

Dear Rep. Grad:

I hope your new year has gotten off to a great start.

I'm writing about [H. 631](#), an act relating to raising the age of eligibility to marry, which is on the House Judiciary Committee's agenda for a walk-through on Friday, January 28 after the 9:30 AM House Floor Session.

This bill is reminiscent of the sexual consent legislation that House Judiciary amended during the last session. In that case, people with disabilities were presumed not able to consent to sexual conduct.

This session, the bill the Judiciary Committee is taking up, would amend the marriage statute. The current statute about who may marry excludes a "party" who is "mentally incapable of entering into marriage as defined in 15 V.S.A. § 514."

Under [15 V.S.A. § 514](#), "mentally incapable" extends to persons who have a "severe psychiatric, cognitive or other severe mental disability." Those terms are not defined.

Mental health clinicians have labeled me as a person with a "severe psychiatric disability." Thus, it alarms me that the current statute would deny me and other individuals with "severe psychiatric disabilities" the right to marry.

Just as I argued last year regarding the sexual consent law, the right to marry should not be based on disability but rather on an individual's decisional capacity.

"Mentally incapable" in the current statute should be defined in terms of capacity rather than disability and "severe psychiatric, cognitive or other severe mental disability" should be deleted from the statute.

I would greatly appreciate the opportunity to bring this issue to the attention of members of the House Judiciary Committee should the Committee decide to take additional testimony on H.631.

Thank you for your consideration.

Wilda