

**STATE OF VERMONT
EQUITY IMPACT ASSESSMENT TOOL**

The State of Vermont is committed to advancing equity for all those who live, work, play, and learn in Vermont. Through data-informed program design and careful consideration of compounded historical inequity, agencies across the state can craft budgetary and programmatic proposals that align with the State's values and meet individual and shared goals.

Instructions: Complete this form as thoroughly as possible and submit with any supporting documentation to your reviewer/approver. For questions regarding this form, contact Racial Equity Director Xusana Davis or Policy and Legislative Affairs Director Kendal Smith.

At a minimum you must answer the bolded questions: 1-8, 12, 14-15, 17, 21 -22, 24-25

**VERMONT COMMISSION ON WOMEN
EQUITY IMPACT ASSESSMENT OF PROPOSED BILL TO ELIMINATE UNDERAGE MARRIAGE
JANUARY 2022**

Proposal Background

1. Briefly describe the proposal. Include background information regarding the problem the proposal is intended to address.

In January 2022 a bill was introduced in the VT House of Representatives ([H631](#)) that would end the policy of allowing parents to give permission for a minor child to enter into marriage.

Under current Vermont law, marriage is restricted to people who have attained majority unless one parent gives permission, in which case a minor who is 16 or 17 may marry. (18 V.S.A. § 5142)

Marriage is a binding contract with far-reaching impacts and requires a judicial order to terminate. It is consistent with existing policy and contract law to ensure both parties entering the marriage consent to the marriage and have reached the age of majority. In the 20 years from 2000 – 2019, 281 minors were married in Vermont. 84% of these minors were girls. 48% of these girls married men who were four or more years older than they were, and in some cases many years older.

Vermont does not require minors to consent to their own marriages; the consent of a parent is all that is required. This creates a situation in which there are no safeguards at all against a parent forcing a minor into marriage.

Child marriage is recognized by the US government and globally as a human rights violation. Children who marry face significant risks, among themⁱ:

- Women who marry before age 19 have a 23% greater risk of developing a serious health condition (diabetes, cancer, heart attack, or stroke)
- Teen girls who marry tend to have more children, earlier, and more closely spaced.

- They are: Much more (130%) likely to get pregnant than unmarried teens who live with a partner; More likely to have their first child before age 18; 40% more likely to have a second birth within 24 months of their first; Nearly 3x more likely to have at least 5 children
- Young women and girls aged 16-19 face intimate partner violence victimization rates almost 3x the national average
- Girls who marry underage are up to 31 percentage points more likely to live in future poverty
- 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 and 4x less likely to graduate college
- 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
- According to one study based on census data, 23% of children who marry are already separated or divorced by the time they turn 18
- 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
- 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 and antisocial personality disorder (prevalence nearly 3x higher)

2. Is the proposal related to COVID-19 response or recovery?

a. If so, is there federal or other COVID-19-related funding that may support the proposal?

The proposal is not directly related to COVID-19 response or recovery.

3. What are the intended outcomes of the proposal?

The intended outcome of the bill is to reduce the number of minors getting married in Vermont to zero.

In broader terms, the bill is intended to: protect minors from being coerced into marriage; ensure that those who are not legally competent to enter into contracts because of their age are not subjected to the responsibility of a marriage contract; and reduce the health, economic, and social risks for Vermonters associated with underage marriage.

4. What are the consequences of not implementing this proposal?

If this bill is not passed, minors will continue to be married legally in Vermont. The vast majority of these will be girls, and there will be no protection provided to any of the minors against being forced into marriage. The health, economic, and social risks will continue.

5. Are there fiscal implications of this bill for the Agency/Department? If yes, please describe.

There are no fiscal implications for the Vermont Commission on Women. Based on what we currently understand, there are no fiscal implications for other State of Vermont agencies or departments.

6. Is the policy evidence-informed?

The proposed policy is evidence-informed. There is a wealth of research, both national and global, on the harms and detriments faced by those who are married under the age of 18. The United States government, along with the United Nations, UNICEF, and others globally recognize the practice as a human rights violation.

Strategic Plan, Metrics, Goals, Indicators

7. Does this proposal advance a strategic goal and/or key performance indicator of your Agency/Department, or State Government, as defined here: <https://strategicplan.vermont.gov/>. If yes, which?

The bill would advance the State of Vermont's strategic outcome of Protecting the Vulnerable: "We will protect the most vulnerable by providing services and benefits aimed at lifting more Vermonters out of poverty, ensuring the greatest degree of participation and independence, protecting children, and improving overall health and wellness of our communities."

8. Are the desired outcomes specific and measurable?

The outcomes are specific and measurable. The Vermont Department of Health tracks the number of marriages by minors and reports on it every year in their Annual Vital Statistics Reports.ⁱⁱ

9. Do you have sufficient population-level data to understand whether the proposal would address or create any racial disparities?

a. If not, what data would be needed?

The Vermont Department of Health does not collect race data from people who are married in Vermont. This would be necessary to understand whether there are current racial disparities present in the practice of allowing parents to consent to enter their children into marriage.

9. If implemented, can you collect disaggregated demographic data, track it, and evaluate it to assess equity impacts?

Currently, the Vermont Department of Health collects gender and age data on minors who are married. It doesn't include the gender information in its Annual Vital Statistics Reports, but the

information is available on request. Race and other demographic data is not collected, and not available. This means that we will not be able to assess equity impacts on groups beyond those defined by gender and age.

10. Are there staff trained to analyze the data related to the proposal?

The Vermont Department of Health apparently has staff who are well trained and qualified to analyze any data related to this proposal.

Inter-Agency or Multi-Sectoral Collaboration

12. Which other agencies (SOV or non-SOV) may have an interest in this proposal or its outcomes?

The Vermont Department of Health, The Vermont State Refugee Office, and the Vermont Human Rights Commission may have an interest in this bill or its outcomes.

A number of Vermont organizations have expressed interest in the proposed outcomes of this bill (although their inclusion here should **not** be construed as support of the bill):

- The Vermont Network Against Domestic and Sexual Violence
- AALV, Inc.
- Voices for Vermont's Children
- Vermont Interfaith Action Council
- Prevent Child Abuse VT
- Justice of the Peace Association (VT)
- Planned Parenthood of Northern New England
- Spectrum VT
- Vermont Works for Women
- National Association of Social Workers, VT Chapter
- King Street Youth Center

13. Does the proposal encourage or prioritize contractors led by members of marginalized groups? This may include but is not limited to vendors designated as Minority- or Women-Owned Business Enterprises or Disadvantaged Business Enterprises.

The bill does not include any work to be done by contractors.

Stakeholders and Impacted Populations

14. Describe the proposal's target population. Include demographic information such as race, ethnicity, sexual orientation, gender identity or expression, age, etc.

The target population of the bill is Vermonters who are under the age of 18. It would apply to all genders, all sexual orientations, all races, all ethnicities, and all people who are under the age of 18.

15. How was this target population selected?

The population is defined by the desired outcome of the bill – to eliminate marriage by minors.

16. Did you meaningfully consult with community members in developing this proposal?

- a. If so, how?
- b. If so, did those community members include persons of color?

The bill was developed by legislators in consultation with a number of community organizations, but not in a way that allowed any of them to contribute meaningfully to its content. However, VCW is independently consulting with many organizations in order to gather information to use in its own policy development process, that will, hopefully, inform legislative discussion and possible amendments of the bill.

A particular outreach effort has been made to speak with organizations representing people of color and people from refugee and other New American populations. VCW has consulted with the following groups and individuals, asking their opinion on this proposal and whether they see any potential harms that could be caused by such a change in the law:

- Vermont State Refugee Office
- Spectrum VT
- King Street Center
- Melissa Battah, Vermont Interfaith Action Council (speaking as an individual, not on behalf of the organization)
- Vermont Department of Health, Maternal and Child Health Division

Overall, the response was that they did not see a problem with this proposed change to the law. None of the people VCW spoke with indicated that they foresaw any harms being done to people in refugee and other New American communities with this change.

Some interesting points were raised in these conversations, some of which warrant note, and possibly further exploration in different contexts:

- Multiple people asked if the change would affect people who arrived in Vermont having already been married in another country, and wanted to be sure that it would not (it wouldn't)
- One person was concerned that any change to the law not criminalize underage marriage

- Several people with firsthand experience living and working in cultures where underage marriage is more common expressed seeing it as exploitative, abusive, and harmful to the minors involved, and in particular to girls
- One person noted that sometimes minors will come from other countries where they have been “married” in ceremonies or practices that are not recognized legally in their home country, but they think of themselves as married. Some of these come about when a young girl is raped, and considered unfit for marriage to anyone except her rapist, and so she is married in a non-legally-binding ceremony to her rapist. In many cases this non-legally-binding ceremony is the only option available because the law in their country does not allow them to marry. Other situations can occur involving young girls being “married” before they are legally allowed to. The person VCW spoke with expressed the idea that coming to Vermont, and not being allowed to make the marriage legal here, could be one safeguard that might contribute to the young person having a chance for a fresh start, and to not be bound by a marriage forced upon her.
- The youth-serving organizations indicated that they have not seen youth they work with getting married before 18
- Several people expressed their sense that in Vermont, the minors getting married are most likely rural and white

17. What geographic areas of the state will be most impacted by the proposal?

a. Is there a larger-than-average population of Vermonters of color in those areas?

The entire state will be impacted by the proposal. It is possible that certain counties will be impacted more than others, because there may be some counties in which more marriages by minors take place. This is information that the Vermont Department of Health has but does not publish in its Annual Vital Statistics Reports, and which VCW has not requested. Therefore at this point it is unknown whether a larger-than-average population of Vermonters of color would be impacted based on geographical distribution.

18. How will the proposal incorporate cultural concerns of specific groups? (i.e. use of traditional healing practices, use of culturally appropriate diagnostic assessment tools, etc)?

The bill makes no accommodations for cultural practices of forced or child marriage.

19. Will public written materials generated through this proposal be translated?

- If so, in which languages?
- If not, why?

The Vermont Commission on Women does not have sufficient funds to translate public written materials generated through this proposal. In order to conduct adequate public education, however, translation will be necessary, and VCW will advocate for that to happen through whatever State of Vermont avenue might be possible.

20. Does the proposal involve a social marketing strategy for the target population? Describe.

- a. Benefits and Burdens
- b. Advancing Equitable Impacts

There is currently no marketing strategy planned that VCW is aware of; however, should the bill pass, VCW may decide to take on a role in public education in order to make the change to the law well known.

More work will be required in order for VCW to understand how a social marketing strategy will result in benefits and burdens and advancing equitable impacts.

21. Does the proposal seek to reduce disparities for marginalized or underserved groups? If so, how?

Yes. The bill is designed to reduce negative outcomes for children, and in particular for girls. Eliminating the parental consent exemption to the requirement that those marrying have achieved majority will protect some of the most vulnerable Vermonters, and help combat the perpetually higher rates of poverty and economic insecurity among women in Vermont.

22. What are the anticipated positive outcomes for the target population?

It is hoped that minors, in particular minor girls, will not be as likely to suffer the negative impacts of forced or child marriage, as outlined in the first section.

23. Can those positive outcomes be replicated or extended to other groups? If so, which groups may benefit?

Forced marriage is not limited to those under the age of 18. In some cultural and religious communities, women (and sometimes men) experience intense pressure and coercion into marriage, which they often are unable to stand up against due to ongoing cultural pressure and sometimes abuse. Expanded public understanding about the need for consent by all parties – regardless of age – to marriage may help to reduce the instances of forced marriage in Vermont.

24. Does the proposal enhance services to underrepresented or underserved communities?

The bill does not enhance services, it simply eliminates an exception to the age of marriage in the law. Such a change, however, and even simply the discussion of such a change, does have the potential to reveal the need for enhanced services and hopefully the commitment to provide them. For instance, ensuring that minors have full access to legal protections from domestic and sexual violence and abuse in their parental homes; allowing them to access benefits they may seek through marriage, such as health insurance, education benefits, or exit from DCF custody; improving the process for becoming an emancipated minor so that it better aligns with the realities of young Vermonters' lives; or finding opportunities to ensure the law more consistently recognizes and defines adulthood.

For young girls who have been forced into non-legally-binding religious or other “marriage” practices, perhaps in other countries, the proposed change to the law could provide them with some protection against being coerced into legal marriage when they arrive in Vermont. Coming to Vermont could provide an opportunity for a fresh start, and having a law that supports that could be helpful.

Mitigating Adverse Impacts

25. Could a disparate racial impact or other unintended consequence result from the proposal?

a. If yes, what steps are you taking to mitigate the disparate impact?

a. Beyond the steps describes in part (a) of this question, what additional steps could any entity take to mitigate the disparate impact?

Without knowing the race of minors being married in Vermont, it is very difficult to understand whether there may be a disparate racial impact from this bill.

26. Is there a disparate impact for any other marginalized group (including but not limited to groups identified by national origin, religion, sexual orientation, gender identity or expression, age, etc.)?

a. If yes, what steps are you taking to mitigate the disparate impact?

b. Beyond the steps describes in part (a) of this question, what additional steps could be taken to mitigate the disparate impact?

Without knowing demographic data beyond gender and age of those being married in Vermont, it is very difficult to understand whether there may be a disparate impact for other marginalized groups from this bill.

However, VCW has conducted outreach to understand potential impacts on marginalized groups in Vermont, in particular people from refugee and other New American populations. This work is noted earlier in this Equity Impact Assessment and repeated below:

VCW has consulted with the following groups and individuals, asking their opinion on this proposal and whether they see any potential harms that could be caused by such a change in the law:

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ⁱ <https://www.tahirih.org/wp-content/uploads/2020/05/Child-Marriage-Impacts-One-Page-updated-5.8.-2020-REGULAR-PRINT.pdf>

ⁱⁱ <https://www.healthvermont.gov/health-statistics-vital-records/vital-records-population-data/vital-statistics-reports-and-maps>