
A BILL FOR AN ACT

RELATING TO MARRIAGE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that child marriage, or
2 underage marriage, has a negative impact on the physical,
3 mental, social, and economic well-being of persons who marry
4 while underage. Women and girls who marry before age eighteen
5 are especially at risk. Child marriage, or underage marriage,
6 has been linked to higher rates of diabetes, cancer, heart
7 attacks, and strokes. Young women and girls who marry between
8 the ages of sixteen and nineteen are three times more likely
9 than the national average to experience intimate partner
10 violence. Women and girls who marry while underage are often
11 isolated from their families and support networks, making it
12 difficult for them to escape or gain financial independence from
13 abusive partners. Many persons who marry while underage develop
14 mood and anxiety disorders, including major depressive disorder.
15 Child marriage frequently interrupts education, limits
16 employment opportunities, and caps earning potential, making the
17 person more likely to live in future poverty.



1 The legislature recognizes that these concerns have led
2 many states to amend their laws on the minimum age for marriage.
3 Under Hawaii's existing laws, minors as young as sixteen years
4 of age may marry with parental consent, and family courts may
5 approve marriages for minors as young as fifteen years of age.

6 Accordingly, the purpose of this Act is to help protect the
7 well-being of minors in the State by amending the minimum age
8 for marriage to eighteen years of age, or seventeen years of age
9 with parental or judicial consent.

10 SECTION 2. Section 572-1, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§572-1 Requisites of valid marriage contract.** In order
13 to make valid the marriage contract, which shall be permitted
14 between two individuals without regard to gender, it shall be
15 necessary that:

16 (1) The respective parties do not stand in relation to
17 each other of ancestor and descendant of any degree
18 whatsoever, two siblings of the half as well as to the
19 whole blood, uncle and niece, uncle and nephew, aunt
20 and nephew, or aunt and niece, whether the
21 relationship is the result of the issue of parents



1 married or not married to each other or parents who
2 are partners in a civil union or not partners in a
3 civil union;

4 (2) Each of the parties at the time of contracting the
5 marriage is at least [~~sixteen~~] eighteen years of age;
6 provided that with the written approval of the family
7 court of the circuit within which the minor resides,
8 it shall be lawful for a person under the age of
9 [~~sixteen~~] eighteen years, but in no event under the
10 age of [~~fifteen~~] seventeen years, to marry, subject to
11 section 572-2;

12 (3) Neither party has at the time any lawful wife,
13 husband, or civil union partner living, except as
14 provided in section 572-1.7;

15 (4) Consent of neither party to the marriage has been
16 obtained by force, duress, or fraud;

17 (5) Neither of the parties is a person afflicted with any
18 loathsome disease concealed from, and unknown to, the
19 other party;



- 1 (6) The parties to be married in the State shall have duly
2 obtained a license for that purpose from the agent
3 appointed to grant marriage licenses; and
- 4 (7) The marriage ceremony be performed in the State by a
5 person or society with a valid license to solemnize
6 marriages and the parties to be married and the person
7 performing the marriage ceremony be all physically
8 present at the same place and time for the marriage
9 ceremony."

10 SECTION 3. Section 572-2, Hawaii Revised Statutes, is
11 amended to read as follows:

- 12 **"§572-2 Consent of parent or guardian.** Whenever any
13 person who is under the age of eighteen, but in no event under
14 the age of seventeen, is to be married, the written consent of
15 [~~his or her~~] the person's parents, or guardian or other person
16 in whose care and custody [~~he or she~~] the person to be married
17 may be, shall accompany the application for a license to marry.
18 No license shall be issued to any minor who is under the
19 jurisdiction of the family court [~~without~~] unless the person:
- 20 (1) Is at least seventeen years of age; and



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1 (2) Has the written consent of a judge of [~~such~~] the
2 family court."


3 SECTION 4. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

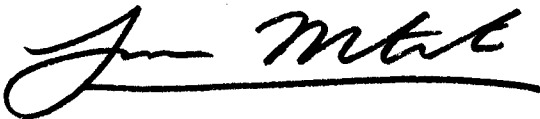
6 SECTION 5. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect upon its approval.

9

INTRODUCED BY:





JAN 18 2024



H.B. NO. 1742

Report Title:

Marriage; Age; Minors

Description:

Raises the minimum age for marriage from 16 to 18 years of age. Allows a person to marry at 17 years of age with the written consent of the person's parent, guardian, or a family court judge.

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