
Committee Report

CONSENT CALENDAR

February 20, 2018

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Children and Family Law to which
was referred HB 1586,**

**AN ACT relative to judicial review for underage
marriage. Having considered the same, report the same
with the recommendation that the bill OUGHT TO PASS.**

Rep. Allen Cook

FOR THE COMMITTEE

COMMITTEE REPORT

COMMITTEE: CFL

BILL NUMBER: HB 1586

TITLE: Relative to judicial review for underage marriage

DATE: 2-20-2018 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
 OUGHT TO PASS W/ AMENDMENT
 INEXPEDIENT TO LEGISLATE
 INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

HB 1586 bars marriage between the parties if sexual relations between them would have been a criminal act if they were *not* married. Basically, the bill says that you cannot use marriage to paper over a sexual assault, rape, or statutory rape.

CONSENT CALENDAR

Children and Family Law

HB 1586, relative to judicial review for underage marriage. **OUGHT TO PASS.**

Rep. Allen Cook for Children and Family Law. This bill bars marriage between the parties if sexual relation between them would have been a criminal act if they were not married. Basically, the bill says that you cannot use marriage to paper over a sexual assault, rape or statutory rape. **Vote 13-0.**

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. 

For the Committee

CR

Voting Sheets

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 1586

BILL TITLE: relative to judicial review for underage marriage.

DATE: February 20, 2018

LOB ROOM: 206

MOTIONS: OUGHT TO PASS

Moved by Rep. A. Cook

Seconded by Rep. Lewicke

Vote: 13-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Kim Rice

Rep Caroletta Alicea, Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW



EXECUTIVE SESSION on HB 1586

BILL TITLE: relative to judicial review for underage marriage.

DATE: 2-20-2018

LOB ROOM: 206

MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. Cook Seconded by Rep. Lewicke Vote: 13-0

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? _____ Yes _____ No If yes, author, Rep: _____ Motion: _____

Respectfully submitted: Rep. Caroletta Alicea
Rep. Caroletta Alicea, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2018 10:27:10 AM
Roll Call Committee Registers
Report

2018 SESSION

CHILD&FAMI

Bill #: HB 1586 Title: Relative to judicial review for underage marriage.
PH Date: 2/6/2018 Exec Session Date: 2/20/2018
Motion: OTP Amendment #: _____

MEMBER	YEAS	NAYS
Rice, Kimberly A. Chariman	1	
Itse, Daniel C. Vice Chairman	1	
Cook, Allen W.	1	
Lewicke, John	1	
O'Connor, John J.	out	
Scully, Kevin	1	
Spencer, Matthew	1	
Willis, Brenda <i>Rep Quay</i>	1	
Alicea, Caroletta C. Clerk	1	
Berrien, Skip	1	
Walz, Mary Beth	1	
Long, Patrick T.	1	
Weber, Lucy M.	1	
Mulligan, Mary Jane	1	
TOTAL VOTE:	13	0

Sub-Committee Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

SUBCOMMITTEE WORK SESSION on HB 1586

BILL TITLE: relative to judicial review for underage marriage.

DATE: February 6, 2018

Subcommittee Members: Reps. Itse, K. Rice, Walz, Berrien and Weber

Comments and Recommendations: Protects a limited number of individuals

MOTIONS: OUGHT TO PASS

Moved by Rep. Rep. Berrien

Seconded by Rep. Rep. Weber

Vote: 5-0

Respectfully submitted,

Rep. Kim Rice

Rep. Kimberly Rice
Subcommittee Chairman

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

SUBCOMMITTEE WORK SESSION on HB 1586

BILL TITLE: relative to judicial review for underage marriage.

DATE: 2/6/18

Subcommittee Members: Reps. K. Rice, Itse, Weber, Berrien and Walz

Comments and Recommendations:

Protects a limited number of
individuals

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. Berrien Seconded by Rep. Weber AM Vote: 5-0

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

Rep. _____
Subcommittee Chairman/Clerk

Hearing Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 1586

BILL TITLE: relative to judicial review for underage marriage.

DATE: January 16, 2018

LOB ROOM: 206

Time Public Hearing Called to Order: 11:00 a.m.

Time Adjourned: 11:12 a.m.

Committee Members: Reps. K. Rice, Lewicke, Scully, Spencer, Willis, Berrien, Walz, P. Long, Weber, Mulligan and Alicea

Bill Sponsors:

Rep. Cilley
Rep. Rosenwald
Sen. Soucy

Rep. Altschiller
Rep. Lerner

Rep. Gourgue
Rep. Read

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

***Rep. J. Cilley, prime sponsor**

Introduced the bill to the committee and presented an amendment. As a state we will not allow children to be used as a shield for perpetrators of a crime.

* **Nicholas Christie**, A hand out was given to committee. He profiles a Florida woman who at 11 years old and became a mom decades ago and today the law are the same. She was forced to marry him. We are leaving young girls at risk. Between 2000 -20014 in New Hampshire 185 minors were given permission to marry.

***Cassandra Levesque, Barrington, NH - support**

- Many of these marriages end in divorce.
- They are told to respect their elders.
- We need guidelines, otherwise they will end up married then divorced.
- Submitted written testimony.

Respectfully submitted,

Rep. Kim Rice

Rep. Caroletta Alicea,
Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 1586

BILL TITLE: relative to judicial review for underage marriage.

DATE: 1-16-2018.

ROOM: 206

Time Public Hearing Called to Order: 11 AM

Time Adjourned: 11:12

(please circle if present)

Committee Members: Reps. K. Rice, Itse, A. Cook, Lewicke, John J. O'Connor, Scully, Spencer, Willis, Gile, Berrien, Walz, P. Long, Weber and Alicea

Bill Sponsors:

Rep. Cilley
Rep. Rosenwald
Sen. Soucy

Rep. Altschiller
Rep. Lerner

Rep. Gourgue
Rep. Read

Mulligan

support | oppose
11

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

* Rep. Cilley - Sponsor - as a state we will not allow to be used as a shield for perpetrators of a crime hand out by Nicholas Christie - he profiles a FL woman who at 11 yrs old and a mom decades ago and the laws are the same. ^{she was forced to MARRY him.} We are leaving young girls at risk. NH 185 minors given 2000-2014 permission to marry.

* Cassandra Levesque - many of these marriages indurce. They are told to respect their elders. We need guidelines otherwise they will end up married then divorce. Submitted written testimony.

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1586 Date January 16, 2018
 Committee Children & Family Law

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Sherry Drost			Staff 16	✓	
Ellen Lead			Rock 17	✓	
Cassie Levesque				✓	
Patricia Levesque				✓	
House Spencer	Concord		Self	✓	
Laura Aronson	Manchester		Self	✓	
Steph Kuligowski	Derry		Self	✓	
Marie Stearns	Pembroke			✓	
Elizabeth Corff	Concord			✓	
KORI Boeckeler	Bow NH			✓	
MELISSA HINEBAUCH	CONCORD	603-224-4866	self/KSC	✓	
Lucy Friedman	Belmont			✓	
Dennis Jankowski	146 Buntford	496-5744	Loudon	✓	
Ellen Lead	Belmont			✓	
Janice Severson	Concord			✓	
Ellis Robinson	Grantham			✓	
Quinn Lyfiken	Canterbury, NH			✓	
Ked Lyfiken	Canterbury NH			✓	
Rebecca Celler	District of Straford			✓	
Raymond Sagar	Sullivan D-I			✓	
Polly Caspin	Grafton # 12			✓	
REP TAMARA LE	NORTH HAMPTON		Roll 31	✓	
GEORGE SANDERSON	615 LOVEJOY	LOUDON	783-4750	✓	
Carol Roberts	Representative Hills		D-4	✓	

Testimony

Rep. Cilley, Straf. 4
January 9, 2018
2018-0058h
05/04

Amendment to HB 1587

- 1 Amend the title of the bill by replacing it with the following:
- 2
- 3 AN ACT raising the minimum age for marriage.
- 4
- 5 Amend the bill by deleting sections 2 and 3 and renumbering the original section 4 to read as 2.

Amendment to HB 1587
- Page 2 -

2018-0058h

AMENDED ANALYSIS

This bill provides that the minimum age for marriage between males and females shall be 16 years of age.

A-1

[SundayReview](#) | Op-Ed Columnist

11 Years Old, a Mom, and Pushed to Marry Her Rapist in Florida



[Nicholas Kristof](#) MAY 26, 2017

Photo



Credit Anna Parini

When she was a scrawny 11-year-old, Sherry Johnson found out one day that she was about to be married to a 20-year-old member of her church who had raped her.

“It was forced on me,” she recalls. She had become pregnant, she says, and child welfare authorities were investigating — so her family and church officials decided the simplest way to avoid a messy criminal case was to organize a wedding.

“My mom asked me if I wanted to get married, and I said, ‘I don’t know, what is marriage, how do I act like a wife?’” Johnson remembers today, many years later. “She said, ‘Well, I guess you’re just going to get married.’”

So she was. A government clerk in Tampa, Fla., refused to marry an 11-year-old, even though this was legal in the state, so the wedding party went to nearby Pinellas County, where the clerk issued a marriage license. The license (which I've examined) lists her birth date, so officials were aware of her age.

Not surprisingly, the marriage didn't work out — two-thirds of marriages of underage girls don't last, [one study](#) found — but it did interrupt Johnson's attendance at elementary school. Today she is campaigning for a state law to curb underage marriages, part of a nationwide movement to end child marriage in America. Meanwhile, children 16 and under are still being married in Florida at a rate of one every few days.

You're thinking: "Child marriage? That's what happens in Bangladesh or Tanzania, not America!"

The Landscape of Child Marriage

Idaho had the most married children on a per-capita basis among states that provided data; Texas led in sheer numbers of children married. Based on state records covering 11 years, 2000 to 2010.

In fact, more than 167,000 young people age 17 and under married in 38 states between 2000 and 2010, according to a search of available marriage license data by a group called Unchained at Last, which aims to ban child marriage. The search turned up cases of 12-year-old girls married in Alaska, Louisiana and South Carolina, while other states simply had categories of "14 and younger."

Unchained at Last was not able to get data for the other states. But it extrapolated that in the entire country, there were almost 250,000 child marriages between 2000 and 2010. Some backing for that estimate comes from the U.S. Census Bureau, which says that at least 57,800 Americans age 15 to 17 reported being in marriages in 2014.

Among the states with the highest rates of child marriages were Arkansas, Idaho and Kentucky. The number of child marriages has been falling, but every state in America still allows underage girls to marry, typically with the consent of parents, a judge or both. Twenty-seven states do not even set a minimum age by statute, according to the Tahirih Justice Center's [Forced Marriage Initiative](#).

A great majority of the child marriages involve girls and adult men. Such a sexual relationship would often violate statutory rape laws, but marriage sometimes makes it legal.

In New Hampshire, a girl scout named Cassandra Levesque learned that girls in her state could marry at 13. So she set out to change the law.

A legislator sponsored Cassandra's bill to raise the age to 18, and researchers found that two 15-year-olds had recently married in New Hampshire, along with one 13-year-old. But politicians resisted the initiative.

“We’re asking the Legislature to repeal a law that’s been on the books for over a century, that’s been working without difficulty, on the basis of a request from a minor doing a Girl Scout project,” [scoffed](#) one state representative, David Bates. In March the Republican-led House [voted to kill the bill](#), leaving the minimum age at 13. (Legislators seem willing to marry off girls like Cassandra, but not to listen to them!)

New Jersey lawmakers passed a bill that would make their state the first in the country to ban marriages of people under 18, but Gov. Chris Christie this month [blocked the legislation](#). New York legislators are considering a bill backed by Gov. Andrew Cuomo to raise the age to 17, from the current minimum, 14.

Opponents worry that raising the age will lead to out-of-wedlock births, and they note that many underage marriages are consensual.

Globally, a girl marries before the age of 15 every [seven seconds](#), according to [estimates by Save the Children](#). As in Africa and Asia, the reasons for such marriages in the U.S. are often cultural or religious; the American families follow conservative Christian, Muslim or Jewish traditions, and judges sometimes feel that they shouldn’t intrude on other cultures.

Johnson, the former 11-year-old unwitting bride who is now fighting for Florida to set a minimum marriage age (there is none now), says that her family attended a conservative Pentecostal church and that other girls of a similar age periodically also married. Often, she says, this was to hide rapes by church elders.

She says she was raped by both a minister and a parishioner and gave birth to a daughter when she was just 10 (the birth certificate confirms that). A judge approved the marriage to end the rape investigation, she says, telling her, “What we want is for you to get married.”

Statutory Rape Within Marriage?

New Jersey state records show more than 100 marriages between 1995 and 2015 in which sex would constitute statutory rape because of spousal age differences: one person age 13 to 15 and a partner at least four years older. These marriages required court and parental approval.

“It was a terrible life,” Johnson recalls, recounting her years as a child raising children. She missed school and remembers spending her days changing diapers, arguing with her husband and struggling to pay expenses. She ended up with pregnancy after pregnancy — nine children in all — while her husband periodically abandoned her.

“They took the handcuffs from handcuffing him,” she says, referring to the risk he faced of arrest for rape, “to handcuffing me, by marrying me without me knowing what I was doing.”

“You can’t get a job, you can’t get a car, you can’t get a license, you can’t sign a lease,” she adds, “so why allow someone to marry when they’re still so young?”

Those are precisely the reasons marriages for even 17-year-olds are problematic, according to Fraidy Reiss, who founded Unchained at Last to fight forced marriage and child marriage. Bullied by their parents into marriage, she says, girls may feel powerless to object — and fearful of telling a judge that they don't want to wed. If they try to flee an abusive marriage, they are turned away from shelters and may be treated as simple runaways.

Some judges and clerks intervene on behalf of young girls; others do not. Reiss says one clerk told a 16-year-old bride: "Don't cry. This is supposed to be the happiest day of your life."

"For almost all of them," says Reiss, "marriage means rape on their wedding night and thereafter." Reiss, now 42, says she was forced into a marriage at age 19 by her ultra-Orthodox Jewish family.

Lyndsy Duet, now a school counselor in Texas, told me that she was forced into a marriage at 17 after enduring a series of rapes beginning when she was 14, by a young man her conservative Christian family had taken into the house. Confused, shamed and helpless, she didn't speak up — but her rapist did.

"He asked my parents if he could marry me," Duet remembers. "My mom was crying, she was so happy."

Duet felt powerless to resist her parents' pressure — and it was eight years before she could flee what she says was a violent marriage. Once, she says, her husband threatened her with a chain saw, and it was only when she went to college on her own and proved a brilliant student (she graduated first in her class) that she was able to escape.

"Most girls who reach out to us love their families," Reiss says, "and their primary concern is that they don't want their families to get into trouble."

The United States has denounced child marriage in other countries as a "human rights abuse that contributes to economic hardship," in the words of a [State Department document](#) published last year.

Let's listen to ourselves. State legislators must understand that child marriage is devastating in Niger and Afghanistan — and also in New York and Florida. It's past time to end child marriage right here at home.



STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

CHRISTOPHER T. SUNUNU
Governor

January 24, 2018

Dear Representative Rice and Members of the House Children and Family Law Committee,

I'm writing to you and the members of the House Children and Family Law commission to express my support of House Bills 1586 and 1587. Virtually everyone agrees that the marriage of a 13-year-old child is unconscionable. **It is long past time for us to take affirmative action to prevent child marriage.**

House Bill 1587 will raise the minimum marriage age to 16 for both boys and girls, while House Bill 1586 will prohibit judges from authorizing marriages in which sex between the parties would constitute sexual assault. These bills are about protecting our children. As the father of a young daughter and two young sons, I can tell you first hand that children do not have the lived experiences to make an important lifelong decision such as marriage. My experience and the experiences of parents across the Granite State are supported by science, the teenage brain is not fully developed and teenagers are not at a point in their lives where they are capable of making such a paramount decision.

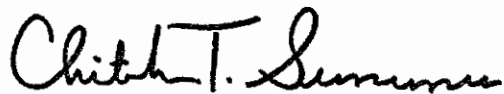
I am thankful for the work I know the committee will put in to updating this antiquated statute. I encourage you to work toward legislation that creates a no-exceptions floor at age 16 and the requirement of clear and convincing evidence in the best interest of the minor for judicial authorization of the marriages of 16- and 17-year-olds. Family division judges are well equipped to deploy the "best interest of the minor" standard, to ensure that any potential marriages or 16- and 17-year-olds is in the best interest those individuals.

Finally, I want to recognize the effort of an extraordinary young Granite Stater who has worked tirelessly to address this important issue: Cassie Levesque, a lifelong Girl Scout from the Girl Scouts of Green and White Mountains. A few years ago, Cassie learned that child marriage was still prevalent in many communities worldwide, including some in the United States. She researched New Hampshire's marriage laws and found out that girls can be married at just 13 years old, and boys at 14. This is wrong and she has worked hard to advocate protecting children, including spear heading legislation last year. She has remained committed to this case and has

maintained her advocacy throughout the twists and turns of the legislative process over the past year.

Today, I am proud to stand with Cassie and a bipartisan group of legislators in asking that this committee to take an important step to protect our children and finally ban child marriage in New Hampshire.

Sincerely,

A handwritten signature in black ink that reads "Chit T. Sununu". The signature is written in a cursive style with a large initial "C".

Christopher T. Sununu
Governor

UN-arrange a marriage.
RE-arrange a life.

UN
at last

www.unchainedatlast.org

January 15, 2018

House Children and Family Law Committee
107 N. Main Street
Concord, NH 03303

RE: HB 1287 – Strong Opposition
HB 1586, 1587 and 1661 – Concerns

Dear Chair Rice and the Honorable Members of the Committee:

Unchained At Last is the only organization dedicated to helping women and girls in New Hampshire and across the U.S. to escape forced marriages and the only one dedicated to ending forced and child marriage in America. We at Unchained are at the forefront of the growing national movement to end child marriage in America: We have helped to write and promote legislation to that effect in more than 20 states. This memo is based on our extensive experience writing and testifying about such legislation, on the extensive research we have conducted on child marriage, and on the many brave child-marriage survivors whom we have had the privilege to serve.

We agree that the current law in New Hampshire, which allows girls as young as 13 and boys as young as 14 to marry if they have judicial approval and parental "consent,"¹ must change. This law has several serious problems:

- a. Setting a different age for boys and girls likely is unconstitutional. Only three other states set different marriage ages based on gender (and even those states set the ages higher than in New Hampshire).² One of those states, Ohio, already has proposed legislation to eliminate this gender inequality.³
- b. In Unchained's experience, when a child is forced to marry, the perpetrators are almost always the parents – so parental "consent" is often parental "coercion," and the parent's signature offers *no* protection against forced child marriage. Even when a girl shows up at the clerk's office sobbing while her parents force her into marriage, the clerk has no authority to intervene.
- c. A judicial-review process puts the onus on a child who is being forced to marry to choose between two horrific options: be honest with the court about her/his plight and face terrifying repercussions from her/his family, or lie to the court.
- d. New Hampshire law already prevents those under 18 from entering same-sex marriages.⁴ This same protection should be applied to all children.

Beyond the problems in the current law, New Hampshire must eliminate child marriage for two primary reasons:

¹ N.H. R.S.A. § 457:4-6.

² Arkansas at 16 for girls and 17 for boys (Arkansas Code 9-11-102 to 105), Mississippi at 15 for girls and 17 for boys (Mississippi Code 93-1-5), and Ohio at 16 for girls, with boys protected from all child marriage before 18 (Ohio Revised Code § 3101.01 to 3101.05).

³ See Ohio SB198.

⁴ N.H. R.S.A. 457:4.

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1. Children who have not yet turned 18, the age of legal adulthood,⁵ can too easily be forced to marry or forced to stay in a marriage. They face overwhelming legal and practical barriers if they try to leave home, enter a domestic-violence shelter, retain an attorney or bring a legal action.
2. Child marriage has lifelong, devastating repercussions for girls, destroying their health, education and economic opportunities, and increasing their risk of experiencing violence.⁶ In fact, the US State Department calls marriage before 18 a "human rights abuse."⁷

An alarming number of children have been subjected to this human-rights abuse in New Hampshire. Some 185 children as young as 14 were married here just between 2010 and 2014. Some 84% were girls wed to adult men.⁸

So, yes, the current law must change. However, the bills pending before this Committee would not solve the problems described here. One of the bills would actually make situation even worse, while the others fall short of their goal.

HB 1287 would set the marriage age at 16, with a loophole allowing for girls to marry at 13 and boys to marry at 14 in the case of pregnancy or if one of the parties is a member of the military. This bill would make New Hampshire's already outdated marriage-age laws even more regressive.

- a. Only 10 U.S. states still have a pregnancy exception to the marriage age, because pregnancy exceptions have been used to cover up rape and to force girls to marry their rapist. In New Hampshire, where the age of consent for penetrative intercourse is 16, any pregnancy before that age necessarily was the result of statutory rape, likely perpetrated by the exact individual seeking to marry the rape survivor. HB 1287 would hand rapists who impregnate their victims a marriage license instead of a jail sentence.

Further, contrary to what policymakers used to believe, studies show teenage mothers in the U.S. who marry and then divorce are more likely to suffer economic deprivation and instability than teenage mothers who stay single – and those who marry are almost guaranteed to divorce: Some 70 to 80 percent of marriages before age 18 end in failure.⁹

- b. Only one U.S. state, Alaska, allows a military exception to the marriage age. Globally, too, military exceptions are rare; even war-torn Afghanistan does not allow such an exception to the marriage age.

Unchained has worked with child-marriage survivors who were forcefully married as children to men who were serving in the military. Why should such girls get any less protection than girls who are forced to marry civilians?

Consider: Child marriage increases a girl's risk of experiencing violence,¹⁰ but reporting domestic violence within the military is notoriously difficult. Unlike most domestic-violence survivors, in a military context the child may need to report the abuse to her/his spouse's boss and up through the military chain of command – which can jeopardize the service member's livelihood, the child's source of support, and possibly even the child's military housing.

Further, a child married to someone in the military can easily be forced to stay in that marriage. Getting divorced is difficult if a military spouse is deployed, because of the challenges of serving legal papers on a service member and because the Servicemembers' Civil Relief Act allows service members to delay legal proceedings. If a child is dating a service member who is about to be deployed, the couple can wait until the child turns 18 – and then marry by proxy if they don't want to wait until the service member's tour of duty ends.

⁵ N.H. R.S.A. 21:44.

⁶ https://www.washingtonpost.com/posteverything/wp/2017/02/10/why-does-the-united-states-still-let-12-year-old-girls-get-married/?utm_term=.bcb24cc07284.

⁷ <https://www.state.gov/documents/organization/254904.pdf>.

⁸ Based on data from Secretary of State, Division of Vital Records Administration.

⁹ Vivian Hamilton, *The Age of Marital Capacity: Reconsidering Recognition of Adolescent Marriage*, William & Mary Law School Scholarship Repository (2012), available at <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=2467&context=facpubs>.

¹⁰ Globally, women who married before 18 are three times more likely to have been beaten by their spouses than women who married at 21 or older. World Policy Analysis Center, *Fact Sheet* (March 2015), available at https://www.worldpolicycenter.org/sites/default/files/WORLD_Fact_Sheet_Legal_Protection_Against_Child_Marriage_2015.pdf.

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- c. HB1287 maintains the gender discrepancy in the current New Hampshire law. Not only are these different ages potentially unconstitutional, they are seemingly random and incredibly problematic. They do not comport with New Hampshire's age of majority, which is 18,¹¹ and they directly contradict the state's age of consent for sexual penetration, which is 16.¹²

HB 1586 would prevent a judge from granting a marriage license if the age difference between the parties would otherwise constitute sexual assault. This bill moves the state in the right direction but does nothing to protect the vast majority of children married in New Hampshire: 16- and 17-year-olds. Of the 185 children married in New Hampshire between 2000 and 2014, 96 percent were 16-year-olds and 146 were 17-year-olds.¹³ We point out, too, that this bill would not be necessary if New Hampshire did what other U.S. states are moving to do: end child marriage.

HB 1587 would set the marriage age at 16 and automatically emancipate a child upon marriage. This bill fails to protect the children at the highest risk of forced marriage: 16- and 17-year-olds. In fact, of the 185 children married here between 2000 and 2014, only 7 would have been protected by this bill as written.¹⁴

Additionally, for children to benefit from the emancipation benefits provided in this bill, they would first need to be forced into marriage and, as almost always happens with a forced marriage, raped on their wedding night and thereafter.

HB 1661 establishes safeguards for the judicial review process for issuing child marriage licenses. Even the most robust judicial-review process has the fatal flaw described above: It puts the onus on a child being forced to marry to find a way out of her/his predicament. We point out that this bill, too, would not be necessary if New Hampshire simply ended all child marriage under 18.

We propose a solution. Last year this Committee considered a bill, HB 499, that would have raised the marriage age to 16 – and the Committee did the right thing: amended it to end all child marriage, before the House “indefinitely postponed” the bill. Now, please find a way around the outrageous “indefinite postponement” and amend HB 1587 to end all marriage before 18. That will render HB 1586 and HB 1661 unnecessary. Of course, we urge you to vote “NO” to HB 1287.

It's 2018. Let's end child marriage in New Hampshire.

Sincerely,



Fraidy Reiss
Founder/Executive Director

¹¹ N.H. R.S.A. 21:44.

¹² See N.H. R.S.A. 632-A:3(III) (penetration of a non-spouse aged less than 13 is a felony); N.H. R.S.A. 632-A:3(II) (penetration of a non-spouse aged 13-16 by a person more than four years older is a felony); N.H. R.S.A. 632-A:4(l)(c) (penetration of a non-spouse aged 13-16 by a person up to four years older is a misdemeanor).

Based on data from Secretary of State, Division of Vital Records Administration.

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Bill as Introduced

HB 1586 - AS INTRODUCED

2018 SESSION

18-2361
05/03

HOUSE BILL **1586**

AN ACT relative to judicial review for underage marriage.

SPONSORS: Rep. Cilley, Straf. 4; Rep. Altschiller, Rock. 19; Rep. Gourgue, Straf. 25; Rep. Rosenwald, Hills. 30; Rep. Lerner, Rock. 4; Rep. Read, Rock. 17; Sen. Soucy, Dist 18

COMMITTEE: Children and Family Law

ANALYSIS

This bill prohibits the court from granting permission for a marriage involving a minor if the other party, but for the marriage, would be guilty of sexual assault.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struckthrough~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1586 - AS INTRODUCED

18-2361
05/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT relative to judicial review for underage marriage.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Marriages; Granting of Permission. Amend RSA 457:7 to read as follows:

2 457:7 Granting of Permission.

3 I. Such justice or judge shall at once hear the parties, and, if satisfied that special cause
4 exists making such marriage desirable, shall grant permission therefor, which shall be filed with
5 the court and shall be reported to the division of vital records. The division shall note the fact of the
6 granting of such permission upon the certificate and upon all copies thereof which are by law
7 required to be kept.

8 II. *In no circumstance shall a justice or judge grant permission to marry under*
9 *this section if sexual contact or sexual penetration between the parties would, but for the*
10 *solemnization of the proposed marriage, constitute sexual assault, felonious sexual*
11 *assault, or aggravated felonious sexual assault under RSA 632-A.*

12 2 Effective Date. This act shall take effect January 1, 2019.