

HOUSE BILL REPORT

HB 1455

As Passed House:

March 7, 2023

Title: An act relating to eliminating child marriage.

Brief Description: Eliminating child marriage.

Sponsors: Representatives Stonier, Berry, Farivar, Rude, Fey, Reed, Morgan, Thai, Fosse, Pollet, Macri and Bateman.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 1/31/23, 2/10/23 [DP].

Floor Activity:

Passed House: 3/7/23, 95-0.

Brief Summary of Bill

- Provides that a marriage entered into in which either person has not attained the age of 18 years is void.
- Eliminates provisions authorizing a court to waive the age requirement on a showing of necessity.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass. Signed by 11 members: Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney, Entenman, Goodman, Peterson, Rude, Thai and Walen.

Staff: Yelena Baker (786-7301).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Marriage is a civil contract between two persons who have each attained the age of 18 years and who are otherwise capable.

Before issuing a marriage license, the county auditor must require each applicant to file an affidavit showing that the applicants are at least 18 years of age. A marriage license may be granted to a 17-year-old applicant with the written consent from the applicant's father, mother, or legal guardian.

A marriage entered into in which either party was incapable of consent because the party has not attained legal age is voidable by the underage party. A marriage entered into in which either person has not attained the age of 17 years is void, except where the age requirement has been waived based on a showing of necessity by the judge of the superior court of the county in which one of the parties resides.

Summary of Bill:

A marriage that is entered into on or after the effective date of the bill and in which either person has not attained the age of 18 years is void.

Provisions authorizing a superior court judge to waive the age requirement and the county auditor to issue marriage licenses to 17-year-old applicants are removed.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Child marriage has a long history of abuse and coercion, and it contributes to the human trafficking challenge. This straightforward bill protects young people under the age of 18 years from potential exploitation, trafficking, and other harms frequently perpetrated by people much older than the minors.

Most people cannot believe that child marriage is legal in Washington, but child marriages do happen, and they are not rare. Between 2000 and 2018, more than 4,800 minors between the ages of 15 and 17 years were married in Washington. Eighty percent of these were girls who were married to adult men who were on average four years older.

To become emancipated, minors must be at least 16 years old and must show to the court that they can manage their own affairs. But emancipation happens automatically when a minor gets married. These teens are forced to become financially dependent on their

spouses, which in many cases is a risk factor for domestic violence. The vast majority of these marriages end in divorce, which leads to teen homelessness. Some parents have the incentive to marry off their children in order to avoid paying child support or to get out of a custody battle.

Under current law, the judicial approval process requires only a finding of necessity. There is no interview required, and minors are being married off without any input from them. Sex with a child under the age of 16 years is a crime in Washington, but there is an exemption for married couples, so in many cases, these marriages are entered into just to avoid criminal prosecution. Between 2000 and 2014, in at least 35 marriages and perhaps as many as 48 marriages, the age difference between the minor and the adult spouse meant that sexual contact between the parties would have been a crime if they were not married.

In one case, a father forced his 15-year-old daughter to marry a man almost twice her age in a spiritual ceremony. The minor was not allowed to return to school, was taken out of the country, raped, and impregnated. At the age of 16, the minor returned to the United States to get legally married. Instead of rubberstamping the minor's marriage certificate, the authorities should have been alerted by her pregnant belly that a crime took place. The marriage certificate meant that the perpetrator would not be charged with kidnapping, rape, or any other crime committed against the minor.

Fourteen-year-olds cannot get a driver's license or a credit card; they cannot have a full-time job, buy a house, or consent to a major medical procedure. But current law allows a 14-year-old to get married. It does not make sense, and it is unethical.

If a minor's spouse turns abusive, the minor cannot get a protection order, hire an attorney, or file for divorce. Only legal adults should be permitted to get married so that they could have full access to legal support, including protective orders, if they find themselves in an abusive or coercive marriage.

Marriage before the age of 18 years is a violation of children's human rights, and there is not a single good reason why Washington should continue to expose minors to these great harms and abuse. By not specifying the minimum required age for marriage, Washington laws are in line with the laws of Yemen and Iran. Several states have banned child marriage, and Washington should do the same.

A related change in the law should be to raise the age of consent for sexual contact from the age of 16 years to 18 years. Current laws promote a false belief that minors under the age of 18 years are capable of genuine and informed consent to sex with an individual much older than the minor. This is in direct conflict with the science of brain development.

(Opposed) None.

Persons Testifying: Representative Monica Jurado Stonier, prime sponsor; Sandra

Rodarte, Latino Civic Alliance; Katherine Cleland, National Coalition to End Child Marriage; Sara Tasneem; Theresa Harris; Megan Allen, King County Sexual Assault Resource Center; Fraidy Reiss, Unchained At Last; Skylar Faller, Advocacy Club; and Finleigh Mork.

Persons Signed In To Testify But Not Testifying: None.