



*Protecting Immigrant
Women and Girls
Fleeing Violence*

Testimony in SUPPORT of H 148 (Raising the Age of Eligibility to Marriage)

Presented to the Vermont House of Representatives:
Committee on Judiciary

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Chair LaLonde, Vice Chair Burditt, and Distinguished Committee Members:

The Tahirih Justice Center (Tahirih) is a national legal advocacy and direct services organization, founded in 1997, that has assisted over 25,000 survivors of domestic violence, sexual assault, human trafficking, and other forms of gender-based violence.

Tahirih has unique legal and policy expertise in forced and child marriage in the United States. Through Tahirih's Forced Marriage Initiative, launched in 2011, we have worked on several hundred cases of forced marriage across the country. We have 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 submit this testimony in strong support of H 148. This important measure would take the simple but critical step necessary to protect children, mostly girls, from the harms of child marriage.

Current law provides little protection for children facing a forced marriage. A single parent can consent to the marriage of a 16- or 17-year-old, setting up potential nightmare scenarios in situations where even if one parent has the minor's best interest at heart the other can arrange a child's marriage. We have seen cases where this is done for financial gain, for status within isolated communities, or even to undermine custody arrangements between divorced parents.

H 148 would take a simple but powerful step to protect Vermont's children by making the legal minimum marriage age the same as the legal age of adulthood – 18.

The reform proposed by H 148 will accomplish three critical commonsense objectives—preventing forced marriages of children; ensuring that both parties to a marriage are

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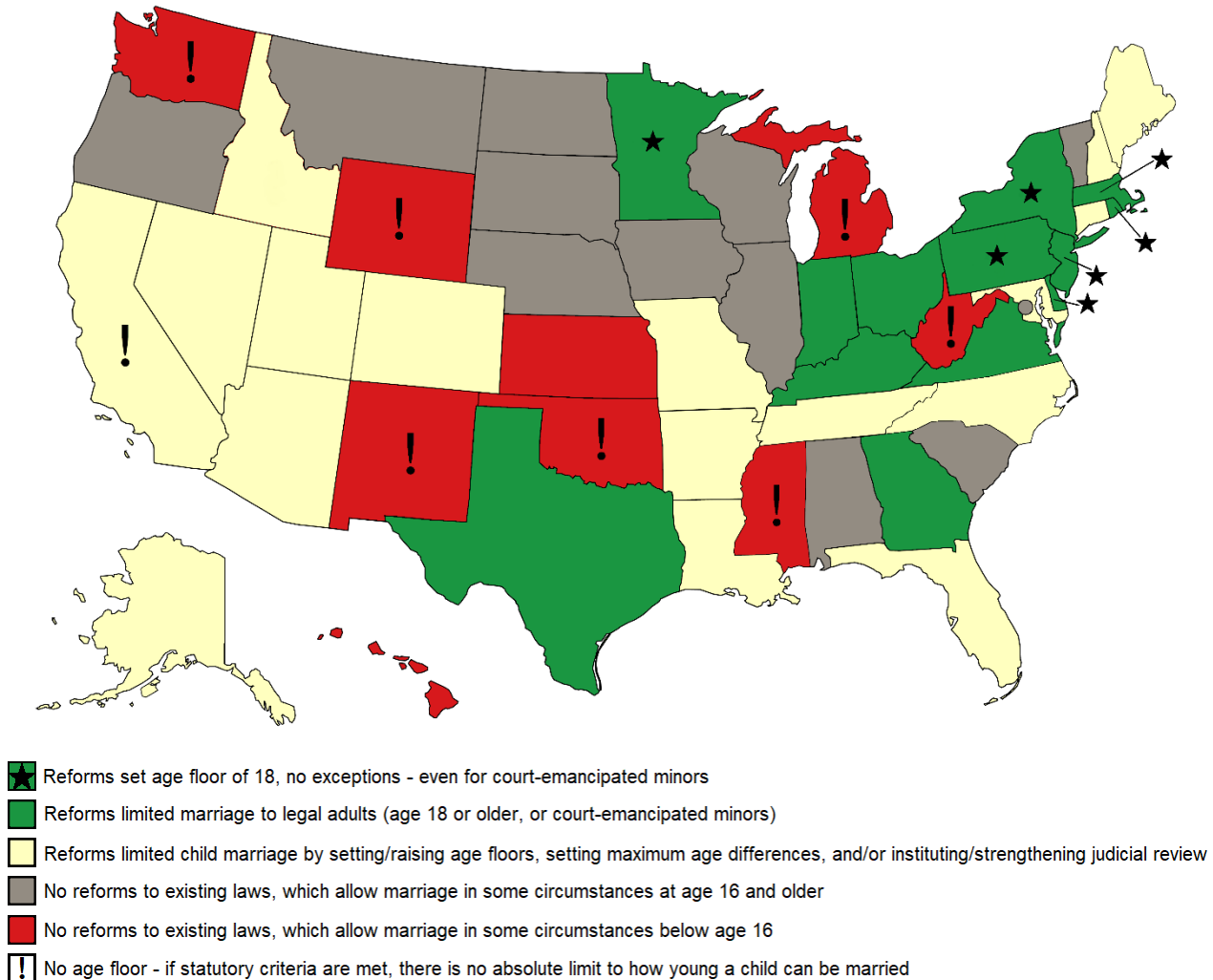
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fully empowered to protect themselves from abuse and coercion; and preventing early marriages that put children at acute risk.

Reforms made since 2016 have left Vermont behind as the last state in the Northeast that has yet to address the issue of child marriage reform. This also leaves the state in danger of becoming a regional destination for exploiting children through marriage as residents of nearby states that have ended child marriage, like New York and Massachusetts, seek out places where they can still marry children.



Forced marriages happen in America for many reasons. They can arise in families and communities where parents expect to control the marriage choices of their children, and 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 impoverished, abusive, or neglectful parents try to

offload the responsibility for their care onto others. Some parents even seek to gain financially from such arrangements.

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. They realize that 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.

Even when minors do make a report it may get them nowhere, or even make matters worse for them. In Tahirih’s experience across the country, child protective services typically fails to investigate forced marriage allegations, considering it outside their mandate, or does not take appropriate action. This can subject a girl to retaliation for reaching out, causing her to rescind her appeal for help and making it more difficult for advocates to work with her as perpetrator monitors her more closely or may expedite the marriage.

In addition to addressing these concerns about forced marriages, H 148 will ensure that both parties to genuine marriages will be on equal legal footing with each other, rather than leaving a minor party at such a harsh disadvantage in the relationship.

The bill will also spare girls from the domino effects of marrying under age 18, which can dramatically heighten their vulnerability to abuse. Up to 80% of marriages involving someone under age 18 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.ⁱⁱ 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. Vermont’s current law on minimum marriage age does not do enough to prevent these harms.

There is a rapidly growing national movement to overhaul antiquated minimum marriage age laws that put children at risk. Since 2016, seven states have ended child marriage entirely: Delaware, New Jersey, New York, Pennsylvania, Minnesota, Rhode Island, and Massachusetts.

Several other states also have pending bills that, like H 148, would ban all marriage under age 18. Vermont should assert its place as a leader in this historic movement by taking swift action now to advance this bill.

We respectfully urge the Committee to support H 148 to end child marriage in Vermont.

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

ⁱⁱ See specific statistics and sources cited in Tahirih Justice Center, "Child Marriage Poses Serious Risks to Children," available at www.tahirih.org/childmarriagepolicy.