

Written Testimony in Support of H148: Act to Ban Child Marriage
Presented to the Vermont Senate Judiciary Committee | March 23, 2023

Chair Sears, Vice Chair Baruth and distinguished committee members:

We are a bipartisan group of state legislators who have partnered with the nonprofit group Unchained At Last to end child marriage in our seven states. We respectfully urge you, our fellow lawmakers, to do the same. End this archaic, sexist practice that destroys girls' lives – even if you get the pushback we got at first.

Marriage before age 18 creates a nightmarish legal trap, even for the most mature 17-year-olds. Minors face overwhelming legal and practical barriers if they try to leave home, enter a confidential shelter, retain an attorney or bring a legal action.

Further, marriage before 18 is recognized as a human rights abuse.¹ It destroys nearly every aspect of American girls' lives, including their health, education economic opportunities² and even their physical safety.³

You probably will get pushback when you try to pass the simple, commonsense legislation we introduced in our states, which eliminated the dangerous loopholes that allowed marriage before age 18. Do not compromise. Do not replace one loophole with another; insist on a marriage age of 18, without exceptions. There is no room for negotiation when you are ending a human rights abuse.

You will hear, as we did at first, from legislators and others whose grandmothers married at 14. Remind them that the world has changed since grandma was a kid.

You will hear arguments about young love. Respond by asking what harm comes to a young couple if they wait a matter of months to marry. Minors must wait until 18 to enter almost any other contract, regardless of how passionately they feel about it.

But what if a girl is pregnant, some will ask you. Let them know we would be harming, not helping, if we married off pregnant girls. Teen mothers in the U.S. who marry are more likely to suffer economic deprivation and instability than teen mothers who stay single.⁴

A teen mother who wants to co-parent with the father of the baby can easily do so outside of marriage. He can simply establish paternity, and his insurance and other benefits would cover the baby. We no longer have illegitimacy laws that punish babies born “out of wedlock.”

Do not be swayed by the religious argument. We do not know of any religion that requires child marriage; actually, every major religion has supported legislation to end child marriage. Besides,

¹ 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>.

² Fraidy Reiss, *Child Marriage in the United States: Prevalence and Implications*, *Journal of Adolescent Health* (December 2021), <https://www.sciencedirect.com/science/article/pii/S1054139X21003414>.

³ 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>.

⁴ Vivian Hamilton, *The Age of Marital Capacity: Reconsidering Recognition of Adolescent Marriage*, William & Mary Law School Scholarship Repository (2012), <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=2467&context=facpubs>.

the U.S. Supreme Court has upheld laws that incidentally forbid an act required by religion, if the laws do not target religious practice.⁵

No, ending child marriage does not impact reproductive rights. The U.S. Supreme Court has established that states should treat minors' abortion differently from minors' marriage, because the former is time sensitive while the latter is not.⁶

And no, do not agree to a loophole that allows emancipated minors to be subjected to a human rights abuse. Emancipation is for teens who cannot be reunited with their parents; it gives them some rights of adulthood so they can fend for themselves. Teens do not need marriage to fend for themselves.

Teens do not need marriage, period. If they are in an abusive home or cannot get health insurance from their parents, they deserve resources that do not require them to enter a contractual sexual relationship.

Under United Nations Sustainable Development Goal 5.3, the U.S. joined 192 other countries in promising to end child marriage by year 2030.⁷ We have achieved that goal in six states so far, despite initial resistance from our colleagues.

Now we call on you, our fellow lawmakers, to join us. Every child in the U.S. is relying on us to keep our promise to the world and end all marriage before 18. No exceptions. No compromises.

Delaware Rep. Kim Williams

Delaware Former Sen. Anthony Delcollo

New Jersey Sen. Nellie Pou

New Jersey Asm. Nancy Munoz

Pennsylvania Rep. Perry Warren

Pennsylvania Rep. Jesse Topper

Pennsylvania Former Sen. John Sabatina

Minnesota Sen. Sandra Pappas

Minnesota Rep. Kaohly Her

Rhode Island Rep. Julie Casimiro

Rhode Island Sen. John Burke

New York Sen. Julia Salazar

New York Asm. Phil Ramos

Massachusetts Rep. Kay Khan

Massachusetts Former Sen. Harriette Chandler

⁵ 494 U.S. 872, *Employment Division, Department of Human Resources of Oregon v. Smith* (No. 88-1213).

⁶ 443 U.S. 622 (1979), *Bellotti v. Baird* (No. 78-329).

⁷ United Nations Department of Economic and Social Affairs, *Sustainable Development* (2015), <https://sdgs.un.org/goals/goal5>.