ Child marriage can easily be forced marriage, and in our experience, a forced marriage at any age typically means the loss of reproductive rights, with survivors forced to have unprotected marital sex and to endure pregnancy and childbirth without their consent.

Child marriage is happening at an alarming rate

- 811 children age 15 to 17 were married in Hawai‘i between 2000 and mid-2020.²⁰
- 82% were girls wed to adult men.²¹
- Between 2000 and 2019, at least one and possibly two adults age 20 or older married 15-year-olds and received a “get out of jail free” card.²²

Waiting until 18 to marry brings obvious benefit, and it does not cause harm, beyond an inconvenience, for teens who are eager to marry but must hold off for a matter of months

- **A girl is pregnant and wants to co-parent? She and the father can easily co-parent outside of marriage** by merely signing a voluntary acknowledgement of paternity under oath and filing it with the department of health.²³ Such acknowledgement “confers or imposes rights, privileges, duties, and

⁹ Haw. Rev. Stat. § 577-1: The age of adulthood is 18.

¹⁰ Leaving home before 18 is a status offense. See Haw. Rev. Stat. §§ 571-2, 571-11(2)(B). See also Hawai‘i State Judiciary, *Juvenile Proceedings*, available at https://www.courts.state.hi.us/self-help/juvenile/juvenile_proceedings.

¹¹ Unchained has found domestic violence shelters across the U.S. typically do not accept minors who are unaccompanied by a parent or guardian because of the potential legal liability minors bring.

¹² Contracts with minors, including retainer agreements with attorneys, are generally voidable. See Haw. Rev. Stat. § 577-1. See also *Jellings v. Pioneer Mill Co.*, 30 Haw. 184, 186-87 (Haw. 1927).

¹³ Haw. Rev. Stat. §§ 551-2, § 587A-16(a). Note that children are automatically emancipated upon marriage and should get the rights listed here, but those rights arrive too late for a child facing a forced marriage.

¹⁴ U.S. Department of State, et al., *United States Global Strategy to Empower Adolescent Girls* (March 2016), <https://2009-2017.state.gov/documents/organization/254904.pdf>.

¹⁵ Fraidy Reiss, *Child Marriage in the United States: Prevalence and Implications*, Journal of Adolescent Health (December 2021), [https://www.jahonline.org/article/S1054-139X\(21\)00341-4/fulltext](https://www.jahonline.org/article/S1054-139X(21)00341-4/fulltext).

¹⁶ Individuals in the U.S. who were married before age 18 report high rates of physical, sexual, financial or emotional abuse during their marriage as well as unwanted or unplanned pregnancies. See: Aditi Wahi et al., *The Lived Experience of Child Marriage in the United States*, Social Work Public Health (12 February 2019), <https://pubmed.ncbi.nlm.nih.gov/30747055>. Note that this is consistent with global trends. See, for example: Rachel Kidman, *Child Marriage and Intimate Partner Violence: A Comparative Study of 34 Countries*, International Journal of Epidemiology (April 2017), <https://academic.oup.com/ije/article/46/2/662/2417355>.

¹⁷ Vivian Hamilton, *The Age of Marital Capacity: Reconsidering Recognition of Adolescent Marriage*, William & Mary Law School Scholarship Repository (2012), <https://scholarship.law.wm.edu/facpubs/1430>.

¹⁸ United Nations Children’s Fund (UNICEF), *Ending Child Marriage: Progress and Prospects* (July 2014), <https://data.unicef.org/resources/ending-child-marriage-progress-and-prospects>.

¹⁹ Aditi Wahi et al., *The Lived Experience of Child Marriage in the United States*, Social Work Public Health (12 February 2019), <https://pubmed.ncbi.nlm.nih.gov/30747055>.

²⁰ Fraidy Reiss, *Child Marriage in the United States: Prevalence and Implications*, Journal of Adolescent Health (December 2021), [https://www.jahonline.org/article/S1054-139X\(21\)00341-4/fulltext](https://www.jahonline.org/article/S1054-139X(21)00341-4/fulltext).

²¹ Based on marriage-license data Unchained retrieved from the Hawai‘i Department of Health.

²² Alissa Koski, et. al., *Child Marriage or Statutory Rape?*, Journal of Adolescent Health (pending publication).

²³ Haw. Rev. Stat. § 584-4(a)(6); §584-23.6.

obligations”²⁴ that extend “to every such child and to every such parent, regardless of the marital status of the parents.”²⁵ (Again, note that a pregnant teenage girl in the U.S. who marries is highly likely to divorce and then much more likely to suffer economic deprivation and instability than a pregnant girl who stays single, as explained above.)

- **A teen needs financial, healthcare, housing or other resources they cannot get from their parents?** We must make options available to teens that do not require them to enter a contractual sexual relationship from which they cannot easily escape. Using a minor’s current economic dependence to justify an early marriage is harmful public policy that sets up the minor for a lifetime of dependence. **Not only does economic dependence contribute to the risk of domestic violence,²⁶ but many abuse survivors cite economic dependence as the main reason they felt compelled to stay in a violent home.²⁷**
- **A teen is in an abusive home and needs an escape?** Again, we must make options available to vulnerable teens that do not require them to enter a contractual sexual relationship from which they cannot legally escape. **Marriage before 18 is a known driver of domestic violence,²⁸ not a solution to it.**

SB2424 Is Not a Solution

- **SB2424 does not eliminate the dangerous loopholes in current statutes.** Instead, SB2424 keeps the loopholes in place and requires child protective services (“CPS”) to “investigate and report to the family court” when a minor marries someone more than five years older. SB2424 will not eliminate child marriage and is harmful:
 - The bill does not mitigate the high risk of forced child marriage. Close-in-age exceptions might make sense in the context of statutory rape, since studies show sex between a minor and a partner who is close in age is less likely to be coercive than sex between a minor and a much older adult.²⁹ However, when a child is forced to marry, the perpetrators are almost always the parents, so the power imbalance of concern is between the child and the parents, not the child and the spouse or future spouse. Limiting the age difference between the spouses in no way addresses this power imbalance nor reduces the likelihood of forced marriage.
 - The bill does nothing to address the devastating, lifelong consequences of child marriage, which are no less severe if a child marries someone close to their age.
 - The bill continues to allow adults age 20 or older to marry 15-year-olds and legally rape them. What is the point of a CPS investigation that confirms a statutory rape of a child is about to occur and then allows it to happen?
 - A CPS investigation, like judicial review, puts the onus on a terrified child to alert the investigator that they are being forced to marry.
 - It is unclear how SB2424 would work for 16- or 17-year-olds. The bill would require CPS to report its findings to the court, but the court is not involved in the marriage of 16- and 17-year-olds.

²⁴ Haw. Rev. Stat. § 584-1.

²⁵ Haw. Rev. Stat. § 584-2.

²⁶ RF Bornstein, *The Complex Relationship Between Dependency and Domestic Violence: Converging Psychological Factors and Social Forces*, *American Psychologist* (September 2006), <https://www.ncbi.nlm.nih.gov/pubmed/16953747>.

²⁷ Nancy Salamone, *Domestic Violence and Financial Dependency*, *Forbes* (2 September 2010), <https://www.forbes.com/2010/09/02/women-money-domestic-violence-forbes-woman-net-worth-personal-finance.html>.

²⁸ Individuals in the U.S. who were married before age 18 report high rates of physical, sexual, financial or emotional abuse during their marriage as well as unwanted or unplanned pregnancies. See: Aditi Wahi et al., *The Lived Experience of Child Marriage in the United States*, *Social Work Public Health* (12 February 2019), <https://pubmed.ncbi.nlm.nih.gov/30747055>. Note that this is consistent with global trends. See, for example: Rachel Kidman, *Child Marriage and Intimate Partner Violence: A Comparative Study of 34 Countries*, *International Journal of Epidemiology* (April 2017), <https://academic.oup.com/ije/article/46/2/662/2417355>.

²⁹ <https://www.guttmacher.org/journals/psrh/2010/08/partner-age-differences-educational-contexts-and-adolescent-female-sexual>.

Simple Legislative Solution

States across the U.S. are moving to eliminate all marriage before 18, without exceptions. Specifically, they are keeping the marriage age at 18 but eliminating the dangerous loopholes that allow adults to enter minors into marriage with little or no input from the minor, before the minor has the legal rights necessary to navigate a contract as serious as marriage. **Legislation to this effect harms no one, costs nothing and ends a human rights abuse.** Due to this national movement to end child marriage, **Hawai'i, which does not impose a residency requirement for the marriage of 16- or 17-year-olds,³⁰ risks becoming a destination site for child marriage.**

Governments around the world are also moving to eliminate marriage before age 18, since 193 countries – including the U.S. – have promised to end child marriage by year 2030, under United Nations Sustainable Development Goal 5.3.³¹

Let's End Child Marriage

For the numerous reasons expressed above, we are in strong opposition to SB2424 and respectfully urge you to **vote "NO" on SB2424,** unless the bill is amended to remove the dangerous loopholes that allow child marriage, so we can end child marriage, a human rights abuse that destroys girls' lives.

³⁰ Haw. Rev. Stat. § 572-1(2); 572-6.

³¹ United Nations Department of Economic and Social Affairs, *Sustainable Development* (2015), <https://sdgs.un.org/goals/goal5>: Goal 5 is "Achieve gender equality and empower all women and girls." Target 5.3 is "Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation." Indicator 5.3.1 is "Proportion of women aged 20-24 years who were married or in a union before age 15 and before age 18."

LATE

SB-2424

Submitted on: 2/10/2022 8:49:13 AM

Testimony for HMS on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Edith	Testifying for Zonta Club of Kauai	Support	No

Comments:

Aloha Chair, Vice Chair & Members,

I fully support SB2424 by restricting marriage to a minor in Hawaii. Raise the age of marriage from 16 to 18 years old.

Edith Ignacio Neumiller

Past President Zonta Club of kauai

Kauai Commissioner - Hawaii State Commission on the Status of Women

HAWAII YOUTH SERVICES NETWORK

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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

January 28, 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 THE INTENT OF SB 2424 RELATING TO MARRIAGE OF MINORS

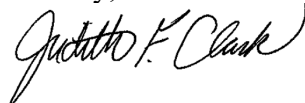
Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports the intent of SB 2424 Relating to Marriage of Minors.

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. We are concerned that the bill lacks language stating what CWS is expected to investigate and what findings would constitute a barrier to approving the marriage.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director



*Protecting Immigrant
Women and Girls
Fleeing Violence*

Testimony in OPPOSING Senate Bill 2424 Unless Amended (Relating to Marriage of Minors)

Alex Goyette, Senior Public Policy Associate

February 10, 2022

Chair Buenaventura and Keohokalole, Vice Chairs Ihara and Baker, and Honorable Members of the Senate Committees on Human Services and Health:

The Tahirih Justice Center (Tahirih) is a non-profit legal advocacy organization has been serving survivors of domestic violence, sexual assault, human trafficking, and other abuses since 1997.

Tahirih has unique legal and policy expertise in forced and child marriage as U.S. problems. Through Tahirih's Forced Marriage Initiative, launched in 2011, we have worked on several hundred cases involving women and girls nationwide. Tahirih has also compiled extensive research on child marriage in the United States, including a 50-state statutory compilation, an in-depth report that compares and analyzes all states' minimum marriage age laws and exceptions, a compilation of stories from survivors' of child marriage in the United States, and a policy brief reflecting on progress made in the national movement to end child marriage since 2016.ⁱ

We strongly support the sponsors' intent to address child marriage in Hawaii. However, we are concerned that the bill does not fully protect children from the harms of child marriage, in particular when that marriage is one they are forced or pressured into.

For this reason, **we submit this testimony in opposition of Senate Bill 2424, and ask that this committee issue an unfavorable report unless amended to end child marriage in Hawaii.**

This measure leaves in place Hawaii's current statute that fails to tie the state's minimum marriage age to the legal age of adulthood (age 18),ⁱⁱ preserving exceptions that permitted over 600 children to be married in Hawaii between 2000 and 2010ⁱⁱⁱ and that leave Hawaii as one of only four states nationwide that sets a minimum marriage age younger than age 16.

Forced marriages can happen in the U.S. for many reasons. They can arise in families and communities where parents expect to control the marriage choices of their children, or where marrying young is the norm. Some individuals are pushed to marry to prevent or address sex or pregnancy outside of marriage, or as a cover-up for rape or sexual abuse. Sometimes, an abusive dating partner will threaten or coerce an individual into marriage. In other cases, sexual predators can target, "groom," and then pressure vulnerable girls to marry them, in order to further isolate and control them and to have round-the-clock access to them without fear of prosecution. Children can also be compelled to marry when poor, abusive, or neglectful parents try to offload them on others. Some parents even seek to gain financially from such arrangements. When a judge is asked to approve

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such a marriage, they all too often act as a simple rubber stamp for this parental coercion.

While both adults and children can face forced marriages, children are especially susceptible to coercion, and particularly disempowered to advocate for themselves because of their legal status as minors. Many “escape routes” that are wide open to adults are closed, or much more challenging to access, for minors.

Without being able to exercise self-help options minors must rely on systems-help, but are often reluctant to do so because of mandatory reporting laws on child abuse. Disclosing abuse could set in motion serious consequences over which they would have no control, including that their parents could go to jail, or that they and their siblings could be put into foster care.

SB 2424 introduces CPS into a situation for which they are not trained, potentially causing further harm to the minor party to the marriage. In Tahirih’s experience, child protective services across the country invariably fails to investigate legitimate forced child marriage allegations, typically considering it outside their mandate, or does not take appropriate action. CPS staff are not typically trained to handle situations involving an abuser who is not the parent/guardian – such as the intended spouse of a minor. They are also not typically trained in the nuance of forced marriage cases so will be unlikely to spot the warning signs and will fail to intervene at all, let alone effectively. Involvement of inadequately trained CPS staff can subject a girl to retaliation, causing her to recant any request for help and making it more difficult for advocates to work with her as her family, believing she has disclosed abuse and asked for help, begins to monitor her more closely, cut off their communication entirely, or even moves up the date of the marriage.

SB 2424 may harm minors who intend to marry a spouse greater than 5 years in age difference, while also providing *no* protection for the majority of minors^{iv} who marry an adult closer in age – leaving in place a dangerous status quo.

Age gap is not the best indicator or predictor of abuse. Relationships between close-in-age peers can be every bit as violent and manipulative as those between couples with a larger age gap. If one partner is over age 18, the rights they are granted as an adult give them a significant degree of additional power in the relationship compared to their minor partner, setting the table for manipulation and exploitation backed by the force of Hawaiian law granting rights to one partner while denying them to the other. SB 2424 does nothing to address this imbalance for the majority of minors who face child marriage.

SB 2424 would also preserve Hawaii’s current minimum marriage age of just 15 years old, keeping company with only four other states nationwide that sets a statutory age floor so dangerously low. Among other protection issues, the preservation of such a low age floor means that the bill lacks protections for even the most obviously harmful cases by having the state of Hawaii continue to grant marriage licenses to couples for whom sex outside of marriage would be a criminal offense.^v

The bill also fails to protect girls from the domino effects of marrying underage, which can dramatically heighten their vulnerability to abuse. Up to 80% of marriages involving someone underage end in divorce, and teen mothers who marry and later divorce can be made worse-off long-term—more than twice as likely to live in future poverty—than teen mothers who do not marry.

Women who marry as teens are also more likely to have more children overall and to do so more quickly, to drop out of school, to have fewer work opportunities, and to wind up poor. They also

experience more medical and mental health problems, both short- and long-term.^{vi} All this can increase their dependence and limit their options in the event of divorce or domestic violence.

In sum, there are significant child-protection concerns inherent to every child marriage. Hawaii's current law on minimum marriage age turns a blind eye to these concerns, and SB 2424 does nearly nothing to address them in any meaningful way.

There is a rapidly growing national movement to overhaul antiquated minimum marriage age laws that put children at risk. Since 2016, 12 states have effectively ended child marriage. Delaware, New Jersey, Minnesota, Pennsylvania, Rhode Island, and New York have all passed bills prohibiting marriage under age 18, with no exceptions. Virginia, Texas, Kentucky, Ohio, Georgia, and Indiana passed more complex bills limiting marriage to legal adults (age 18 or older, with a limited exception for court-emancipated minors). Several other states also have pending bills that would tie marriage age to legal adulthood if passed this year.

Hawaii should assert its place as a leader in this historic movement by issuing amending SB 2424 to set a minimum marriage age of 18, without exceptions. This is the simplest, best way to protect Hawaii's children from the harms of forced and child marriage.

The Tahirih Justice Center urges this Committee to oppose Senate Bill 2424 unless amended to end child marriage in Hawaii

ⁱ A full copy of Tahirih's 50-state report, along with other resources, is available at www.tahirih.org/childmarriagepolicy.

ⁱⁱ See Haw. Rev. Stat. Ann. § 571-2 (2011). (defining any person under age 18 as a "child").

ⁱⁱⁱ See statistics compiled in New York Times, "11 Years Old, a Mom, and Pushed to Marry Her Rapist in Florida" (May 26, 2017), available at <https://www.nytimes.com/>.

^{iv} See testimony submitted by Hawaii Department of Health (February 12, 2021).

^v See Haw. Rev. Stat. §§ 707-730, 707-731, and 707-732 (sexual assault in the first through third degrees).

^{vi} See research cited in Tahirih Justice Center, "Child Marriage Poses Serious Risks to Children," available at www.tahirih.org/childmarriagepolicy.

Child Marriage Poses Serious Risks to Children



PHYSICAL IMPACT

- Women who marry before age 19 have a 23% greater risk of developing a serious health condition (diabetes, cancer, heart attack, or stroke).¹
- Teen girls who marry tend to have more children, earlier, and more closely spaced.² They are:
 - » Much more (130%) likely to get pregnant than unmarried teens who live with a partner³
 - » More likely to have their first child before age 18⁴
 - » 40% more likely to have a second birth within 24 months of their first⁵
 - » Nearly 3x more likely to have at least 5 children⁶
- Young women and girls aged 16-19 face intimate partner violence victimization rates almost 3x the national average.⁷
- Overall, women who marry as children are more likely to seek and access health services, compared to women who married in adulthood.⁸



ECONOMIC IMPACT

- Child brides tend to come from poverty and remain in poverty.⁹
 - » Girls who marry underage are up to 31 percentage points more likely to live in future poverty.¹⁰
 - » For teen mothers, getting married and later divorcing can more than double the likelihood of poverty.¹¹
- Earning potential and work opportunities are limited by interrupted education and low education levels. Girls who marry under age 19 are:
 - » 50% more likely to drop out of high school
 - » 4x less likely to graduate college¹²



SOCIAL IMPACT

- Child brides tend to be isolated from support networks including school, friends, and family.
- The majority (70-80%) of marriages entered into when at least one person is under age 18 ultimately end in divorce.¹³
 - » According to one study based on census data, 23% of children who marry are already separated or divorced by the time they turn 18¹⁴
- These negative outcomes, combined with the economic impacts of child marriage which limit a woman's ability to become financially independent, increase vulnerability to multiple victimization and often result in consequences becoming cyclical and intergenerational.



MENTAL IMPACT

- Women who marry before age 18 are more likely to report stressful life events, and to present with significantly more psychiatric disorders, such as:
 - » mood and anxiety disorders including major depressive disorder
 - » antisocial personality disorder (prevalence nearly 3x higher)¹⁵
- Social isolation and feeling a lack of control over their lives can contribute to a child bride's poor mental health. In fact, agencies working with girls facing or trying to escape forced marriages report that nearly all have contemplated or attempted suicide.¹⁶

ENDNOTES

- ¹ Compared with a study cohort of those who married between age 19 and 25. See Matthew E. Dupre and Sarah O. Meadows, “[Disaggregating the Effects of Marital Trajectories on Health](#),” *Journal of Family Issues* (Vol. 28, No. 5, May 2007, 623-652), at pp. 630-636, and 646-647; see also Bridget M. Kuehn, “[Early Marriage Has Lasting Consequences on Women’s Mental Health](#),” news@JAMA (August 29, 2011), posts by *The Journal of the American Medical Association* (“research has linked such early marriages to a higher risk of HIV or other sexually transmitted infections, cervical cancer, unintended pregnancy, maternal death during childbirth, and abortion; early marriage is also associated with malnutrition among offspring”).
- ² See Naomi Seiler, “[Is Teen Marriage a Solution?](#)” (Center for Law and Social Policy, April 2002), at p. 8; see also *infra*, n. 3.
- ³ See Wendy D. Manning and Jessica A. Cohen, “[Teenage Cohabitation, Marriage, and Childbearing](#),” *Population Research and Policy Review* (April 2015), 34(2): 161-177.
- ⁴ *Id.*
- ⁵ See Gordon B. Dahl, “[Early Teen Marriage and Future Poverty](#),” *Demography* (August 2010: 47(3): 689-718), at 691, n. 2.
- ⁶ *Id.*
- ⁷ See [loveisrespect.org](#) factsheet.
- ⁸ See Yann Le Strat, Caroline Dubertet & Bernard Le Foll, “[Child Marriage in the United States and Its Association with Mental Health in Women](#)” 128 *Pediatrics* 524 (September 2011).
- ⁹ *Id.*; see also “[Poverty](#),” Girls Not Brides factsheet, and Abby Phillip, “[Here’s proof that child marriage and poverty go hand in hand](#),” *The Washington Post* (WorldViews: July 23, 2014).
- ¹⁰ See *supra*, n. 5, at 714. The author defined “early teen marriage” as marrying before age 16. *Id.*, at 693.
- ¹¹ See research cited by College of William & Mary Law School Professor Vivian E. Hamilton, in “[The Age of Marital Capacity: Reconsidering Civil Recognition of Adolescent Marriage](#),” *Boston University Law Review* (December 2012), 92 B. U. L. Rev. 1817, 1820 and at n. 15.
- ¹² See *supra*, n. 5, at 691.
- ¹³ See *supra*, n. 11, at 1820.
- ¹⁴ See Alissa Koski and Jody Heymann, “Child Marriage in the United States: How Common Is the Practice, And Which Children Are at Greatest Risk?” *Perspectives on Sexual and Reproductive Health* (June 2018: 50 (2), 59-65), at 61.
- ¹⁵ See *supra*, n. 8.
- ¹⁶ As observed by the Tahiri Justice Center’s Forced Marriage Initiative and other legal and social service-providers in the national Forced Marriage Working Group that Tahiri chairs.



What are states doing to address child marriage?

Prior to 2015, the public and policymakers had no idea what the nature and scope of America’s child marriage problem really was. At that time, investigative reporters and advocates serving child marriage survivors began to pull and analyze state marriage license records, leading to the startling realization that well over 200,000 minors (children under age 18) were married from 2000-2015 alone.¹ Subsequent research has filled in gaps and found even more children married – over 300,000 estimated between 2000 and 2018.²

The overwhelming majority were girls, most married adult men, and many times, those men were significantly older. Increasing media coverage over the last few years has called attention to the horrific experiences of many former “child brides” who were abused and exploited under the guise of marriage.³

In response, twenty-seven U.S. states have strengthened their minimum marriage-age laws since 2016, and more bills are pending or will be introduced in upcoming legislative sessions.

Six of those states have completely ended child marriage by setting the minimum marriage age at 18 without exceptions. Six more have effectively limited marriage to legal adults by setting an age floor of 18, with a limited exception for court-emancipated minors who are empowered with the legal rights of an adult prior to marriage.⁴

States that have entirely ended child marriage:

State	Age Requirements <u>Before Reform</u>	Age Requirements <u>After Reform</u> ⁵	Effective
New York	Pre-2017: Age floor of 14; age 16-17 required parental consent; age 14-15 required parental consent and judicial approval Post-2017: Age floor of 17 and required emancipation prior to marriage.	Minimum age raised to 18, no exceptions	2021
Rhode Island	No age floor; age 16-17 required parental consent; under age 16 required judicial approval	Minimum age set at 18, no exceptions	2021
Minnesota	Age floor of 16; age 16-17 required parental consent and judicial approval	Minimum age raised to 18, no exceptions	2020

State	Age Requirements <u>Before</u> Reform	Age Requirements <u>After</u> Reform ⁵	Effective
Pennsylvania	No age floor; for age 16-17, only parental consent required; under age 16 required judicial approval, with little to no guidance for judges' decisions	Minimum age set at 18, no exceptions	2020
Delaware	No age floor; judicial approval required for all minors, based on several criteria	Minimum age set at 18, no exceptions	2018
New Jersey	No age floor; for age 16-17 required parental consent; under age 16 required judicial approval, with little to no guidance for judges' decisions	Minimum age set at 18, no exceptions	2018

Timeline of reforms limiting, but not ending, child marriage:

State	Age Requirements <u>After</u> Reform	Effective
North Carolina	Age floor raised to 16; parties' age difference limited to 4 years and eliminated pregnancy exception	2021
Utah	Requires proof of age for all minors seeking a marriage license	2021
Idaho	Age floor set at 16; parties' age difference limited to less than 3 years	2020
Indiana	Age floor raised to 16 and parties age difference limited to 4 years; minor must be court-emancipated prior to marriage; attorney must be appointed to minor; if emancipating to marry, additional criteria apply (e.g., judge must interview privately, find minor is not being coerced, and examine criminal record/protective order history of intended spouse); "best interest" inquiry; 15-day waiting period between emancipation and marriage license	2020
Maine	Age floor set at 16	2020
Arkansas	Age floor set at 16 (in case of pregnancy); girls now subject to the same rules at the same ages as boys (previously, exceptions were gender-differentiated); judicial approval only for age 16	2019
California	No age floor; exception based on judicial approval; reforms improved judicial approval process, including by requiring private interviews with both a Family Court Services officer and judge	2019
Colorado	Age floor set at 16; judicial approval now required; guardian ad litem appointed for the minor to investigate "best interests" and to file a report with the court addressing several factors, including independent ability of the minor to manage the minor's own financial, personal, educational, and affairs; certain rights of married minors clarified	2019

State	Age Requirements <u>After</u> Reform	Effective
Georgia	Age floor raised to 17 and parties age difference limited to 4 years; minor must be court-emancipated prior to marriage; attorney must be appointed to minor; if emancipating to marry, additional criteria apply (e.g. judge must find minor is not being coerced and examine criminal record/protective order history of intended spouse); "best interests" inquiry; 15-day waiting period between emancipation order and marriage license; minor must complete premarital education and receive rights/resources factsheet	2019
Louisiana	Age floor set at 16; parties' age difference limited to 3 years; age 16-17 now requires judicial approval; judge must consider several factors including whether parties are mature and self-sufficient and whether there is evidence of coercion or violence;	2019
Nevada	Age floor set at 17; age 17 now requires judicial approval; judge must consider factors including maturity of minor and age differences of parties, must be "extraordinary circumstances" and "clear and convincing evidence" including that marriage is in the minor's best interests	2019
New Hampshire	Age floor raised to 16; judicial approval required; improved judicial approval process, including by requiring "clear and convincing evidence" that marriage is in the minor's best interests	2019
Ohio	Age floor set at 17; parties' age difference limited to 4 years; minor must be court-emancipated prior to marriage; attorney must be appointed to minor; court must consider several factors including whether there is coercion; 14-day waiting period between emancipation order and marriage license	2019
Utah	Age floor raised to 16; parties' age difference limited to 7 years; age 16-17 now requires judicial approval; court must find that the marriage is voluntary and in the best interest of the minor; allows court to make other orders (e.g. continuing schooling, getting premarital counseling)	2019
Arizona	Age floor set at 16; parties' age difference limited to 3 years	2018
Florida	Age floor set at 17; parties' age difference limited to 2 years	2018
Kentucky	Age floor set at 17 and other party cannot be more than 4 years older; minor must be court-emancipated prior to marriage; judge must interview the minor privately and may appoint the minor an attorney ; court must consider several factors (e.g., judge must find minor is not being coerced and examine criminal record/protective order history of intended spouses); "best interests" inquiry; 15-day waiting period between emancipation and marriage license; minor receives rights/resources sheet	2018
Missouri	Age floor set at 16; no one age 21 or older can marry a minor	2018
Tennessee	Age floor set at 17; parties' age difference limited to 4 years; minor must receive rights/resources factsheet	2018
Connecticut	Age floor set at 16; age 16-17 now requires judicial approval; judge must consider factors including whether there is coercion	2017

State	Age Requirements <u>After</u> Reform	Effective
New York	Age floor raised to 17; minor must be court-emancipated; attorney must be appointed to minor and judge must interview privately; judge must consider several factors to vet the intended marriage including whether there is coercion or a history of violence or power imbalance between the parties; minor must receive rights/resources info	2017
Texas	Minor must be court-emancipated (eligible at age 16); attorney appointed to minor; "best interests" inquiry	2017
Virginia	Minor must be court-emancipated (eligible at age 16); attorney appointed to minor; if emancipating to marry, several specific criteria apply (e.g., judge must find minor is not being coerced and examine criminal record/protective order history of intended spouse); "best interests" inquiry	2016

For more information please contact Alex Goyette, Public Policy Associate, (AlexG@tahirih.org) or visit tahirih.org/childmarriage.

¹ Stats are from *PBS Frontline*, "Child Marriage in America: By the Numbers," (July 6, 2017).

² Data compiled by *International Center for Research on Women*, "Child Marriage in North Carolina: New Evidence and Policy Recommendations," (August 2020) and *Unchained At Last*, "United States' Child Marriage Problem," (April 2021).

³ See, e.g., "Child Brides Call on U.S. States to End 'Legal Rape,'" *Reuters* (October 24, 2018); "Grown Men Are Exploiting Loopholes in State Laws to Marry Children," *Huffington Post* (August 30, 2017).

⁴ A petition for emancipation seeks a court order granting a mature and self-sufficient minor the legal rights and status of an adult. States that have enacted new laws with a limited exception permitting court-emancipated minors to marry are Virginia, Texas, Kentucky, Ohio, Georgia, and Indiana.

⁵ As used in these charts, "set" refers to states that previously had no age floor (no lower limit to how young a child could be married, if the statutory criteria for an exception were met), and that through legislative reforms, instituted a firm age floor for the first time. "Raised" refers to states that previously had a lower age floor, and that through legislative reforms, instituted a new, higher age floor.

SB-2424

Submitted on: 2/7/2022 10:48:35 AM

Testimony for HMS on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Eileen McKee	Individual	Support	No

Comments:

Aloha,

I support the passage of SB2424.

Mahalo,

Eileen McKee

LATE

SB-2424

Submitted on: 2/10/2022 9:28:43 AM

Testimony for HMS on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lori Benkert	Individual	Support	No

Comments:

I support SB2424 to reduce child marriage and change the legal limit to 18 with no exceptions.

SB-2424

Submitted on: 2/9/2022 1:33:44 PM

Testimony for HMS on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dawn Tyree	Individual	Oppose	No

Comments:

Chair San Buenaventura, Vice-Chair Les Ihara, Vice-Chair Baker, and distinguished committee members:

My name is Dawn Tyree and I am in opposition of SB 2424.

My marriage took place in the United States. I was forced to marry when I was 13-years-old to the man that had been sexually abusing me for two years. When I became pregnant, my parents, along with this man (Essentially my nanny) decided that the best thing they could do was to have us get married. The marriage protected my abuser from being prosecuted for child sex abuse and statutory rape while saving my parents from child abandonment, neglect, and endangerment charges.

Getting married was a decision that was made for me, not by me. The adults in my life were handling "damage control."

I was fortunate to get out, but not before having two children by the age of 15.

I was 16 years old when I summoned the strength to escape with my children. We had no place to go and shelters turned us away because we were minors. The local Adult Family Services told me to go back home, to my parents, because they were the ones responsible for me. I couldn't go to school, secure a job, or find someone to help me with childcare.

The only life I knew was one of being owned by a man. As a result, I went straight into another abusive relationship. I had no self-value, why would I after being a throw-away child to early marriage?

My concern was that my children would be taken away from me because I was too young to raise them (yet I was old enough to marry years before).

We often went without necessities such as toilet paper or shampoo. At times, we lived without electricity. I feared that social services would find out that I washed our clothes in the bathtub - proving that I could not provide for my children.

Court-mandated investigations are no safety net. Most young girls would not tell a Judge, a caseworker, or anyone else for that matter that she is being pressured into marriage. That loophole is dangerous. It's terrifying, and likely (just as I did) she will do what she's told to do and try to keep the peace. I urge you to change the minimum age for marriage to 18 years old, with no exceptions.

Allowing girls to marry is dismissing the testimony of myself and other survivors. Child marriage is nothing less than a disgrace to our nation.

As Americans, our laws must reflect our principles.

Marriage is a decision that two consenting adults make together. The guidelines for marriage should reflect the same guidelines that we have in place for things such as voting, entering contracts, serving our country, or being "of age" to consent. We are doing a grave disservice to minors by allowing them to enter into marriage. This is a human rights abuse issue and together we can put an end to it.

Thank you,

Dawn Tyree Child marriage survivor/Activist