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# Committee Report

**REGULAR CALENDAR**

**March 13, 2019**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Majority of the Committee on Children and Family Law to which was referred HB 378,**

**AN ACT raising the minimum age for marriage. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.**

**Rep. Cassandra Levesque**

**FOR THE MAJORITY OF THE COMMITTEE**

**MAJORITY  
COMMITTEE REPORT**

Committee:	Children and Family Law
Bill Number:	HB 378
Title:	raising the minimum age for marriage.
Date:	March 13, 2019
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2019-0957h

**STATEMENT OF INTENT**

As amended, this bill will allow children to wait until they are of legal age to sign a contract. Marriage is a legal contract according to New Hampshire statute. Children lack the legal capacity and can not give informed consent to enter into the contract of marriage. This bill as amended will allow children to wait until they are of age to sign a contract, will protect children from human trafficking, and will allow children to be children. Married minors are 50% are more likely to drop out of high school than their unmarried counterparts. They are often unable to access an education and work opportunities, and 17-year-olds especially are more susceptible to abuse. Those who marry before the age of 18 have a 70-80% chance of getting divorced. Divorce can be difficult for an adult, and even more so for a child. This is why the majority of the committee recommends Ought to Pass as Amended.

Vote 12-7.

Rep. Cassandra Levesque  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Children and Family Law

**HB 378**, raising the minimum age for marriage. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Cassandra Levesque for the **Majority** of Children and Family Law. As amended, this bill will allow children to wait until they are of legal age to sign a contract. Marriage is a legal contract according to New Hampshire statute. Children lack the legal capacity and can not give informed consent to enter into the contract of marriage. This bill as amended will allow children to wait until they are of age to sign a contract, will protect children from human trafficking, and will allow children to be children. Married minors are 50% are more likely to drop out of high school than their unmarried counterparts. They are often unable to access an education and work opportunities, and 17-year-olds especially are more susceptible to abuse. Those who marry before the age of 18 have a 70-80% chance of getting divorced. Divorce can be difficult for an adult, and even more so for a child. This is why the majority of the committee recommends Ought to Pass as Amended. **Vote 12-7.**

Original: House Clerk

Cc: Committee Bill File

✓  
**Cossette, Nancy**

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**From:** Pat Long <long55@comcast.net>  
**Sent:** Thursday, March 14, 2019 6:17 AM  
**To:** Cossette, Nancy  
**Subject:** FW: Majority report (I don't know if I send this to you or not)

Nancy,

This is the majority report for HB 378.

Pat Long

Sent from Mail for Windows 10

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**From:** Levesque, Cassandra  
**Sent:** Wednesday, March 13, 2019 6:02 PM  
**To:** Long, Patrick  
**Subject:** Majority report (I don't know if I send this to you or not)

Good evening,

As amended, This bill will allow children to wait until they are of legal age to sign a contract. Marriage is a legal contract according to New Hampshire statute and children lack the legal capacity and can not give informed consent to enter into the contract of marriage. This bill as amended will allow children to wait until they are of age to sign a contract. The majority of the committee recommends ought to pass as amended.

Representative Cassandra Levesque

**MAJORITY  
COMMITTEE REPORT**

Committee:	Children and Family Law
Bill Number:	HB 378
Title:	raising the minimum age for marriage.
Date:	March 13, 2019
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2019-0957h

**STATEMENT OF INTENT**

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Vote 12-7. This bill, as amended, will protect children from human trafficking and will allow children to be children. 50% are more likely to drop out of high school than their unmarried counterparts. They are often unable to access an education and work opportunities. Between the ages 16 and 19 years old, especially 17 year olds, are more susceptible to abuse. Those who marry before the age of 18 have a 70-80% chance of getting divorced. Divorce can be difficult for an adult, and even more so for a child. This is why the majority of the committee recommends out to pass as amended.

Rep. Cassandra Levesque  
FOR THE MAJORITY

Rep. Levesque, Straf. 4  
March 7, 2019  
2019-0957h  
05/04

Amendment to HB 378

1 Amend the bill by replacing sections 1 and 2 with the following:

2

3 1 Marriage; Age. Amend RSA 457:4 to read as follows:

4 457:4 Marriageable. No person below the age of ~~[16]~~ **18** years shall ~~[be capable of contracting]~~  
5 **contract** a valid marriage, and all marriages contracted by such persons shall be null and void.

6 2 Prohibitions. Amend RSA 457:8 to read as follows:

7 457:8 Prohibitions. No town clerk shall issue any certificate for the marriage of any person  
8 below the age of ~~[eonsent]~~ **18**, and no magistrate or minister of religion shall solemnize the marriage  
9 of any such person, if such clerk, magistrate or minister knows or has reasonable cause to believe  
10 that such person is below such age~~[- unless permission for such marriage has been given under this~~  
11 ~~subdivision]~~. No magistrate or minister of religion shall solemnize any marriage by proxy.

**REGULAR CALENDAR**

**March 13, 2019**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on Children and Family Law to which was referred HB 378,**

**AN ACT raising the minimum age for marriage. Having considered the same, and being unable to agree with the Majority, report with the following resolution:**

**RESOLVED, that it is INEXPEDIENT TO LEGISLATE.**

**Rep. Kimberly Rice**

**FOR THE MINORITY OF THE COMMITTEE**



**MINORITY  
COMMITTEE REPORT**

Committee:	Children and Family Law
Bill Number:	HB 378
Title:	raising the minimum age for marriage.
Date:	March 13, 2019
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

**STATEMENT OF INTENT**

The minority believes current law was just put into effect in January. When the law was raised there were several safeguards put into place including adding judicial permission for 16 and older to marry. We also have several concerns regarding a pregnant 17-year old being able to marry the military father. We would prefer to wait, before raising the age to 18.

Rep. Kimberly Rice  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Children and Family Law

**HB 378**, raising the minimum age for marriage. **INEXPEDIENT TO LEGISLATE.**

Rep. Kimberly Rice for the **Minority** of Children and Family Law. The minority believes current law was just put into effect in January. When the law was raised there were several safeguards put into place including adding judicial permission for 16 and older to marry. We also have several concerns regarding a pregnant 17-year old being able to marry the military father. We would prefer to wait, before raising the age to 18.

Original: House Clerk

Cc: Committee Bill File

MINORITY REPORT

COMMITTEE: CH + Fam

BILL NUMBER: HB 378

TITLE: \_\_\_\_\_

DATE: 3/13/19 CONSENT CALENDAR: YES  NO

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

Amendment No. _____
------------------------

STATEMENT OF INTENT:

The minority believe's current law was just put into effect in January. When the law was raised there were several safeguards put into place including adding judicial permission for 16+ older to marry. We also have several concerns regarding a pregnant 17 year old being able to marry the military father. We would prefer to wait, before raising the age to 18, ~~with~~

*[Signature]*

COMMITTEE VOTE: 12-7

RESPECTFULLY SUBMITTED,

• Copy to Committee Bill File
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Rep. Kim Rice  
For the Minority

# Voting Sheets

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 378

**BILL TITLE:** raising the minimum age for marriage.

**DATE:** March 13, 2019

**LOB ROOM:** 206

**MOTIONS: OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. Levesque                      Seconded by Rep. Connors                      AM Vote: 12-7

Amendment # 2019-0957h

Moved by Rep. Levesque                      Seconded by Rep. Mulligan                      Vote: 12-7

**CONSENT CALENDAR: YES**

**Statement of Intent:**                      Refer to Committee Report

Respectfully submitted,



Rep Erika Connors, Clerk

~~RECESSED~~

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 378

Postpone 3/13/19  
SPLTT  
Maj. OTPA  
Min ITL Rice

BILL TITLE: raising the minimum age for marriage.

DATE: 3/5/19 / 3/13/19

LOB ROOM: 206

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. Connors      Seconded by Rep. Long      Vote: —

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # 2019-0957h (if offered)
- Interim Study (2nd year)

Moved by Rep. Levesque      Seconded by Rep. Connors      Vote: 12-7

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. Levesque      Seconded by Rep. Mulligan      Vote: 12-7

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

CONSENT CALENDAR:    \_\_\_ YES     NO

Minority Report?  Yes    \_\_\_ No    If yes, author, Rep: Rice    Motion ITL

Respectfully submitted: Erika Connors  
Rep Erika Connors, Clerk



2019 SESSION

Children and Family Law

Bill #: 378 Motion: OTP on the AM #: 2019-0957h Exec Session Date: 3/13/19

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Long, Patrick T. Chairman	12		
Berrien, Skip Vice Chairman	1		
Mulligan, Mary Jane	2		
Connors, Erika F. Clerk	3		
Coursin, David R.	4		
Diggs, Francesca G.	5		
French, Elaine H.	6		
Grossman, Gaby	7		
Levesque, Cassandra N.	8		
Petrigno, Peter	9		
St. John, Michelle	10		
Wazir, Safiya	11		
DeSimone, Debra L.		1	
Rice, Kimberly A.		2	
Morrison, Sean D.		3	
Camarota, Linda Rea		4	
Fowler, William L.		5	
Jurius, Deanna E. <i>Alexander, J.</i>		6	
Trento, Michael D.			
Yokela, Josh S.		7	
<b>TOTAL VOTE:</b>	12	7	



2019 SESSION

Children and Family Law

Bill #: HB 378 Motion: OTP/A AM #: 2019-0957h Exec Session Date: 3/13/19

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Long, Patrick T. Chairman	12		
Berrien, Skip Vice Chairman	1		
Mulligan, Mary Jane	2		
Connors, Erika F. Clerk	3		
Coursin, David R.	4		
Diggs, Francesca G.	5		
French, Elaine H.	6		
Grossman, Gaby	7		
Levesque, Cassandra N.	8		
Petrigno, Peter	9		
St. John, Michelle	10		
Mazir, Safiya	11		
DeSimone, Debra L.		1	
Rice, Kimberly A.		2	
Morrison, Sean D.		3	
Camarota, Linda Rea		4	
Fowler, William L.		5	
Lorius, Deanna E. <u>Alexander, J.</u>		6	
Trento, Michael D.			
Okela, Josh S.		7	
<b>TOTAL VOTE:</b>	<b>12</b>	<b>7</b>	



Rep. Levesque, Straf. 4  
March 7, 2019  
2019-0957h  
05/04

Amendment to HB 378

1 Amend the bill by replacing sections 1 and 2 with the following:

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6 2 Prohibitions. Amend RSA 457:8 to read as follows:

7 457:8 Prohibitions. No town clerk shall issue any certificate for the marriage of any person  
8 below the age of ~~[consent]~~ **18**, and no magistrate or minister of religion shall solemnize the marriage  
9 of any such person, if such clerk, magistrate or minister knows or has reasonable cause to believe  
10 that such person is below such age~~[- unless permission for such marriage has been given under this~~  
11 ~~subdivision]~~. No magistrate or minister of religion shall solemnize any marriage by proxy.

# Hearing Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 378

**BILL TITLE:** raising the minimum age for marriage.

**DATE:** February 19, 2019

**LOB ROOM:** 206                      **Time Public Hearing Called to Order:** 10:00 a.m.

**Time Adjourned:** 11:35 a.m.

**Committee Members:** Reps. Long, Berrien, Connors, Mulligan, Coursin, Diggs, French, Grossman, Levesque, St. John, Wazir, DeSimone, Camarota, Fowler, Jurius and Yokela

**Bill Sponsors:**

Rep. Levesque	Rep. Read	Rep. Desilets
Rep. Hoelzel	Rep. Steven Smith	Rep. Walz
Rep. Altschiller	Rep. Mulligan	Rep. M. Griffin
Rep. Weber	Sen. Watters	Sen. Fuller Clark
Sen. Hennessey	Sen. Feltes	Sen. Rosenwald

TESTIMONY

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

\***Rep. Levesque**, prime sponsor.

- Health, education and life effects of early marriage
- Responsibility to protect children
- 3 times more likely to be beaten by spouses when married before age 18
- Stories of individuals who married before 18
- Serious legal contract
- Waiting is, at worst, an inconvenience
- Statistics for pregnant teens who remain single are better than those that marry
- Excuse to make girls marry their rapists, give no pregnancy exception
- Age of puberty/pregnancy could be as young as 8 years old, not an acceptable age for marriage
- Bright line legislation - easier to administer
- Military personnel can name anyone to get their death benefits
- Most childhood marriages are someone age 16-18 to someone decades older
- Most are forced or arranged marriages

**Rep. Elen Reed**, co-sponsor

- Marriage is a contract - only one a child is allowed to sign under current law
- 16 & 17 year olds not of legal age to rent an apartment, etc.
- Still a minor
- No emancipation in NH
- Health risks, domestic violence risks
- Brain has not yet fully formed, early marriage changes the way the brain works

**Rep. Adjutant**, supports bill

- Military allows death benefit to spouse, then child, then there is a process for someone else (executor of estate)
- Military has policies for relations with someone who is underage
- Survivor benefits in military apply to men and women

**Fridy Reiss, supports bill**

- Forced into marriage at age 19
- Founder of Unchained at Last - helps women escape forced marriages
- Perpetrators are almost always the parents in forced marriage
- No age in U.S. to petition for foreign spouse so a path for immigration
- Marriage before 18 is a human rights abuse
- Almost all child marriages are women who are financially dependent on parents so unlikely to speak openly to a judge
- 202 children between 2000 and 20017
- Only 4% affected by law raising age to 16. Time to help other 96%
- If under age of 18 - don't have right to run away
- Under 18 cannot get into a domestic abuse shelter
- Children cannot initiate legal proceedings in NH, cannot even file for divorce on own
- Power imbalance
- Alaska only state with military exception to marriage age
- Same legislation as this bill is pending all across the U.S. Don't let NH become destination for child marriages

**Rep. Mulligan, co-sponsor**

- Legislative procedure prevented bill from being age 18 last time

**\*Jennifer Frizzell, Gender Matters, NH Women's Foundation**

- Early marriage is a predictor of negative outcomes
- A few concerns over what precedent it sets for age of consent with this bill
- Look and reconcile with other areas of the law
- HB 574 with regards to emancipation may impact this
- Cultural norms have changed

**Rep. Altschiller, co-sponsor**

- Age of majority in NH is 18
- Age of sexual consent in NH is 16
- Medicines, food, medical services are only things considered essentials a minor can sign for. Not a contract, but you can contract for services.
- Parents engage in human trafficking
- This bill clarifies that no child under 18 should be able to enter into a contract
- No benefit for any minor entering into the contract of marriage
- No exemptions for marriage before 18

**Rep. Baldasaro. Opposes bill**

- Military pregnancy and need for military benefits
- Best interest of pregnant mother
- Allows young women to go to school on base when married
- 17 years old is parental consent for military entrance

**Patricia Levesque. Supports bill**

- Cannot rent a hotel room in NH under the age of 21
- Military life is hard and lonely for a spouse.

Respectfully submitted,



Rep. Erika Connors,  
Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 378

BILL TITLE: raising the minimum age for marriage.

DATE: 2/19/19

ROOM: 206

Time Public Hearing Called to Order: 10:00

Time Adjourned: 11:35

(please circle if present)

Committee Members: Reps. Long, Berrien, Connors, Mulligan, Coursin, Diggs, French, Grossman, Levesque, Petrigno, St. John, Wazir, DeSimone, Rice, Morrison, Camarota, Fowler, Jurius, Trento and Yokela

Bill Sponsors:

Rep. Levesque  
Rep. Hoelzel  
Rep. Altschiller  
Rep. Weber  
Sen. Hennessey

Rep. Read  
Rep. Steven Smith  
Rep. Mulligan  
Sen. Watters  
Sen. Feltes

Rep. Desilets  
Rep. Walz  
Rep. M. Griffin  
Sen. Fuller Clark  
Sen. Rosenwald

TESTIMONY

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

\* Clear folder w/ testimony

① \* Rep Levesque - Sponsor

- Health, education, + life effects of early marriage
- Responsibility to protect children
- 3x more likely to be beaten by spouses when married before age 18
- Stories of individuals who married before 18
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- Age of puberty/pregnancy could be as young as 8 yrs. old, not an acceptable age for marriage
- Bright line legislation - easier to administer
- Military personnel can name anyone to get their death benefits
- Most childhood marriages are someone age 16-18 to someone decades older
- Most are forced or arranged marriages

### ② Rep. Elen Reed - Co-Sponsor

- Marriage is a contract - only one a child is allowed to sign under current law
- 16 + 17 year olds not of legal age to rent an apartment, etc.
- Still a minor
- No emancipation in NH
- Health risks, domestic violence risks
- Brain has not yet fully formed, early marriage changes the way the brain works

### ③ Rep. Adjutant - Supports Bill

- Military allows death benefit to spouse, then child, then there is a process for someone else (execut. of estate)
- Military has policies for relations w/ someone who is underage.
- Survivor benefits in military apply to men or women

### ④ Fridy Reiss - Support

- Forced into marriage at age 19
- Founder of Unchained at Last - helps women escape forced marriages

- Perpetrators are almost always the parents in forced marriage
- No age in US to petition for foreign spouse so a path for immigration
- Marriage before 18 is a human rights abuse
- Almost all child marriages are women who are financially dependent on parents so unlikely to speak openly to a judge.
- 202 children between 2000 and 2017.
- Only 4% affected by law raising age to 16. Time to help other 96%
- If under age of 18 - don't have right to run away
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- Children cannot initiate legal proceedings in NH, cannot even file for divorce on own.
- Power imbalance
- Alaska only state w/ military exception to marriage age
- Same legislation as this bill is pending all across the US.  
Don't let NH become destination for child marriage.

⑤ Rep. Mulligan - Co-sponsor

- Legislative procedure prevented bill from being age 18 last time.

⑥ Jennifer Frizzell \* <sup>Gender matters</sup> NH Women's Foundation

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- A few concerns over what ~~precedence~~ <sup>precedent</sup> it sets for age of consent w/ this bill
- Look + reconcile w/ other areas of the law
- HB 574 w/ regards to emancipation may impact this

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- Allows young women to go to school on base when married.

- 17 years old is parental consent for military entrance

⑨ Patricia Levesque -

- Cannot rent a hotel room in NH under the age of 21

- Military life is hard + lonely for a spouse



# SIGN UP SHEET

To Register Opinion If Not Speaking

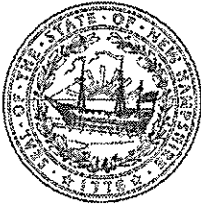
Bill # HB 378 Date Feb. 19, 2019  
 Committee Children & Family Law

\*\* Please Print All Information \*\*

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Sen Cindy Rosenwald			SD #13	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Laura Telerski			Hillsborough 35	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jess Eskeland			NHCAJDSV	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lucy Crichton	Concord NH			<input checked="" type="checkbox"/>	<input type="checkbox"/>
House Spencer	Concord NH		Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patricia Lavesque	Barrington NH			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Larry Lavesque	Barrington NH			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sally Hatch	Concord		Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Nina Bonney	Concord		self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Edna Bernier	Concord		self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jeanne Torpy	Concord		self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patience Reid	Concord		self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maureen Ellermann	Concord		self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cheri Falk	Wilton		Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kathy Cahill	Concord		Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Doborogh ASakubowski	Loudou		Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Belle Martin			HILLS 23 MILF	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Elizabeth Corcl	Concord		self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUSAN COVERE	CONTOOCOOK		SELF	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liz-Anne Platt	Concord		self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SHERY DUTZY	Nashua		SELF	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Martha Hennessey			SD #5	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Melissa Hinebauch	Concord		self	<input checked="" type="checkbox"/>	<input type="checkbox"/>



# Testimony



**HOUSE COMMITTEE RESEARCH OFFICE**  
**New Hampshire House of Representatives**  
4<sup>th</sup> Floor, Legislative Office Building  
Concord, NH 03301-6334  
TEL: (603) 271-3600  
TDD Access: Relay NH 1-800-735-2964

D.C. Bates, House Committee Researcher  
603-271-3385; [dc.bates@leg.state.nh.us](mailto:dc.bates@leg.state.nh.us); LOB 408

**MEMORANDUM**

---

**TO:** Representative Pat Long, Children and Family Law Committee

**FROM:** D.C. Bates, House Committee Research

**DATE:** February 25, 2019

**SUBJ:** HB 378 raising the minimum age for marriage.

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Rep. Long,

You asked me to find out if the child of an unwed serviceman could be covered by Tricare.

Children of unwed servicemen count as family members who can enroll in Tricare through the Defense Enrollment Eligibility Reporting System (DEERS). In order to register, the following documents are needed:

- A completed DD Form 1172
- Birth Certificate
- Social Security Card
- Court order establishing paternity or a State Voluntary Acknowledgement of Paternity form

If I can provide more information on any point, please contact me.



# GENDER MATTERS

from the New Hampshire Women's Foundation

WHEN YOU KNOW THE FACTS, YOU CAN ACT!

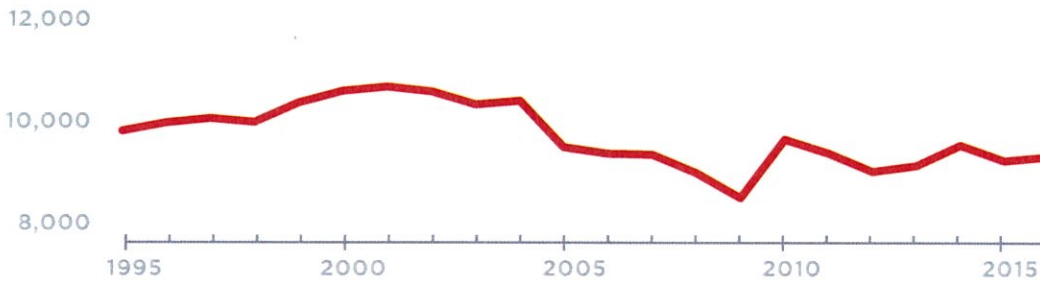
## WINTER 2017/2018 REPORT

## Marriage in New Hampshire

### TOTAL MARRIAGES IN NH (1995-2016)

The number of marriages in NH tumbled with the Great Recession and has not fully recovered.<sup>1</sup>

THERE WERE  
**9,315**  
MARRIAGES  
IN NH IN 2016



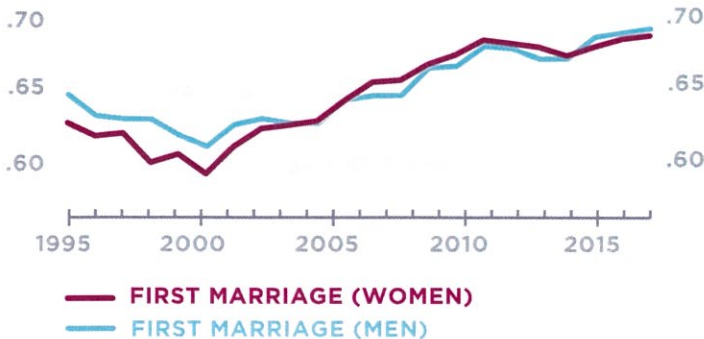
**27%**  
WERE OUT  
OF STATE  
RESIDENTS

**73%**  
WERE IN-STATE  
RESIDENTS<sup>2</sup>

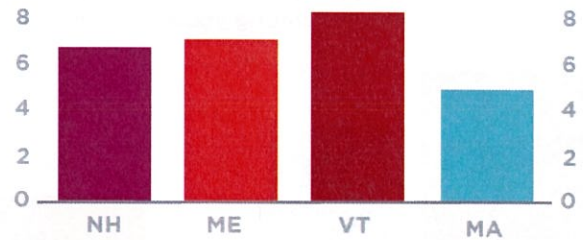


### % OF NH MARRIAGES THAT WERE FIRST MARRIAGES BY GENDER (1995-2016)

The percent of marriages that are first marriages has risen steadily for both women and men.



### AROUND THE REGION: MARRIAGES PER 1,000 PEOPLE (2015)

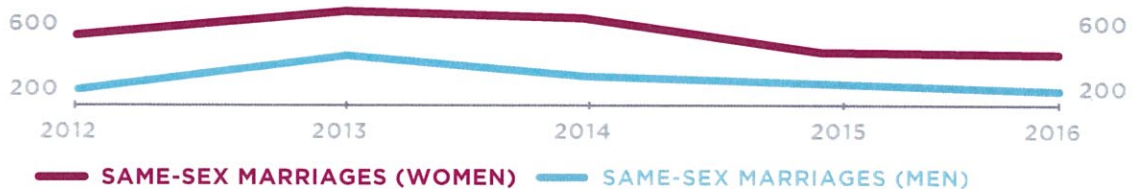


NEW HAMPSHIRE HAD 6.9 MARRIAGES PER 1,000 PEOPLE IN 2015. NEVADA TOPPED THE CHARTS NATIONWIDE WITH A WHOPPING 31 MARRIAGES PER 1,000.



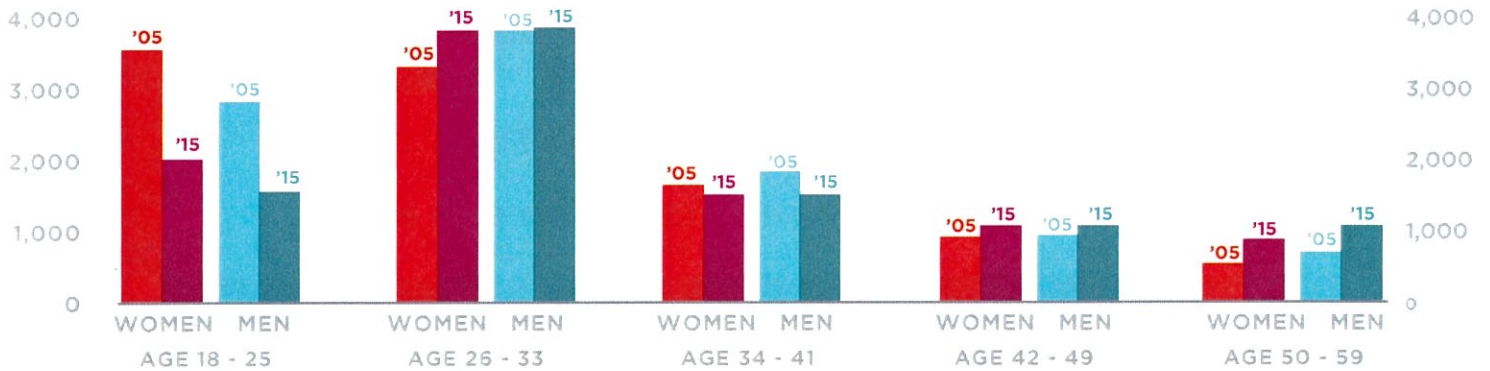
### NUMBER OF SAME-SEX MARRIAGES IN NH BY GENDER (2012-2016)

The New Hampshire legislature approved civil unions in 2007, the first state to do so without litigation. In 2009, New Hampshire became the 6th state to permit same-sex marriage. Same-sex marriages by women far outpace same-sex marriages by men.



## NH MARRIAGES BY AGE & GENDER (2005 & 2015)

In general, fewer people—and far fewer women—are marrying before age 25.



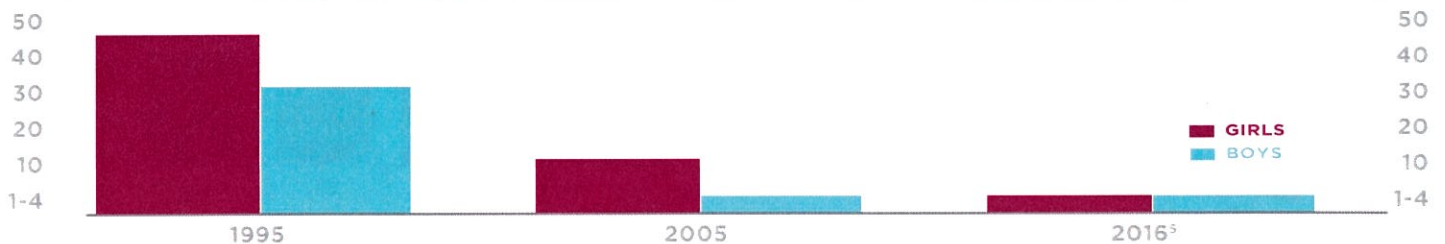
## NH CHILD MARRIAGES

For marriages between males and females, **GIRLS MAY MARRY AT AGE 13** and **BOYS MAY MARRY AT AGE 14** with parental consent and a judge's permission. For same-sex marriages, both men and women must wait until age 18.



## NH CHILD MARRIAGES BY GENDER (1995-2016)

The number of child marriages in NH has steadily declined, as has the disproportionate impact on girls. This may result in part from the decrease in marriages among younger people generally, or from changing cultural attitudes about child marriage.



### FOOTNOTES

1. The NH population between the ages of 20 and 49 declined by more than 40,000 people between 1995 and 2016, so at least some of the decline in total marriages is attributable to a decline in the population of younger adults.
2. 73% of both brides and grooms in 2016 were NH residents.
3. Source: Frontline, available at <http://apps.frontline.org/child-marriage-by-the-numbers/#home> (last accessed November 16, 2017) and NH Secretary of State records.
4. Source: Frontline, available at <http://apps.frontline.org/child-marriage-by-the-numbers/#home> (last accessed November 16, 2017).
5. When there are more than 0 but fewer than 5 child marriages by girls or boys in a particular year, the NH Secretary of State reports the number as "1 to 4" to protect privacy.



We invest in opportunity and equality for women and girls in New Hampshire through research, education, advocacy, and grantmaking.



Gender Matters is made possible with the support of



**Written Testimony in Support of HB378: Relative to an Act Raising the Minimum Age for Marriage**

**Presented to the New Hampshire House Committee on Children and Family Law,  
February 18, 2019**

Chairperson Long and members of the Children and Family Law Committee—

My name is Safiya Wazir, Representative from Merrimack 17. My testimony is in support of House Bill 378 to raise the minimum age for marriage in New Hampshire.

The reasons for raising the minimum age for marriage are clear and based in research and data, and I am providing testimony today because this bill is important to all of New Hampshire's young women and young men, but it is also important to New Hampshire's New American children. Allowing children to be children, rather than becoming husbands or wives, is crucial to allowing them to thrive, to focus on education, and to find a path toward a strong future, which is what our state, our children, and our families need.

I am thankful that my parents valued education. I completed high school with honors and entered college before marrying my husband at age 20. I understand the strong influence that parents have upon young people's decisions to marry, when to marry, whether to pursue higher education, and so much more. The Save the Children Federation reports that refugee children around the world not only had lost some of their educational opportunities through displacement, a gap that they are working so hard to close after resettlement, but that "[i]ncidents of early marriage among refugee children was also alarmingly high" and that "[r]efugee children are among the most vulnerable in the world . . . [and] every day, they risk loss of some kind, including the loss of the future that every child deserves."

Save the Children Federation specifically states, "Of the wide range of policies that could have been evaluated in this category [Legislation and Policy Promulgation], we chose to focus on two protection needs that are inherently child-specific and frequently identified by refugee children: protection from early marriage and forced recruitment. U.S. policymaking in these areas showed significant forward progress, but also room for improvement to address refugee-specific needs." This bill addresses one of those needs for New Hampshire's children.

You should know that in many circles, the marriage of girls under age 18 is considered a human rights violation. Studies show that girls married before age 18 suffer negative consequences in many, many instances. They are 50 percent more likely to become a high-school dropout, which I think we would all agree is an adverse circumstance destined to haunt them and their children. Furthermore, studies show that marriage before reaching adulthood increases the likelihood that she will be living in poverty, doubling that chance. Also, the chance that she will wind up in a relationship in which she suffers domestic violence at the hands of her partner increases, essentially being tripled. In these cases, these children need our help, good schools, and the protections of House Bill 378, not a marriage license.

New Hampshire would not be setting a precedent, as both Delaware and New Jersey have enacted similar legislation in 2018. I come from a country, Afghanistan, in which child marriage is a problem, but you might be shocked to learn that it is an equal problem in some U.S. states. Afghanistan allows girls to marry at age 16 (or age 15 with a judge or father's consent), while Florida allows a pregnant girl to marry at any age with judicial approval.

Heather Barr, a senior researcher with the Women's Rights Division of Human Rights Watch, writes, "In Afghanistan child marriage is associated with girls dropping out of school, sinking into poverty, being at greater risk of domestic violence, and with serious health risks, including death." However, she notes that these same negative outcomes exist for girls married under age 18 in the United States. Barr writes that between 2000 and 2010, 167,000 children were married in 38 U.S. states. "Girls in Florida, and around the world, need to be kids, not wives," Barr writes. And I wholeheartedly agree.

Please take this one step, increasing the marriage age and ending child marriage. I urge you to support House Bill 378.

Sincerely,  
Safiya Wazir  
NH State Representative  
Merrimack County 17



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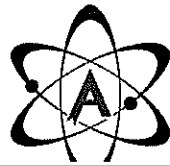
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Please take this one step, increasing the marriage age and ending child marriage. I urge you to support House Bill 378.

Sincerely,  
Safiya Wazir  
NH State Representative  
Merrimack County 17



# AMERICAN ATHEISTS

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January 18, 2019

The Honorable Rep. Patrick Long  
Chairperson, House Committee on Children and Family Law  
New Hampshire House of Representatives  
LOB Room 206  
33 N. State Street  
Concord, NH, 03301

**Re: SUPPORT for HB 378, Concerning Raising the Minimum Age for Marriage**

Dear Chairperson Long and Members of the Committee on Children and Family Law:

American Atheists, on behalf of its constituents in New Hampshire, thanks you for considering HB 378, a bill to end child marriage in New Hampshire. This bill would protect young people in New Hampshire from being coerced into marriage against their will, a harmful and archaic practice that happens all-too-frequently across our nation. We urge you to swiftly pass this important legislation.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the "wall of separation" between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation's communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. American Atheists believes that children should never be coerced into marriage due to the religious beliefs of their parents or guardians.

The marriage age in New Hampshire is 18, but the current law allows a dangerous exception: Children age 16 or 17 can marry if a parent or guardian petitions the court for the marriage and a judge approves.<sup>1</sup> The harm caused by child marriage is daunting. It destroys the child brides' health, education and economic opportunities, and increases their risk of experiencing violence. Those who marry before 18 have a 70 to 80% chance of getting divorced—and teen mothers who marry and then divorce are much more likely to end up in poverty than teen mothers who stay single.<sup>2</sup> An estimated 207,549 minors were married in the U.S. between 2000 and 2015, with 86% of those marriages being between a minor and an adult.<sup>3</sup> In New Hampshire, 202 marriage licenses for children were granted between 2000 and 2017, for children as young as 14.<sup>4</sup>

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<sup>1</sup> N.H. R.S.A. § 457:4, § 457:6, and § 457:7.

<sup>2</sup> Hamilton, Vivian E., "The Age of Marital Capacity: Reconsidering Civil Recognition of Adolescent Marriage" (2012). William & Mary Law School Scholarship Repository, Faculty Publications. 1430. Available at <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=2467&context=facpubs>.

<sup>3</sup> Tsui A, Nolan S, and Amico C. Child Marriage in America: By the Numbers. (July 6, 2017). Available at <http://apps.frontline.org/child-marriage-by-the-numbers/>.

<sup>4</sup> Based on an unpublished analysis done by Unchained at Last (<http://www.unchainedatlast.org/>).

Good afternoon, Mr. Chairman and honorable members of the committee, thank you for allowing me to speak on behalf of HB - 378. With this bill I hope to raise the marriage age floor and end Child Marriage in New Hampshire. I am often asked why am I determined to end Child Marriage in New Hampshire and the answer is simple: Marriage before 18 can have devastating, lifelong impacts on girls' lives, undermining their health, education, and economic opportunities, and increasing their risk of experiencing violence.

The U.S. State Department has called marriage before the age of 18 a "Human Rights abuse." The reason for that is that according to the Universal Declaration of Human Rights full adults have the right to marry. A full adult is someone who has reached the age of 18. According to the Convention on Child Rights a child is defined as a human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier. We have a responsibility to protect the children. How can Child Marriage possibly have devastating effects on girls? Here are some facts for you:

- A woman in the U.S. who marries at 18 or younger faces a 23 percent higher risk of heart attack, diabetes, cancer and stroke than do women who marry between age 19 and 25, partly because early marriage can lead to added stress and forfeited education.
- Women who marry before 18 also are at increased risk of developing various psychiatric disorders, even when controlling for sociodemographic factors.
- Girls and women in the U.S. who marry before 19 are 50 percent more likely than their unmarried peers to dropout of high school, and four times less likely to graduate from college.
- A girl in the U.S. who marries young is 31 percent more likely to live in poverty when she is older, a striking figure that appears to be unrelated to preexisting conditions in such girls.
- Globally, women who marry before 18 are three times more likely to have been beaten by their spouses than women who marry at 21 or older.

Now, some people feel that 16 and 17 year old children know what love is and fully understand what they are potentially getting themselves into. However, I have heard from many victims who disagree with this, and they have shared their stories with me. Their voices will forever echo in my heart and in my mind. A few examples of what I have been told by victims of child marriage are:

- "My husband put a dog collar around my neck, trussed me up on the floor in front of my parents just to prove to them that he could control me."
- "My husband was a monster"

- “I was alone, my husband deployed to Germany and I had a high risk pregnancy, my parents flew my sister to California to come and drive me cross-country so that my family could help me with the birth of my son. My husband did not see his son until he was 19 months old, they never bonded.”
- “I was hoping the clerk would stop my marriage, she did not”
- “My marriage felt like an eternal prison. My escape was to fight for my education, which I did tooth and nail. When I was finally able to support myself at age 23 I left him. It took me seven years to finally leave my ex, and another three years to divorce him. No child should have to endure what I had to. My entire childhood and all the opportunities that it offered were taken away from me at fifteen. I still struggle with depression and anxiety. The effects of being forced into a childhood marriage have had unending consequences well into my adulthood and have had a major impact on my children's lives.”
- I was sixteen and I wanted to escape an abusive living situation that I had found myself in. I married a sailor and when he came back from his deployment in Hawaii he used to verbally assault me and tell me of all the other women he had been with. He chipped away at my self-esteem and tried to control me. I left the marriage with my infant daughter.

One topic that has come up in discussions is “What’s wrong with letting a 17-year-old get married?” Let’s talk about that for a minute. There is a significant difference between a 17-year-old—even one who is exceptionally mature—and an 18-year-old: The 18-year-old has reached the age of majority in New Hampshire. This is crucial when we are talking about marriage, a serious legal contract. Allowing children to enter into this serious contract before they have the rights of adulthood renders them extremely vulnerable to forced marriage.

For a 17-year-old girl who is marrying willingly and for all the right reasons, waiting a few months to marry is at worst an inconvenience. For a 17-year-old girl who is facing a forced marriage, those few months are crucial: They mean the difference between the horrific trauma of being forced into a marriage and raped—or reaching the age of majority and being able to take steps to protect herself.

Many studies show the devastating, long-lasting effects that marriage before 18—including at age 17—has on a girl’s life: It shatters her health, education, and economic opportunities and increases her risk of experiencing violence.

I have also been approached by people who ask, “but what about if a girl is pregnant?” I feel we have to take a stand now and dispel myths with facts:

Contrary to what U.S. policymakers used to believe, pregnant teenage girls who stay single actually have better long-term outcomes than those who marry. 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. Meanwhile, teenage mothers who marry are almost guaranteed to divorce: Some 70 to 80 percent of marriages before age 18 ends in failure.

Pregnancy exceptions to the marriage age have been used to cover up rape and to force girls to marry their rapist. Perhaps the most famous example of this is Florida native Sherry Johnson, who was raped at 9 and gave birth at 10. She was 11 when her mother forced her to marry her 20-year-old rapist under Florida's pregnancy exception. More recently, in 2016, a 14-year-old girl in Idaho was raped and became pregnant. Her father searched online for states with lax marriage-age laws, and, based on his research, took the girl to Missouri to force her to marry her 24-year-old rapist. In fact, marriage-license data obtained from across the U.S. shows an alarming number of child rapists recently were handed marriage licenses instead of prison sentences. If New Hampshire creates a pregnancy exception while other states move in the opposite direction, New Hampshire can easily become a "destination wedding" site where parents take their daughters who have been raped to force them into marriage.

If the father of a baby wants to co-parent, he can easily do so outside of marriage by establishing paternity. A father, mother, or child may petition the superior court in order to establish paternity in New Hampshire. The father and the mother together also can establish paternity by submitting an affidavit of paternity to the clerk of the town in which the child was born. That way the baby could be covered under his insurance and other benefits. If he does not want to co-parent, the mother of the baby could petition the court to establish paternity and enforce his basic obligation of support. Besides, think about how terrible the outcome would be if an unwilling father were forced to marry and co parent.

The only way to make sure no child is born "out of wedlock" is to set the marriage age at the earliest age of puberty, which is approximately aged 8 and can be even younger. Can we all agree that makes no sense?

Some will ask, "Are we denying children the "right to marry" if we end child marriage"? Currently, children in New Hampshire can marry with judicial approval if a parent petitions the court for the marriage. In other words, children do not have the right to decide to marry; adults must decide for them. Thus, we are not disempowering children or taking away their right. With HB-378, we are empowering children by ensuring that they wait until they can decide on their own whether and whom to marry. We are not denying children the right to marry; we are delaying their right to marry until they are adults and can safely enter into a contract as significant as marriage. Child marriage has no redeeming qualities. Period. It offers no benefit to children that cannot and should not be found elsewhere, and it brings countless, serious harms and risks.

We need to end Child Marriage in New Hampshire with Bright line legislation. Bright line legislation banning all marriages before 18, without loopholes, is hugely beneficial to children

facing a forced marriage: It allows them to easily understand their rights and options. Any exception introduces a murkiness and confusion for survivors. Many children are only able to research their options only by secretly performing a Google search on their smartphone. Bright line legislation also is easier to administer, for clerks, judges, advocates and others.

We do not allow exceptions to the drinking, smoking or driving ages; we set those ages based on when people can engage safely in those activities. We should do the same with marriage. Marriage before 18 is dangerous for children because they can easily be forced into marriage.

Marriage is a lifelong commitment to the person you love but it is also a legal contract. This has led many underage persons into unfortunate and often forced marriages as I have described to you today. We need to take the necessary steps to finally stop all Child Marriages in New Hampshire and send the clear and concise message that marriage is not child's play and will no longer be condoned here.

## Written Testimony in Support of HB378: Ending Child Marriage

Presented to the New Hampshire House Committee on Children and Family Law | January 22, 2019

Chair Long and distinguished committee members: Unchained At Last is the only organization dedicated to ending forced and child marriage in New Hampshire and across the United States through direct services and advocacy. My name is Aliya Abbas and I am a volunteer mentor at Unchained, a child marriage survivor and activist. **As a child marriage survivor, I request you to vote "YES" on HB378.**

The minimum marriage age in New Hampshire is 18,<sup>[1]</sup> but the law includes two dangerous loopholes: Children age 16 or 17 can marry if a parent or guardian petitions the court for the marriage and a judge approves the marriage.<sup>[2]</sup>

This loophole seriously endangers children:

- When a child is forced to marry, the perpetrators are almost always the parents. There is no way to ensure parental "consent" is not actually parental "coercion."
- Before approving a child marriage, the judge must conclude that the marriage is in the "best interest" of the child.<sup>[3]</sup> However, the U.S. State Department has called marriage below 18 a "human rights abuse,"<sup>[4]</sup> and a human rights abuse is never in the best interest of a child.
- Even a more robust judicial review process would be dangerous: It would put the child being forced to marry in the terrifying position of choosing between being honest with the court and facing the repercussions at home, or lying to the court.
- 16- and 17-year-olds are at the highest risk of being forced into marriage because they are close to graduating from high school, which is often when parents worry children will become too independent and choose to marry them off.

Further, child marriage has devastating consequences:

- Children can easily be forced into marriage or forced to stay in a marriage before they become legal adults at age 18. In general, children face overwhelming legal and practical barriers if they try to leave home, enter a shelter, retain an attorney or bring a legal action.
- Child marriage destroys girls' health, education and economic opportunities, and increases their risk of experiencing violence.<sup>[5]</sup>



• Those who marry before 18 have a 70 to 80% chance of getting divorced—and teen mothers who marry and then divorce are much more likely to end up in poverty than teen mothers who stay single.<sup>[6]</sup>

Too many children, particularly girls, have been married in New Hampshire under the current loopholes<sup>[7]</sup>: 202 children as young as 14 were married in New Hampshire between 2000 and 2017. Some 88% were 16- and 17-year-olds.

I whole heartedly support this bill because it hits home. It's extremely personal. I am a product of child marriage and who better than a child bride to know the reality of this injustice. At 17 years old, I was taken out of school during the month of January of 2002 and flown halfway across the country to a foreign country where I was forcefully married off to a complete stranger. That one instance changed my life forever. I became a mother at 18 and then again at 20, both times without my consent. Being a mother is one of the most fulfilling jobs I have, but I won't lie, it has been a tough and rough ride to get to where I am today. I am blessed today, but the years I spent in the marriage if you can even call it that were the most painful years of my life. Being a child myself, I endured mental, emotional, and physical abuse and torture as well as marital rape. I would like to stop here and just say one thing; I don't define myself as a victim even though I have been victimized. I am a survivor who had the courage to finally stand up for myself and for the sake of my children at any cost; even though I didn't know how to swim in an ocean of uncertainty, but I learned and swam. Unfortunately, that isn't the case for far too many other child brides who end up experiencing a lifetime of abuse, dehumanization, torture, and sadly even death in some cases.

It is crucial for this bill to pass so we can put an end to this injustice where a life of a girl child is devalued, sacrificed, destroyed and whose rights are taken away and severely abused. Passing this bill means to save the future of many girls. It means to secure the future of many girls. It means to let a child remain a child and experience a complete, healthy, secure, and vibrant life as they should with respect, love, dignity, self-worth, choices, and freedom. Freedom to be a thriving contribution to this world and not just another statistic. Passing this bill means to save lives from ruin, destruction, abuse in all forms, and even death.

HB378 is simple and commonsense: It eliminates the two dangerous loopholes that allow child marriage. The Delaware and New Jersey legislatures passed laws in 2018 to end all child marriage, without exceptions, while similar bipartisan bills are pending in several other states. **Let's join Delaware and New Jersey as a leader in the national movement to end child marriage.**

Thank You,

Aliya Abbas

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<sup>[1]</sup> N.H. R.S.A. § 21:44.

<sup>[2]</sup> N.H. R.S.A. § 457:4; § 457:6; § 457:7.

<sup>[3]</sup> N.H. R.S.A. § 457:6; § 457:7.

<sup>[4]</sup> U.S. Department of State, et al., *United States Global Strategy to Empower Adolescent Girls* (March 2016), available at <https://www.state.gov/documents/organization/254904.pdf>.

<sup>[5]</sup> <http://noceilings.org/report/highlights.pdf>.

<sup>[6]</sup> <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=2467&context=facpubs>.

<sup>[7]</sup> Based on Unchained's analysis of marriage-license data from the New Hampshire Division of Vital Records Administration.

**Written Testimony in Support of HB378: Ending Child Marriage**  
**Presented to the New Hampshire House Committee on Children and Family Law | January 22, 2019**

Chair Long and distinguished committee members:

My name is Naila Amin. At the age of 8, I was engaged to my first cousin who was 21 years older than me. At 13, I had an Islamic ceremony done, which recognized me as a married woman according to Sharia law. At 14, I was back in the US and had a boyfriend; I was beaten and taken away from my parents.

I entered into foster care and then in early October 2004, I was taken to Pakistan under the pretense of aging out there and turning 18, so Child Protective Services would have no authority over me. On January 5, 2005, I had to go live with my rapist. On March 16, 2005, I was rescued by the State Department.

United States Citizenship and Immigration Services (USCIS) failed me by letting me apply for a spousal visa at 14. How many more girls will we sacrifice? 18 should be the minimum marriage age because at least if the girls are not happy, they can get divorced or get into a shelter. Let us make sure we don't raise anymore damaged children.

Naila Amin

## Written Testimony in Support of HB378: Ending Child Marriage

Presented to the New Hampshire House Committee on Children and Family Law | January 22, 2019

Chair Long and distinguished committee members: as a survivor of forced child marriage, I work as an advocate to change the laws that have allowed this abuse to happen in the U.S. I strongly **urge you to vote "YES" on HB378.**

My name is Sara and in 1995 I was fifteen years old when my father arranged my "spiritual" marriage to a 28-year-old man. I was sixteen and pregnant when I was *legally* married to him, he was almost twice my age, and I was clearly pregnant. No one ever asked if I consented. Instead, a permission slip from my father consented for me. This permission slip allowed my ex-husband to circumvent statutory rape laws while the evidence of my rape was as plain as the pregnant belly I carried with me.

My father raised me and my siblings in a religious cult. He and my mother divorced when I was five. I was mainly raised by my dad but was sent to live with my mom at twelve years old. Living with my dad was a nightmare. From a young age gender-roles were ingrained into my life. I was raised not to question authority and if I did I was physically punished for it. My father's household was extremely abusive. At fifteen, when my dad told me that I was going to be married I did not question him. I did not have a driver's license or a job. I was a freshman in high school and like most teenagers my age, I was completely dependent on the adults in my life, and naive of what a marriage actually meant.

At fifteen, I had been living with my mom in Colorado for almost three years after being separated from her most of my childhood. I was sent to visit my dad in California that summer and my mom assumed I would return for my sophomore year to Colorado. Instead, my father introduced me to a stranger that summer who I was spiritually married to that same evening. I was left in his care that night.

A week after our spiritual wedding ceremony, my ex left the country with me. My mother was not even aware of what was going on. I felt powerless to do anything against my dad or my ex, and I was afraid of them. I had no freedom. In all senses of the word, I felt kidnapped. I was forced into a relationship I never chose for myself. I never felt I was in a real marriage, it felt more like a prison to me. We returned to California six months later. I was five months pregnant. We were legally married in Reno, NV where the state laws permit girls to marry with the consent of *one* parent which equated to a permission slip written by my father, that had been notarized.

My marriage felt like an eternal prison. My escape was to fight for my education, which I did tooth and nail. When I was finally able to support myself at age 23 I left him. It took me seven years to finally leave my ex, and another three years to divorce him. I left my marriage after struggling to overcome so many barriers that normal young adults my age would *never* have to think about. In order to get a divorce, I had to navigate a complicated family law system with limited financial resources. Once again, the law allowed him the upper hand. His family hired an attorney, while I could not afford one. I ended up forgoing any spousal support and agreed to a small amount of child support which was not enforceable as he left the country as soon as we separated. I fought to keep my family together, and I fought to keep a roof over our heads. It was a daily struggle even though I worked full time and was a part time student.

No child should have to endure what I had to. My entire childhood, and all the opportunities that if offered was taken away from me at fifteen. I still struggle with depression and anxiety. The effects of being forced into a childhood marriage have had unending consequences well into my adulthood and have had a major impact on my children's lives. I hope that my story will help you consider passing **HB378.**

Sara Tasneem  
Child Marriage Survivor and Advocate

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

UN  
at last

www.unchainedatlast.org

**Written Testimony in Support of HB378: Ending Child Marriage  
Presented to the New Hampshire House Committee on Children and Family Law | January 22, 2019**

Chair Long and distinguished committee members: Unchained At Last is the only organization dedicated to ending forced and child marriage in New Hampshire and across the United States through direct services and advocacy. **Unchained urges you to vote "YES" on HB378.**

The minimum marriage age in New Hampshire is 18,<sup>1</sup> but the law includes a dangerous loophole: Children age 16 or 17 can marry if a parent or guardian petitions the court for the marriage and a judge approves the marriage.<sup>2</sup>

This loophole seriously endangers children:

- When a child is forced to marry, the perpetrators are almost always the parents. Requiring a parent or guardian to petition the court increases—not decreases—a child's susceptibility to forced marriage.
- Before approving a child marriage, the judge must conclude that the marriage is in the "best interest" of the child.<sup>3</sup> However, the U.S. State Department has called marriage below 18 a "human rights abuse,"<sup>4</sup> and a human rights abuse is never in the best interest of a child.
- The judicial review process puts a child being forced to marry in the terrifying position of choosing between being honest with the court and facing repercussions at home, or lying to the court. Not one survivor with whom Unchained has worked chose to be honest with the court.
- Children age 16 and 17 are at the highest risk of child marriage; they need more—not less—protection. Some 88 percent of children married in New Hampshire between 2000 and 2017 were 16- and 17-year-olds.<sup>5</sup>

Further, child marriage has devastating consequences:

- Children can easily be forced into marriage or forced to stay in a marriage before they become legal adults at age 18. Children face overwhelming legal and practical barriers if they try to leave home, enter a shelter, retain an attorney or bring a legal action.
- Child marriage destroys girls' health, education and economic opportunities, and increases their risk of experiencing violence.<sup>6</sup>
- Those who marry before 18 have a 70 to 80 percent chance of getting divorced—and teen mothers who marry and then divorce are much more likely to end up in poverty than teen mothers who stay single.<sup>7</sup>

Too many children, particularly girls, have been married in New Hampshire under the current loopholes: 202 children as young as 14 were married in New Hampshire between 2000 and 2017.<sup>8</sup>

HB378 is simple and commonsense: It eliminates the dangerous loophole that allows child marriage. The Delaware and New Jersey legislatures passed laws in 2018 to end all child marriage, without exceptions, and similar bipartisan bills are pending in several other states. **Let's join Delaware and New Jersey as a leader in the national movement to end child marriage.**

<sup>1</sup> N.H. R.S.A. § 21:44.

<sup>2</sup> N.H. R.S.A. § 457:4; § 457:6; § 457:7.

<sup>3</sup> N.H. R.S.A. § 457:6; § 457:7.

<sup>4</sup> U.S. Department of State, et al., *United States Global Strategy to Empower Adolescent Girls* (March 2016), available at <https://www.state.gov/documents/organization/254904.pdf>.

<sup>5</sup> Based on Unchained's analysis of marriage-license data from the New Hampshire Division of Vital Records Administration.

<sup>6</sup> <http://noceilings.org/report/highlights.pdf>.

<sup>7</sup> <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=2467&context=facpubs>.

<sup>8</sup> Based on Unchained's analysis of marriage-license data from the New Hampshire Division of Vital Records Administration.

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# THE WASHINGTON POST

## Why can 12-year-olds still get married in the United States?

By FRAIDY REISS | FEB. 10, 2017

We preach against child-marriage abroad. But thousands of American children are wed annually.

*Fraidy Reiss is founder and executive director of Unchained At Last, a nonprofit that helps women and girls escape arranged and forced marriages and works to end child marriage in the United States*



Michelle DeMello walked into the clerk's office in Colorado thinking for sure someone would save her.

She was 16 and pregnant. Her Christian community in Green Mountain Falls was pressuring her family to marry her off to her 19-year-old boyfriend. She didn't think she had the right to say no to the marriage after the mess she felt she'd made. "I could be the example of the shining whore in town, or I could be what everybody wanted me to be at that moment and save my family a lot of honor," DeMello said. She assumed that the clerk would refuse to approve the marriage. The law wouldn't allow a minor to marry, right?

Wrong, as DeMello, now 42, learned.

While most states set 18 as the minimum marriage age, exceptions in every state allow children younger than 18 to marry, typically with parental consent or judicial approval. How much younger? Laws in 27 states do not specify an age below which a child cannot marry.

Unchained At Last, a nonprofit I founded to help women resist or escape forced marriage in the United States, spent the past year collecting marriage license data from 2000 to 2010, the most recent year for which most states were able to provide information. We learned that in 38 states, more than 167,000 children — almost all of them girls, some as young 12 — were married during that period, mostly to men 18 or older. Twelve states and the District of Columbia were unable to provide information on how many children had married there in that decade. Based on the correlation we identified between state population and child marriage, we estimated that the total number of children wed in America between 2000 and 2010 was nearly 248,000.

Despite these alarming numbers, and despite the documented consequences of early marriages, including negative effects on health and education and an increased likelihood of domestic violence, some state lawmakers have resisted passing legislation to end child marriage — because they wrongly fear that such measures might unlawfully stifle religious freedom or because they cling to the notion that marriage is the best solution for a teen pregnancy.

In this way, U.S. lawmakers are strongly at odds with U.S. foreign policy. The U.S. Global Strategy to Empower Adolescent Girls, released last year by the State Department, lists reducing child, early and forced marriage as a key goal. The strategy includes harsh words about marriage before 18, declaring it a "human rights abuse" that "produces devastating repercussions for a girl's life, effectively ending her childhood" by forcing her "into adulthood and motherhood before she is physically and mentally mature." The State Department pointed to the developing world, where 1 in 3 girls is married by age 18, and 1 in 9 is married by 15.

While the numbers at home are nowhere near that dire, they are alarming. Many of the children married between 2000 and 2010 were wed to adults significantly older than they were, the data shows. At least 31 percent were married to a spouse age 21 or older. (The actual number is probably higher, as some states did not provide spousal ages.) Some children were married at an age, or with a spousal age difference, that constitutes statutory rape under their state's laws. In Idaho, for example, someone 18 or older who has sex with a child under 16 can be charged with a felony and imprisoned for up to 25 years. Yet data from Idaho

— which had the highest rate of child marriage of the states that provided data — shows that some 55 girls under 16 were married to men 18 or older between 2000 and 2010.

Many of the states that provided data included categories such as “14 and younger,” without specifying exactly how much younger some brides and grooms were.

Thus, the 12-year-olds we found in Alaska, Louisiana and South Carolina’s data might not have been the youngest children wed in America between 2000 and 2010.

Also, the data we collected did not account for children wed in religious-only ceremonies or taken overseas to be married, situations that we at Unchained often see.

Most states did not provide identifying information about the children, but Unchained has seen child marriage in nearly every American culture and religion, including Christian, Jewish, Muslim and secular communities. We have seen it in families who have been in America for generations and immigrant families from all over the world. In my experience, parents who marry off their minor children often are motivated by cultural or religious traditions; a desire to control their child’s behavior or sexuality; money (a bride price or dowry); or immigration-related reasons (for instance, when a child sponsors a foreign spouse). And, of course, many minors marry of their own volition — even though in most realms of life, our laws do not allow children to make such high-stakes adult decisions.

Parental control over her sexuality was why Sara Siddiqui, 36, was married at 15. Her father discovered that she had a boyfriend from a different cultural background and told her she’d be “damned forever” if she lost her virginity outside of marriage, even though she was still a virgin. He arranged her Islamic wedding to a stranger, 13 years her senior, in less than one day; her civil marriage in Nevada followed when she was 16 and six months pregnant. “I couldn’t even drive yet when I was handed over to this man,” said Siddiqui, who was trapped in her marriage for 10 years. “I wasn’t ready to take care of myself, and I was thrown into taking care of a husband and being a mother.”

Minors such as Siddiqui can easily be forced into marriage or forced to stay in a marriage. Adults being pressured in this way have options, including access to domestic-violence shelters. But a child who leaves home is considered a runaway; the police try to return her to her family and could even charge our organization criminally if we were to get involved. Most domestic-violence shelters do not accept minors, and youth shelters typically notify parents that their children are there. Child-protective services are usually not a solution, either: Caseworkers point out that preventing legal marriages is not in their mandate.

Those fleeing a forced marriage often have complex legal needs, but for children, obtaining legal representation is extremely difficult. Even if they can afford to pay attorney’s fees, contracts with children, including retainer agreements, generally can be voided by the child, making them undesirable clients to lawyers. Further, children typically are not allowed to file legal actions in their own names.

Regardless of whether the union was the child’s or the parents’ idea, marriage before 18 has catastrophic, lifelong effects on a girl, undermining her health, education and economic opportunities while increasing her risk of experiencing violence.

Women who marry at 18 or younger face a 23 percent higher risk of heart attack, diabetes, cancer and stroke than do women who marry between ages 19 and 25, partly because early marriage can lead to added stress and forfeited education. Women who wed before 18 also are at increased risk of developing various psychiatric disorders, even when controlling for socio-demographic factors.

American girls who marry before 19 are 50 percent more likely than their unmarried peers to drop out of high school and four times less likely to graduate from college. A girl who marries young is 31 percentage points more likely to live in poverty when she is older, a striking figure that appears to be unrelated to preexisting differences in such girls. And, according to a global

study, women who marry before 18 are three times more likely to be beaten by their spouses than women who wed at 21 or older.

Ending child marriage should be simple. Every state can pass the legislation I've helped write to eliminate exceptions that allow marriage before age 18 — or set the marriage age higher than 18, in states where the age of majority is higher. New Jersey is the closest state to doing this, with a bill advancing in the legislature that would end all marriage before 18. Massachusetts recently introduced a similar bill.

But when Virginia passed a bill last year to end child marriage, legislators added an exception for emancipated minors as young as 16, even though the devastating effects of marriage before 18 do not disappear when a girl is emancipated. Bills introduced last year in New York and Maryland languished and eventually died, though Maryland's was just reintroduced. Other states have not acted at all. "Some of my colleagues were stuck in an old-school way of thinking: A girl gets pregnant, she needs to get married," said Maryland Del. Vanessa Atterbeary, who introduced the bill to end child marriage in her state.

Only nine states still allow pregnancy exceptions to the marriage age, as such exceptions have been used to cover up rape and to force girls to marry their rapists. Consider Sherry Johnson of Florida, who said she was raped repeatedly as a child and was pregnant by 11, at which time her mother forced her to marry her 20-year-old rapist under Florida's pregnancy exception in the 1970s.

Additionally, teenage mothers who marry and divorce are more likely to experience economic deprivation and instability than those who do not. If the father wants to co-parent, he can establish paternity and provide insurance and other benefits to the baby without getting married.

Legislators should remember that pregnant teenage girls are at increased risk of forced marriage. They need more protection, not less.

Nor does ending child marriage illegally infringe on religious rights. The Supreme Court has upheld laws that incidentally forbid an act required by religion, if the laws do not specifically target religious practice. Besides, most religions tend to describe marriage as an important union between two willing partners. That sounds nothing like child marriage, which is often forced and which has close to a 70 percent chance of ending in divorce. "There was a concern that we would be offending certain cultures within our society," said New York Assemblywoman Amy Paulin, who introduced an unsuccessful bill last year to end child marriage in her state. "So instead of seeing this as an abuse of young women, [some legislators] were seeing this as something we needed to protect for certain cultures."

Betsy Layman, 37, shares Paulin's goal. Layman was 27 when she escaped the marriage that had been arranged for her in her Orthodox Jewish community in New

York when she was 17, to a man she had known for 45 minutes. Even after she fled with her three children, the repercussions of her marriage continued to plague her. She was a single mother with a high school equivalency certificate, no work experience and no money for child care. The temporary and part-time jobs she managed to get couldn't cover the bills.

"I was on Section 8, Medicaid and food stamps," Layman said. "There were times there just was not enough food for dinner." When the electric company shut off her power for nonpayment, she would light candles around the house and tell her children there was a blackout. Only when her youngest child reached school age was she able to find full-time employment and gain some stability.

"Legislators have the power to prevent what happened to me from happening to another 17-year-old girl," Layman said. "I beg you to end child marriage."



girls wed to adult men, often with age differences that are considered statutory rape.

Child marriage severely limits opportunities to health, education and economic freedom. It also increases risk of domestic violence. Given these factors, one case of forced or child marriage is one too many. If mechanisms are in place that allow for potentially thousands of cases to slip through the cracks, the common sense solution is to enact the necessary laws to close these gaps.

### **About AHA Foundation**

AHA Foundation is a 501(c)3 non-profit founded by women's rights activist Ayaan Hirsi Ali, and is the leading organization working to end honor violence that shames, hurts or kills thousands of women and girls in the U.S. each year, and puts millions more at risk. We ensure that women and girls of all races, cultures, religions, beliefs and backgrounds who are facing honor violence have a way out, and that survivors get the help they need to thrive.

Since 2010, the focus of the Foundation's programs includes: 1) compiling data on these crimes, which are not currently tracked by U.S. law enforcement or government agencies, 2) publishing reports and articles and organizing conferences about the continued oppression of women and girls in the U.S., 3) lobbying and outreach to expand and strengthen state and national legislation for the protection of women and girls, 4) training of law enforcement and service providers, and 5) connecting women and girls in crisis to appropriate services. AHA Foundation has trained over 2,700 frontline service providers on responding to cases of honor violence and forced marriage, and partnered with Crisis Text Line to create America's first honor violence and forced marriage helpline.



To: Chair Long and Members of the House Committee on Children and Family Law  
% Committee Clerk Erika.Connors@leg.state.nh.us

**Re: Written Testimony in Support of HB378: Ending Child Marriage Presented to the New Hampshire House Committee on Children and Family Law**

Thank you for the opportunity to present testimony to the New Hampshire Legislature on child marriage. My name is Shelby Quast and I am the Americas Director of Equality Now. Equality Now is an international human rights organization established in 1992 that works to promote and protect the rights of women and girls around the world. Through advocacy, litigation, and partnership with grassroots women's rights groups across the globe, Equality Now works to advance human rights through a comprehensive approach to the law.

Child, early and forced marriage is not only an international concern but a problem in the United States, with severe and long-lasting consequences, affecting girls' education, health, and physical and emotional well-being. Research shows that between 2000 and 2010, an estimated 248,000 children below the age of 18 were married in the United States. A majority of these marriages were minor girls marrying adult men, often with significant age differences. As pointed out by our partner organization Unchained At Last, under the current loopholes, 202 children as young as 14 were married in New Hampshire between 2000 and 2017. Some 88% were 16- and 17-year-olds.

International law, including the International Covenant on Civil and Political Rights which the United States has ratified, requires the consent of both the parties to the marriage. However, where the law governing the minimum age of marriage allows for an exception to allow marriages of children below the age of 18, in practice, it is the parents that provide consent for the girl to be married. Though current New Hampshire law requires judges before approving a child marriage to conclude that the marriage is in the "best interest" of the child, Equality Now takes the position and emphasizes the international standard that marriage is never in the interest of a child. In most other contexts, being a child would render a girl unable to give consent. "Consent" of a child should never be accepted as a rationale for continuing to permit her ongoing abuse as a child bride. Thus, we urge you to vote "YES" on HB378, the passage of which is essential to ensure that children under the age of 18 are not allowed to marry under any circumstances, without exception.

The United Nations Human Rights Committee, that monitors implementation of the International Covenant on Civil and Political Rights, has recognized that in sexual violence cases, the child (or woman) should not be pressured to marry her rapist or abuser, which the Committee has pointed out may, under the law in some jurisdictions or in practice, absolve the perpetrator of a violent crime. It would also put the girl in danger of further abuse. Current New Hampshire law provides exemptions from sexual assault charges if the perpetrator is married to the victim. This is unacceptable. Marrying a child should not be an excuse for assault.

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**632-A:2 Aggravated Felonious Sexual Assault. –**

I. A person is guilty of the felony of aggravated felonious sexual assault if such person engages in sexual penetration with another person under any of the following circumstances:

....

**(j) When, except as between legally married spouses,** the victim is 13 years of age or older and under 16 years of age and:

(1) the actor is a member of the same household as the victim; or

(2) the actor is related by blood or affinity to the victim.

**(k) When, except as between legally married spouses,** the victim is 13 years of age or older and under 18 years of age and the actor is in a position of authority over the victim and uses this authority to coerce the victim to submit.

**(l) When the victim is less than 13 years of age.**

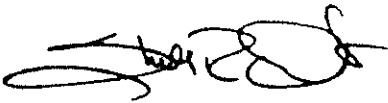
...

III. A person is guilty of aggravated felonious sexual assault when such person engages in a pattern of sexual assault against another person, **not the actor's legal spouse**, who is less than 16 years of age. The mental state applicable to the underlying acts of sexual assault need not be shown with respect to the element of engaging in a pattern of sexual assault.

Therefore, we also recommend that section 632-A:2 Aggravated Felonious Sexual Assault of the New Hampshire code be amended to eliminate the exceptions for marriage to sexual assault.

We hope New Hampshire will show leadership in protecting girls from child, early and forced marriage and the related human rights violations. We urge you to vote "YES" on HB378.

Sincerely,



Shelby Quast  
Americas Director, Equality Now

Jan. 31 18

Dear New Hampshire Legislature Representative,

I've heard about your law about making it legal for those 13 and over to be married. I have many opinions. I think this is wrong. Marriage is a huge commitment and it gets in the way of many things. It gets in the way of an education and a future. It gets in the way of freedom. I highly disagree with this because it simply isn't fair. If the girl got married simply because of pregnancy, it isn't right for them to be married because of that. They should be given the choice of what to do with that. Thank you for your consideration.

Sincerely,

Nikki Thack

Anaheim, CA

Dear New Hampshire Legislative Representative

I believe the law that children over the age of 13 may marry is not right.

Marriage is a big commitment and is

to much to handle for a teenager

to handle. Also this could make them financially dependent, which is not

something that should be taught to

children of their age so when they

get older they can be independant.

Thank you for considering my point.

Sincerely,

Myra Ortega

Jan. 31, 18

Anaheim California

Dear New Hampshire Legislature Representative,

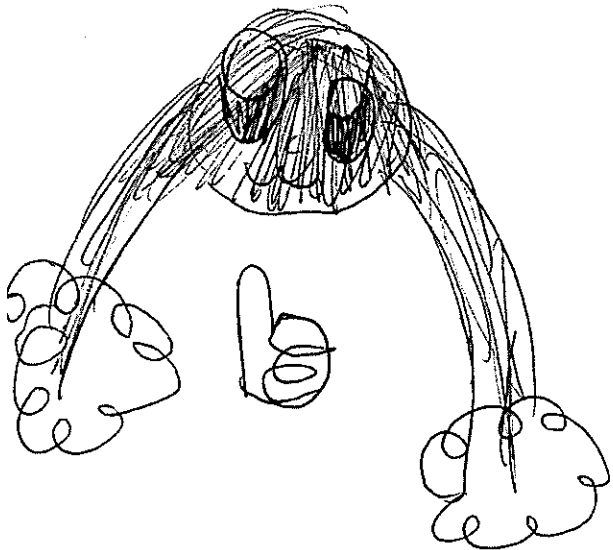
Why? Those poor children are getting sold off for marriage at age 13. Don't you see anything wrong with that?

The girls need to make decisions too! The same goes for boys too. They could have been sold off for money or something least valuable. If you throwed away my letter by now your missing the point. Those children are going to be dependent on that person for a long time until they can get a job. So please for the sake of children Ban child marriage!

From, an 11 year old

My childhood before  
I knew about child marriage

Now that I know



What the heck?



Jan. 31, 2018

Dear New Hampshire Legislative Representative,  
I think children being able to marry at 13 is not right and should not be allowed. Marriage is a lot of commitment and it can not be handled by them. Also it is possible that it will make them financially dependant and we should be teaching this generation to be independant. Children should not be able to marry that young. Would you marry off your 13 year old daughter to a 50 year old man?

sincerely, Zoe<sup>♥</sup>

Anaheim, California



Dear New Hampshire representatives,  
I think you should ban child marriage because  
it's disgusting, a child should at least have  
experience with a boyfriend before you make a  
commitment like that. And it should be banned in  
your country. I still don't think there's a  
commitment like that, and personally I think it's  
disgusting. It also takes away a child's  
education. And she might not know what she is  
doing.

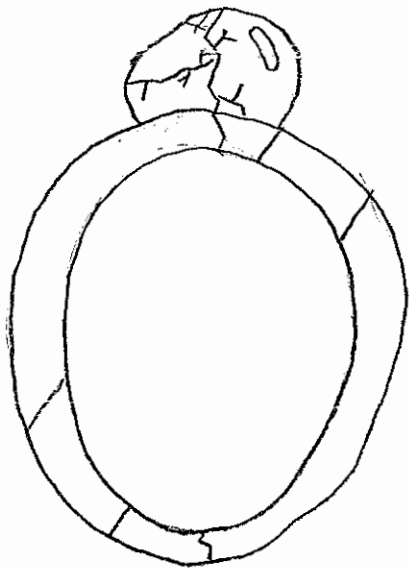
Thank you, from Cassia,  
Anaheim  
C.A



Dear New Hampshire representative,

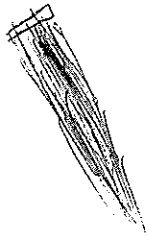
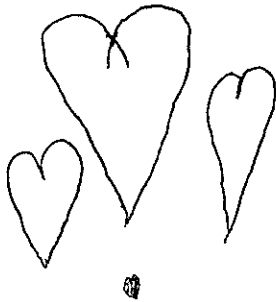
I believe that child marriage should be banned in your state. Child marriage is not right, why would you let children be basically bonded together at only 13? It takes away the girls ability to get a proper education. The girl has to support someone that they might not know. They could get financially stuck. It can lead to a disaster. I'm not the most important. But I highly suggest that you ban child marriage. Thank you for your time.

Thank you,  
Kira Wanne  
(13 years old)



Dear NH representative,

You really should ban child marriage. First of all, I don't see why 2 children would need to be married. Because if someone would, it may be related to child pornography. Also, the United Nations already banned it. So, it's not going to be an only you guys thing. You know, being 12, I am reaching the age you say we can get married. And I have limited rights on my own now! With marriage, I would be financially dependant on the guy I marry! Who is most likely a kid as well, so who well would that work? Not well, I supposed. So, you should ban kid marriage and all the troubles with it! From a kid like anyone's.



We can  
stop  
child  
marriage,  
together!

Thank you,

A Girl Scout Cadette.

Zedra W  
Anihiem, CA

Dear New Hampshire Legislature Representative

Child marriage is not healthy nor good at the age of 13 or 14. A typical 13 or 14 year old child shouldn't have the stress of having to depend/rely on another young child. When you're 13/14 the first you think of is not getting married. You think of potential careers for your future, getting married to some one who is ten years older is not something you want to ~~go through~~ go through. Also child pregnancy with an older person, is possible with your laws, is not healthy for some one especially at age thirteen. The marriage law should be raised to age eighteen for the reason that eighteen year olds have a fixed idea on what they want to do with their life and they have a basic idea of where they want to be financially. So you should ~~raise~~ raise the age for the legal age to get married.

Thank you,

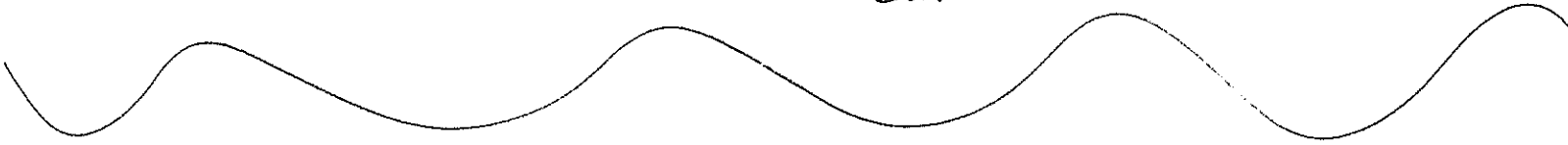
Isabella T.

Anahiem, CA


Would you allow your daughter to marry a 50 year old man? How would you feel if one of your nieces married a 60 year old man? You are basically allowing sexual abuses to children who should not be going through this. They are way too young and it's just disgusting, why would you allow this? Please tell me what good could possibly come out of this?

Sincerely,

Katherine ☺



Anaheim  
California



Dear New Hampshire,

It is absolutely crazy to let children get married. ~~to~~ They are only 13 years old and do not realize how serious getting married actually is.

## **Written Testimony in Support of HB378: Relative to an Act Raising the Minimum Age for Marriage**

**Presented to the New Hampshire House Committee on Children and Family Law,  
February 18, 2019**

Chairperson Long and members of the Children and Family Law Committee—

My name is Safiya Wazir, Representative from Merrimack 17. My testimony is in support of House Bill 378 to raise the minimum age for marriage in New Hampshire.

The reasons for raising the minimum age for marriage are clear and based in research and data, and I am providing testimony today because this bill is important to all of New Hampshire's young women and young men, but it is also important to New Hampshire's New American children. Allowing children to be children, rather than becoming husbands or wives, is crucial to allowing them to thrive, to focus on education, and to find a path toward a strong future, which is what our state, our children, and our families need.

I am thankful that my parents valued education. I completed high school with honors and entered college before marrying my husband at age 20. I understand the strong influence that parents have upon young people's decisions to marry, when to marry, whether to pursue higher education, and so much more. The Save the Children Federation reports that refugee children around the world not only had lost some of their educational opportunities through displacement, a gap that they are working so hard to close after resettlement, but that "[i]ncidents of early marriage among refugee children was also alarmingly high" and that "[r]efugee children are among the most vulnerable in the world . . . [and] every day, they risk loss of some kind, including the loss of the future that every child deserves."

Save the Children Federation specifically states, "Of the wide range of policies that could have been evaluated in this category [Legislation and Policy Promulgation], we chose to focus on two protection needs that are inherently child-specific and frequently identified by refugee children: protection from early marriage and forced recruitment. U.S. policymaking in these areas showed significant forward progress, but also room for improvement to address refugee-specific needs." This bill addresses one of those needs for New Hampshire's children.

You should know that in many circles, the marriage of girls under age 18 is considered a human rights violation. Studies show that girls married before age 18 suffer negative consequences in many, many instances. They are 50 percent more likely to become a high-school dropout, which I think we would all agree is an adverse circumstance destined to haunt them and their children. Furthermore, studies show that marriage before reaching adulthood increases the likelihood that she will be living in poverty, doubling that chance. Also, the chance that she will wind up in a relationship in which she suffers domestic violence at the hands of her partner increases, essentially being tripled. In these cases, these children need our help, good schools, and the protections of House Bill 378, not a marriage license.

## Young Military Spouses Face Unexpected New Role: Caregivers For Life

By BOBBIE O'BRIEN • APR 21, 2017



When service members return from the battlefield with lifetime disabilities, their spouses often become full-time caregivers.

*Bobbie O'Brien reports that family members often have little support as they care for wounded veterans.*

The wars in Iraq and Afghanistan have drafted more than a million family members into caring for returning wounded and injured troops. They've been called "Hidden Heroes" - the military caregivers of Post-9/11 veterans.

They are mostly young spouses with families who never expected to take on the role. If the wounded veteran is unmarried, his or her aging parents may take on the role.

For Patti Katter, who lives near Sarasota, Fla., life as a fulltime caregiver began the night her husband returned from Iraq in 2007. Army Sergeant Ken Katter survived two roadside bombs with what were then thought to be minor injuries - a concussion and ruptured eardrums. So, he remained in combat for his full 15-month deployment and didn't come home until several months later.

"We had dinner together and probably within an hour, he didn't remember eating," Patti Katter said about Ken's first night home from Iraq. "I thought he was just very sleep deprived because he'd just gotten home. So I just kind of blew it off a bit."

But that same night, he had a seizure while sleeping.

"I really put my foot down, and I said you need to go to the doctor," she recalled. "He was having not only memory issues, but he was in a lot of pain. He was frustrated very easily."

Over a series of months and medical appointments, Ken Katter was diagnosed with a traumatic brain injury, a blown disc in his neck, a back injury, hearing loss, and other injuries. He suffers seizures and can no longer remember how to write his name in cursive.

Ken Katter's "invisible" injuries also left him with balance problems and other medical issues that prevent him from holding a job or doing even small household tasks.

But Katter counts himself lucky. He has all his limbs and can walk. His seizures are under control so he can drive again - even though he has a tendency to get lost.

He was medically retired from the Army in 2010. He had previously served in the Marines from 1990-1994.

### **Caregivers often alone, depressed**

For the last decade, Patti Katter has managed her husband's medical appointments, medications, and rehabilitation. She initially homeschooled their three children to make it easier fit a myriad of doctors appointments into her schedule. And she took care of the household too.



*Military caregiver Patti Katter orders and manages all of her husband's medications because he has memory and cognitive problems after receiving a traumatic brain injury while serving in Iraq.*  
CREDIT BOBBIE O'BRIEN / AMERICAN HOMEFRONT





*As part of his rehabilitation, Ken Katter took a wood carving class. Before his head injury, his wife said he had no "artistic talent." But now, he carves much coveted walking-sticks.*

CREDIT BOBBIE O'BRIEN / AMERICAN HOMEFRONT

Fletcher said the VA also operates a caregiver support line, 1-855-260-3274, for military caregivers of veterans from all eras. She said it received more than 57,000 calls last year.

When the VA began the Post-9/11 program in 2011, it estimated about 4,000 caregivers would qualify. But almost 25,000 enrolled within four years. Some VA offices have been dropping caregivers from the program, but the agency says it will continue to provide resources to "enhance the caregiver role."

In March, Secretary of Veterans Affairs David Shulkin asked Congress to expand the Post-9/11 caregivers program.

For caregivers like Patti Katter, the biggest concern is what will happen 20 or 30 years from now if her husband's memory problems worsen and she is unable to keep up with his growing needs.

"Or what if something happens to me, who is going to take care of him?" Patti Katter asked.

"Our kids have been very resilient. They love their father, but I don't want that to fall on their plate."

For now, Kattner is collecting the VA benefit, and she's learned that even as she cares for her husband and family, she also has to care for her own needs.

Inside their home, a bouquet of bright red roses sits prominently in the kitchen pass-through.

Patti bought them for herself.

"It's important to love yourself," she said. "Ken doesn't emotionally attach anymore, so I've learned. I know he loves me. I have no doubt about that, but I've also learned to love myself better."

Then three years ago, the stress overwhelmed her.

"I wasn't suicidal, but I was in a dark place. Not only was I dealing with being a caregiver, I had a mom who had cancer and my dad was unhealthy," she said.

She learned to care for herself and found a job with a non-profit, Hope for the Warriors. She now works from home helping other military caregivers navigate the system. And she is a fellow with the Elizabeth Dole Foundation that advocates for military and veteran caregivers.

"So many of these young spouses in their twenties and thirties (are) suddenly realizing that they're going to be caregivers probably for the next 50 years, if not their entire life, and no one was handing them a manual," said Steven Schwab, executive director of the Dole Foundation. The Dole Foundation surveyed of military and veteran caregivers to find out what they needed. The Hidden Heroes Report found respite care topped the list, followed by mental health support and training.

"These caregivers - especially the Post-9/11 caregivers - are struggling from high rates of depression and anxiety," Schwab said. "They're incredibly isolated. They feel alone and in most cases are alone without a support system."

The foundation was started by Elizabeth Dole, a former U.S. Senator from North Carolina. It conducts research and offers innovation grants to organizations, caregiver fellowships, and maintains a national registry of more than 200 vetted caregiver resources.

The Department of Veterans Affairs also has a special program for caregivers of Post-9/11 veterans severely injured in the Iraq and Afghanistan wars. It provides financial help and other services.

"The majority of our veterans in this program do have post traumatic stress, mood disorders and TBI," said Cynthia Fletcher, a caregiver support coordinator at Tampa's James A. Haley VA. "So, the caregivers are struggling with those mood disturbances which can be very challenging."

# Military Spouses in the Labor Market

The Council of Economic Advisers

May 2018



## 1. Introduction

American military spouses, who number approximately 690,000, are a diverse population. Like their active duty husbands and wives, they come from varying racial and ethnic backgrounds, and bring a diversity of skills to the labor market. But military spouses face a particular challenge: they often find their labor market activities, including choices over whether to work, how many hours, and in what occupation, to be subject to the geographic and temporal constraints imposed by their active duty spouse. Spouses of service men and women stationed abroad are particularly disadvantaged, as foreign hosts often do not grant spousal work visas.

But even stateside assignments can bring difficulties. Military families typically move every two to three years, requiring frequent labor market adjustments for those who do not have remote work arrangements. In anticipation of frequent moves, employers may be reluctant to hire military spouses or they may offer these workers a lower wage in an attempt to recover turnover costs. Moreover, short cycles in each location may make it more difficult for military spouses to recoup the costs of occupational licensing and other fixed costs of labor force participation. Indeed, military spouses may be the quintessential “trailing spouse”, their situation made even more challenging because their families encounter location *assignments*, rather than location choices, and the result may not be conducive to employment. Indeed, the U.S. Chamber of Commerce (2017) reports that many military bases are located more than 50 miles from an urban center.

## 2. Demographics of Military Spouses

According to the Department of Defense demographic data, in 2016 12 percent of the 690,000 military spouses were themselves active duty military, and nearly half of all married female active duty military members were in dual-military marriages (U.S. Department of Defense 2017). The analysis here focuses on working age (defined as 18 to 65) civilian spouses of active duty military personnel, and on those currently living in the United States. Approximately 88 percent of active duty service people are assigned to the United States and its territories.

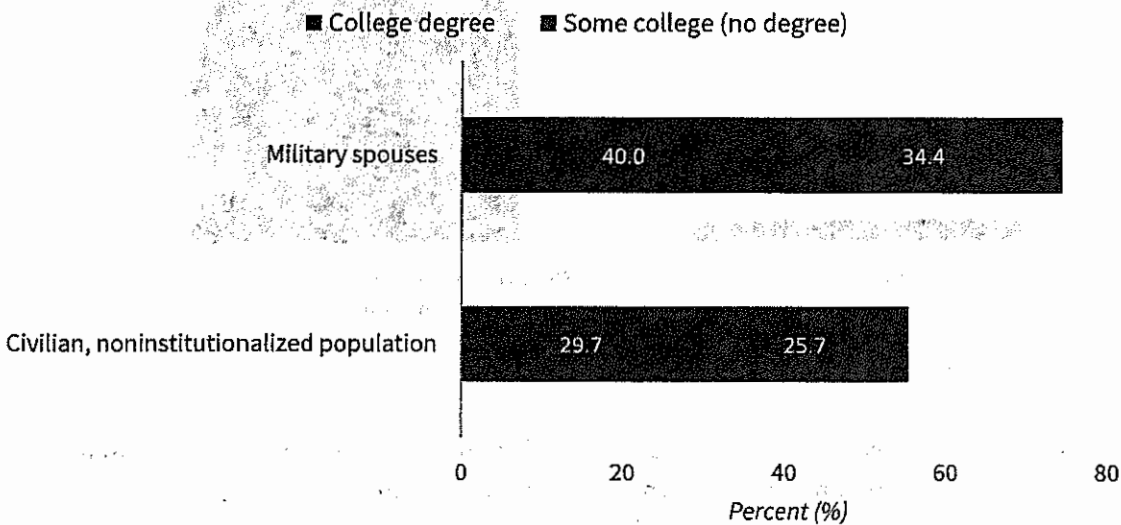
Survey data from the American Community Survey in 2016, the most recent publicly available, provides detailed information on the demographics and labor market fortunes of military spouses. The analytical sample contains 4,268 working age military spouses who are not themselves in the military, representing 418,055 military spouses after applying sample weights.<sup>1</sup> According to the ACS survey, working age military spouses are predominantly female (92 percent), and they are young. Although the

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<sup>1</sup> After adjusting the Department of Defense estimate of 690,000 military spouses by 12 percent for dual-military marriages and another 12 percent for active duty military stationed abroad, the expected number of military spouses in the sample is roughly 524,000. The difference may be attributable to a disproportionate number of married military members living abroad or to the separation between military spouses and their active duty husband or wife, since we identify military spouses in the ACS based on the military status of their spouse when present in the same household. Direct surveys of military households undertaken by the Department of Defense do not suffer from these military spouse omissions, but do not provide all of the labor market and demographic information presented here.

average American adult of working age is 41 years old, working age military spouses are 33 years old, on average.<sup>2</sup> Military spouses are also more educated than other civilian, non-institutionalized Americans of working age, suggesting that losing their contributions to the labor market is particularly detrimental for the American economy (Figure 1). While approximately 30 percent of the U.S. working age population has a college degree, approximately 40 percent of military spouses in this age range do. And a greater share of military spouses attended some college, even without receiving a degree, than other working age Americans: 34 and 26 percent, respectively.

**Figure 1. Educational Attainment of Military Spouses and Other Working Age Americans**



Sources: American Community Survey (IPUMS); CEA calculations  
 Note: Reflects rates for 18 to 65 year olds

### 3. Military Spouses are Less Likely to be Labor Force Participants

Military spouses are far less likely to participate in the labor market than the general working age population, 57 percent compared to 76 percent in 2016, respectively, according to the ACS.<sup>3</sup> Survey data from the U.S. Chamber of Commerce (2017) indicate a similar disparity. Differences in age, sex, race, and ethnicity, cannot account for the gap between military spouses and their peers. Indeed, accounting for these differences raises the labor force participation gap. And because labor force participation rises with education, controlling for education further increases the gap between participation for military spouses and what would be expected given their demographics.

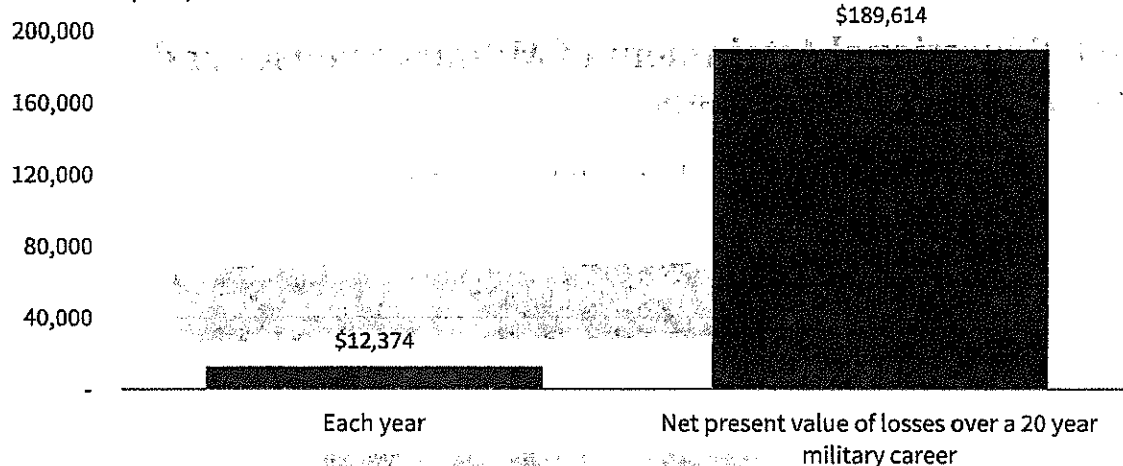
<sup>2</sup> All comparisons refer to the civilian, noninstitutionalized population aged 18 to 65.

<sup>3</sup> We use the American Community Survey rather than the Current Population Survey in this report because the former is a far larger survey, and military spouses represent a small percentage of the overall population.

## 4. When Employed, Military Spouses Earn Less Than Would Otherwise Be Expected

**Figure 2. Estimated Value of Military Spouses' Average Income Losses**

U.S. Dollars (2016)



Sources: American Community Survey (IPUMS); CEA calculations.

Note: Assumes discount rate of 3 percent.

Using data from the Deployment Life Study (DLS) matched to the ACS, Meadows et al. (2016) find that military spouses earned substantially less than other labor market participants with similar characteristics.<sup>4</sup> Our estimates, which are based entirely on the ACS, confirm this. Compared to all working age, noninstitutionalized, civilian labor market participants who earned more than \$1,000 in 2015, and accounting for differences in sex, age, race, ethnicity, and education, military spouses earned, on average, 26.8 percent less in wage and salary income than their non-military spouse peers. Much of the difference can be explained by differences in weeks worked per year and in hours worked per week, with military spouses working fewer weeks in 2015 and fewer hours per week. But even among full-time, year-round workers, military spouses find themselves at a disadvantage, with wage and salary earnings 3.4 percent less than would be expected given their demographic characteristics. The broader earnings “penalty” measure, 26.8 percent, amounts to \$12,374 per year and, over a 20 year military career (upon which military personnel are available for retirement benefits), \$189,614 in lost income, measured in present value (Figure 2).<sup>5</sup> Because this number is predicated on labor force participation, it may be an underestimate of the full earnings disadvantage military spouses face. On the other hand, military

<sup>4</sup> Using a sample of 1,779 military wives from DLS, the Meadows et al. study matches each wife to similar women in the 2009-2011 ACS survey. They find a \$17,000 earnings gap between military wives and the matched sample, including the effects of non-employment.

<sup>5</sup> This is using a 3% discount rate. Using a 7% discount rate, the loss is \$140,265.

spouses may choose to remain out of the labor force or work fewer hours for reasons other than their spouse's occupation, which would make these results an over estimate.

## 5. Military Spouses Face Higher Rates of Unemployment

A survey conducted by the U.S. Chamber of Commerce (2017) indicates military spouses experience higher rates of unemployment than do other adults, and Federal data back up this claim. Based on a survey of 1,273 active duty military members *and veterans*, the U.S. Chamber estimates that military spouses and spouses of recent veterans had a 16 percent unemployment rate in 2017. ACS data suggest the rate is lower than this, 10.2 percent in 2016, but still nearly twice the rate for the overall U.S. population between 18 and 65.<sup>6</sup>

Military spouses also may find themselves employed part time even if they would prefer full time work. The rate of part time employment among military spouses is 31.6 percent in the 2016 ACS sample compared to 19.6 percent in the population at large. Whether part time employment is desired or not is not discernible from the ACS data, but 50 percent of military and recent veteran spouse respondents in the U.S. Chamber survey who were working part time indicated a desire to work full time.

## 6. Military Spouses are Disproportionately Affected by Occupational Licensing Requirements

Occupational licensing regimes in each State impose additional barriers to labor market participation, and a new resident must clear these hurdles before commencing work. Military spouses are more likely than other workers to be caught up in this country's patchwork of occupational licensing laws, both because they are more likely to move across State lines and because they are disproportionately employed in occupations that require a license. The Bureau of Labor Statistics estimates that 22 percent of all workers required a government license to do their job in 2016, while 35 percent of military spouses in the labor force worked in occupations requiring a license or certification (U.S. Department of Treasury and U.S. Department of Defense 2012). Moreover, military families move much more frequently than civilian families, including across State lines, where military spouses face the potential for relicensing at every interstate move. The 2016 ACS survey indicates working age military spouses were seven times as likely to move across State lines in the United States as the civilian non-institutionalized working age population in general.

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<sup>6</sup> A tabulation of the ACS data gives an unemployment rate for the civilian noninstitutionalized population aged 18 to 65 of 5.7 percent in 2016. Tabulations of ACS data tend to generate higher unemployment rates than the official U.S. statistics based on the Current Population Survey (CPS), in part because the CPS is designed to minimize weather and holiday disruptions in labor market data while the ACS is not. But the CPS, with its small sample size and omission of military families living in group quarters, is not a viable option for this analysis.

## **7. Some Policies to Assist Military Spouses are Already in Place**

As discussed in the 2018 Economic Report of the President, there are a number of initiatives already in place to assist military spouses. The Department of Defense houses a number of programs charged with facilitating the gainful, rewarding employment of military spouses. The newest of these, known as the Spouse Education and Career Opportunities (SECO) assists military spouses with education and training, as well as funding a career call center to assist spouses with logistics and answer questions. The program also supports the Military Spouse Employment Partnership (MSEP), launched in June 2011, which pairs military spouses with partnering employers which have prioritized recruiting, hiring, and training military spouses. The Chamber of Commerce has also implemented a new “Hiring our Heroes” initiative, begun in March 2011, which operates through local Chamber offices around the country to connect both military and veteran spouses to the labor market. In addition, the Department of Defense is working to promote license portability by working with State governments on reciprocity agreements for military spouses. Although a majority of States have agreed to some form of license portability or expedited licensure, a recent audit performed by the University of Minnesota suggests the implementation has been uneven, with only 40 percent of States including information about military spouse licensure on their websites and a majority of customer service representatives unaware of the relevant legislation (University of Minnesota 2017).

## **8. Conclusions**

Military families make many sacrifices for American security and prosperity. Among these are the labor market disadvantages faced by military spouses. Frequent moves, unpredictable hours, rural base assignments, and deployments all take a toll on the labor market outcomes of military spouses. Our estimates suggest that military spouses earn more than \$12,000 per year less than other workers, resulting in losses of nearly \$190,000 over a 20 year military career. This problem has attracted attention from private industry and from government, both of which have taken steps to encourage the employment of military spouses.



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May 2018



# The Implications of Attachment Theory for Military Wives: Effects During a Post-Deployment Period

Kristin A. Vincenzes, Laura Haddock, Gregory Hickman

Past research has indicated the negative and positive impacts of deployment on military wives. Furthermore, research has indicated the need to further understand the different deployment stages, specifically the post-deployment period. The authors examined Bowlby's and Ainsworth's attachment theories, specifically separation anxiety occurrence as experienced by stay-behind wives during their husbands' post-deployment period. Purposive/volunteer sampling was used to survey 57 military wives currently experiencing the post-deployment period. A linear regression analysis produced a significant positive relationship between duration of deployment and the wife's psychological distress during the post-deployment period. As deployments increased in duration, specifically to longer than 6 months, the levels of psychological distress significantly increased. Implications for counselors and researchers are addressed.

**Keywords:** post-deployment, attachment, military wives, separation anxiety, deployment

Between 2001 and 2012, the U.S. government sent 2.4 million soldiers to Iraq and Afghanistan (U.S. Department of Veteran Affairs, 2012). According to Demers (2008), deployments affected both the soldier and the stay-behind wife (over 56% of the soldiers reported being married according to the Department of Defense, 2012). The couple's relationship may play an intricate role in identifying effects that a deployment could have on a stay-behind wife. Specifically, stay-behind wives may have both positive and negative experiences in response to prolonged separation from their husbands (Barker & Berry, 2009; Demers, 2008; Morse, 2006).

This study focuses specifically on wives of male soldiers, and applies Bowlby's and Ainsworth's attachment theories (Ainsworth & Bell, 1970; Bowlby, 1969) to military wives' post-deployment experiences. Bowlby (1969) asserted that an accumulation of early attachment experiences create expectations for future relationships. Over 40 years ago, Ainsworth and Bell (1970) identified three primary types of attachment: secure, avoidant and ambivalent. More specifically, the researchers found that children with an ambivalent attachment style exhibited anxiety following separation when the mother returned, going near the mother, but also exhibiting signs of anger by pushing her away (Ainsworth & Bell, 1970). In comparison, children with a secure attachment welcomed their mother's return, and children with an avoidant attachment showed little interest in their returning mother (Ainsworth & Bell, 1970). Robertson and Bowlby (1952) also examined the idea of separation anxiety, identifying specific infant stages of attachment. The three phases an infant goes through when separated from their mother include protest, despair, and denial or detachment (Robertson & Bowlby, 1952).

The three separation anxiety phases may be applied to attachment issues that military wives experience during and after their husbands' out-of-country deployment (Basham, 2008; Riggs & Riggs, 2011). The first phase, protest, occurs when a child is separated from his or her mother, with sadness and anxiety presenting as the most common initial emotional reactions. The protest phase is linked to pre-deployment and deployment time periods, as wives often feel numb, angry and abandoned due to an upcoming or current separation from their husbands (Pincus, House, Christenson, & Adler, 2001). Furthermore, wives also may experience sadness, loneliness and anxiety during this phase (Steelfisher, Zaslavsky, & Blendon, 2008).

The second phase of separation anxiety is despair, characterized by feelings of extreme sadness (Riggs & Riggs, 2011; Robertson & Bowlby, 1952). A wife may often go through similar stages of grief and mourning when her husband is deployed (Pincus et al., 2001). Initially a wife may be in denial that her husband is gone, believing that she will be fine and that he is only away for a few days' training (Pincus et al., 2001). As time passes, she may experience depression and withdrawal as she realizes that her husband will not return for a long time, if at all (Vormbrock, 1993).

The nature of the military deployments to Iraq and Afghanistan are characterized by continual life-threatening experiences, coupled with the absence of any "safe" place (Demers, 2008). Constant media coverage spotlights the dangers of deployment to active combat zones and undoubtedly impacts a wife's ability to trust that her husband will safely return (Demers, 2008). Wives have reported being in constant fear for their soldiers' safety, which may result in feeling helpless throughout the deployment (Demers, 2008; Spera, 2009). Eventually, a wife may begin to accept that her husband is gone, and transfer her love to someone else, such as a child or different partner (Morse, 2006).

The final phase of separation anxiety, denial or detachment, can occur during both the deployment period and the post-deployment period (Morse, 2006). Robertson and Bowlby (1952) postulated that this last phase serves as a defense

mechanism, which wives utilize when their husbands abruptly rejoin their families (Pincus et al., 2001; Riggs & Riggs, 2011). Anxiety combined with excitement has been found to impact the restabilization of the couple (Morse, 2006; Pincus et al., 2001). Attempting to regain a physical and emotional connection with one another after a long, seemingly permanent separation has been found to be extremely stressful, resulting in struggles with communication, coparenting, returning to pre-deployment routines, and marital intimacy (Orthner & Rose, 2005).

Additional challenges during the post-deployment period may entail negotiating new roles and boundaries within the family system, household management, financial status, parental rejection and new social supports (Drummet, Coleman, & Cable, 2003). If the husband returns and attempts to resume roles that existed prior to his deployment, it may diminish the stay-behind wife's feelings of worth and accomplishment, since she successfully managed the various facets of daily life in her husband's absence (Drummet et al., 2003), further straining the attachment between the couple. Although each endured the deployment simultaneously, the experiences were likely uniquely and vastly different from one another (Pincus et al., 2001).

## **Purpose**

This quantitative study examined how stay-behind wives experience separation anxiety, through examining the relationship between duration of deployment and psychological distress during post-deployment. The theoretical framework for this study focused on attachment between a husband and wife and how a couple cope with separation. Surveys of wives were conducted during the post-deployment period in an effort to capture data from the time that couples were reattaching. For the purposes of this study, post-deployment is defined as the 12-month period after the husband has returned from deployment.

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## Talking Points and Frequently Asked Questions About Ending Child Marriage in New Hampshire



*Photo Credit: Kyle Oleary*

Prepared by:  
**Unchained At Last**  
the only nonprofit dedicated to ending forced and child marriage in the U.S.

Last modified: January 31, 2019

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## Introduction

Thank you for your interest in the growing national movement Unchained At Last started and now leads to promote social, policy and legal change to end child marriage in the U.S., including by passing legislation in every state and at the federal level.

This document lays out the reasons to eliminate all marriage before age 18 in New Hampshire, without exceptions. The document was based in part on legal research the global law firm White & Case generously conducted on a *pro bono* basis for Unchained.

Unchained's work to end child marriage in the U.S. is made possible by *pro bono* and financial support from:

- White & Case;
- Morgan, Lewis & Bockius;
- Brownstein Hyatt Farber Schreck;
- Samuel Freeman Charitable Trust;
- Roberts Family Foundation;
- NoVo Foundation;
- Sidney Stern Memorial Trust;
- Lush Charity Pot; and
- EJF Philanthropies.

More information about Unchained and about ending child marriage in New Hampshire and across the U.S. is at [www.unchainedatlast.org](http://www.unchainedatlast.org).

## Talking Points

These talking points explain the importance of legislation to end child marriage in New Hampshire.

### Loophole in current marriage-age laws seriously endangers children.

- The current marriage age in New Hampshire, as in most U.S. states, is 18.<sup>1</sup> However, the law includes a dangerous loophole: Children age 16 or 17 can marry if a parent or guardian petitions the court for the marriage and a judge approves the marriage.<sup>2</sup>

This loophole was established in 2018 in a bill that was lauded as an end to child marriage in New Hampshire. In fact, this new law still leaves some of the most vulnerable children open to abuse because the process relies on a parent's petition and a court's approval, effectively disempowering the child who is getting married.

- The parental "consent" loophole is absurd. In Unchained's experience, when a child is forced to marry, the perpetrators are almost always the parents—so parental "consent" often is parental "coercion." The signature offers *no* protection for a child who is being forced to wed. 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.

Indeed, Unchained knows of several survivors in other states who cried openly while their parents forced them to marry under a parental "consent" exception, and the clerk in most of those situations never even looked up. In one case, a clerk told a teenage girl being forced to marry under a parental "consent" exception, "Why are you crying? This should be the happiest day of your life."

Ken Boulden, a clerk of the peace in Delaware, was upset enough that the law compelled him to approve the marriage licenses of girls clearly being forced to marry under the parental "consent" exception, that he lobbied successfully in 2006 to eliminate his state's parental "consent" exception to the marriage age. (Twelve years later, in 2018, Delaware became the first U.S. state to end all child marriage.)

- The judicial approval process is also deeply flawed. The law outlines general considerations that a judge must consider before approving the marriage of a minor. Judges can require a child to have an on-camera interview without their parents present and must investigate if Child Protection Services (CPS) has been involved with the child or the child's family.<sup>3</sup> Confusingly, the new law prohibits judges from approving a marriage between parties with an age difference that constitutes statutory rape, even though the age of consent in New Hampshire is already 16, and children below 16 cannot marry under the new marriage-age law (see below for an explanation of New Hampshire's statutory rape laws).

<sup>1</sup> N.H. R.S.A. § 21:44.

<sup>2</sup> N.H. R.S.A. §§ 457:4; 457:6; 457:7.

<sup>3</sup> N.H. R.S.A. §§ 457:6; 457:7.



Overall, the judge must conclude that the marriage is in the “best interest” of the child.<sup>4</sup> However, the U.S. State Department has called marriage below 18 a “human rights abuse,”<sup>5</sup> which can never be in the best interest of a child.

- The solution is not to “strengthen” the judicial review process by adding further safeguards. Even the most robust judicial review process has a fatal flaw: It puts the onus on children to find a safe way to communicate to a judge that they are being forced into marriage.

Unchained has worked with many survivors of forced child marriage who underwent a judicial review process. For them, the process caused only further trauma in an already traumatic situation. They faced a horrific decision: Be honest with the court and face the repercussions from their parents when they got home, or lie to the court and feel somehow complicit in their own forced marriage.

Not a single one of the survivors Unchained knows chose to be honest with the court.

- Current marriage-age laws in New Hampshire are even more problematic when viewed together with statutory rape laws.

The age of sexual consent in New Hampshire is 16,<sup>6</sup> which corresponds to the state’s new minimum marriage age. However, New Hampshire law continues to exempt married couples from statutory rape charges.<sup>7</sup> This is important because girls as young as 13 and boys as young as 14 could marry in New Hampshire before the new law passed in 2018. Therefore, if any of them are still under 16, their spouses are perpetrating what would otherwise constitute statutory rape outside of marriage.

- Clearly the outdated laws in New Hampshire as they pertain to marriage age endanger children. Additionally, there are two main reasons we must end child marriage in New Hampshire.

### **Reason #1 to end child marriage: It can easily be forced marriage.**

- The age of majority in New Hampshire, when children become legal adults, is 18.<sup>8</sup> Children who have not yet reached the age of majority can easily be forced into marriage or forced to stay in a marriage.

Unchained sees this problem often. Girls under age 18 reach out to beg for help when their parents are about to force them into marriage. However, while Unchained can typically help the women who are 18 or older in that situation—by helping them leave home and enter a domestic violence shelter and by matching them with *pro bono*

<sup>4</sup> N.H. R.S.A. §§ 457:6; 457:7.

<sup>5</sup> U.S. Department of State, et al., *United States Global Strategy to Empower Adolescent Girls* (March 2016), <https://www.state.gov/documents/organization/254904.pdf>.

<sup>6</sup> N.H. R.S.A. § 632-A:3(III).

<sup>7</sup> N.H. R.S.A. §§ 632-A:2(I)(j), (k), (III); § 632-A:3(II), (III); § 632-A:4(I)(b), (c).

<sup>8</sup> N.H. R.S.A. § 21:44.

attorneys who help them file all necessary legal actions—the options are extremely limited when the client is a child.

Although children in New Hampshire can legally run away from home, as runaway minors, they face incredible difficulties in getting shelter or help. A minor who runs away from home repeatedly, as they might in event of an impending forced marriage, can be identified as a "child in need of services."<sup>9</sup> The court will summon such a child to a hearing in which the court can decide on further intervention, which may include disciplinary action.<sup>10</sup>

Seeking refuge in a confidential domestic violence shelter also is nearly impossible. Domestic violence shelters in New Hampshire will not accept children under age 18.<sup>11</sup>

Youth shelters are not a solution: Homeless youth shelters in New Hampshire are required to notify the guardian of a minor age 16 or 17 within 72 hours of the child's arrival.<sup>12</sup>

Those fleeing an impending forced marriage often have complex legal needs, but most contracts with children, including retainer agreement with attorneys, are voidable.<sup>13</sup> Thus, only the most generous attorneys would agree to represent a child. Besides, children in New Hampshire cannot initiate a legal proceeding—such as seeking an injunction for protection against domestic violence from parents who are beating and threatening them into marriage—unless the children act through a guardian or other representative.<sup>14</sup>

Keep in mind that more than 80 percent of children in New Hampshire who marry are minor girls wed to adult men (see Appendix A). The girls face all the hurdles described here, while their adult spouses have no such handicaps. Think about the dangerous power imbalance that creates.

When children reach out to Unchained and learn about their limited options, they often give up and go along with their marriage, knowing that means they will be raped on their wedding night and thereafter, and knowing they probably will be pulled out of school and their dreams for their future will be destroyed. Many of them despair and turn to suicide attempts and self-harm.

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<sup>9</sup> N.H. R.S.A. § 169-D:2.

<sup>10</sup> N.H. R.S.A. § 169-D:2.

<sup>11</sup> Telephone call with a staffer at the N.H. Coalition Against Domestic Violence, Sept. 13, 2017.

<sup>12</sup> If doing so would endanger the child, the shelter must notify CPS. N.H. R.S.A. § 170-E:27-a(l).

<sup>13</sup> Contracts with children for anything other than basic necessities such as food, water and shelter are voidable upon the child's disaffirmance after reaching the age of majority. *Porter v. Wilson*, 209 A.2d 730, 732 (N.H. 1965); *State v. Benoit*, 490 A.2d 295, 299 (N.H. 1985).

<sup>14</sup> N.H. R.S.A. § 498-A:23; N.H. R.S.A. § 463:3(l)-(ll); *Peter L. v. Rollins*, No. 00-cv-129, 2001 U.S. Dist. LEXIS 21882, at 9 (D.N.H. Dec. 19, 2001) ("[T]here are only two recognized ways in which a minor may take binding action in the enforcement or discharge of his legal rights, namely, through a duly appointed guardian acting within his powers, or through his next friend by proceedings in court.").

## Reason #2 to end child marriage: It has devastating repercussions for girls.

- Child marriage has devastating, lifelong consequences on girls' lives. In fact, the U.S. State Department has called marriage before 18 a "human rights abuse."<sup>15</sup>
  - Women in the U.S. who married at 18 or younger face a 23 percent higher risk of heart attack, diabetes, cancer and stroke than do women who married between age 19 and 25, partly because early marriage can lead to added stress and forfeited education.<sup>16</sup> Women who married before 18 also are at increased risk of developing various psychiatric disorders, even when controlling for socio-demographic factors.<sup>17</sup>
  - Girls and women in the U.S. who marry before 19 are 50 percent more likely than their unmarried peers to drop out of high school, and four times less likely to graduate from college.<sup>18</sup>
  - Women who married as teenagers are three times as likely as women who married as adults to have at least five children.<sup>19</sup>
  - A girl in the U.S. who marries young is 31 percent more likely to live in poverty when she is older, a striking figure that appears to be unrelated to preexisting conditions in such girls.<sup>20</sup>
  - 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.<sup>21</sup>
- These devastating repercussions also take a huge economic toll on the state. Research that shows 45.7 percent of individuals married as children become impoverished,<sup>22</sup> which means 92 of the children married in New Hampshire between 2000 and 2017 are in poverty.<sup>23</sup>

Conservative estimates indicate New Hampshire spends an additional \$2,553 per child marriage per year on providing Medicaid-covered mental health care to impoverished

<sup>15</sup> U.S. Department of State, et al., *United States Global Strategy to Empower Adolescent Girls* (March 2016), <https://www.state.gov/documents/organization/254904.pdf>.

<sup>16</sup> Matthew Dupre, Sarah Meadows, *Disaggregating the Effects of Marital Trajectories on Health*, *Journal of Family Issues* (1 May 2007), <http://journals.sagepub.com/doi/pdf/10.1177/0192513X06296296>.

<sup>17</sup> Yann Le Strat, Caroline Dubertret, Bernard Le Foll, *Child Marriage in the United States and Its Association With Mental Health in Women*, *Pediatrics: Official Journal of the American Academy of Pediatrics* (24 August 2011), <http://pediatrics.aappublications.org/content/pediatrics/early/2011/08/24/peds.2011-0961.full.pdf>.

<sup>18</sup> Gordon Dahl, *Early Teen Marriage and Future Poverty*, *The National Bureau of Economic Research* (May 2005), <http://www.nber.org/papers/w11328.pdf>.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> World Policy Analysis Center, *Fact Sheet* (March 2015), [https://www.worldpolicycenter.org/sites/default/files/WORLD\\_Fact\\_Sheet\\_Legal\\_Protection\\_Against\\_Child\\_Marriage\\_2015.pdf](https://www.worldpolicycenter.org/sites/default/files/WORLD_Fact_Sheet_Legal_Protection_Against_Child_Marriage_2015.pdf).

<sup>22</sup> Gordon Dahl, *Early Teen Marriage and Future Poverty*, *The National Bureau of Economic Research* (May 2005), <http://www.nber.org/papers/w11328.pdf>.

<sup>23</sup> Unchained's research showed that 202 children, some as young as 14, were married in New Hampshire between 2000 and 2017.

child marriage survivors.<sup>24</sup> That means the 92 child marriage survivors living in poverty cost the state a total of at least \$234,894 to provide mental health care!

In New Hampshire, the government spends \$26,030 on public assistance per person in poverty.<sup>25</sup> As a result, the 92 child marriage survivors living in poverty cost the state a total of at least \$2,394,760 to provide public assistance!

### **Child marriage happens with shocking frequency in New Hampshire.**

- Child marriage is a serious problem in New Hampshire, especially for girls. Unchained's research showed 202 children, some as young as 14, were married in New Hampshire between 2000 and 2017. More than 82 percent were girls wed to adult men (see Appendix A).

### **Pending commonsense legislation would address these problems.**

- Unchained and other advocates who care about children strongly support legislation that would end all marriage before 18, without exceptions: HB378, sponsored by Rep. Cassandra Levesque, Rep. Ellen Read, Rep. Joel Desilets, Rep. Kathleen Hoelzel, Rep. Steven Smith, Rep. Mary Walz, Rep. Debra Altschiller, Rep. Mary Mulligan, Rep. Mary Griffin, Rep. Lucy Weber, Sen. David Watters, Sen. Martha Fuller Clark, Sen. Martha Hennessey, Sen. Dan Feltes, and Sen. Cindy Rosenwald.
- HB378 would not raise the marriage age. It would keep the marriage age at 18 but eliminate the dangerous loophole that allows 16- and 17-year-olds to marry.

### **Other states are taking similar action.**

- Delaware and New Jersey in 2018 became the first U.S. states to pass bills to end all child marriage (marriage before 18), without exceptions. Other states also are considering legislation to end all marriage before 18, without exceptions. Since New Hampshire does not have a residency requirement, if the state doesn't act fast, it could become a destination site for child marriages.

Similar legislation passed recently in several other states, though those bills were not as strong: They still allow marriage before 18 in some circumstances.

For details about the growing national movement to end child marriage in the U.S., visit [www.unchainedatlast.org](http://www.unchainedatlast.org).

<sup>24</sup> Stout Risius Ross calculated figures for all 50 states based on research on child marriage and poverty metrics (forthcoming 2019).

<sup>25</sup> Stout used population and poverty data from the U.S. Census to calculate spending per person in poverty.

## Frequently Asked Questions

The following are answers to questions that legislators and others often ask about legislation to end child marriage.

### What's so bad about a 17-year-old's marrying?

- There is a significant difference between a 17-year-old—even one who is exceptionally mature—and an 18-year-old: The 18-year-old has reached the age of majority in New Hampshire.<sup>26</sup> This is crucial when we are talking about marriage, a serious legal contract. Allowing children to enter into this serious contract before they have the rights of adulthood renders them extremely vulnerable to forced marriage, as explained in the Talking Points section.
- For a 17-year-old girl who is marrying willingly and for all the right reasons, waiting a few months to marry is at worst an inconvenience. For a 17-year-old girl who is facing a forced marriage, those few months are crucial: They mean the difference between the horrific trauma of being forced into a marriage and raped—or reaching the age of majority and being able to take steps to protect herself.
- Many studies show the devastating, long-lasting effects marriage before 18—including at age 17—has on a girl's life: It shatters her health, education and economic opportunities and increases her risk of experiencing violence (as explained in the Talking Points section). Marriage at age 17 is child marriage and is a “human rights abuse” according to the U.S. State Department.<sup>27</sup>
- Age 17 is when a girl is at the highest risk of forced marriage, because she is usually about to graduate from high school. That's often when parents worry she will become too independent and therefore choose to marry her off. Of the 202 children married in New Hampshire between 2000 and 2017, 161 (or nearly 80 percent) were 17-year-old girls.

Ending child marriage for all children except 17-year-olds is like outlawing age discrimination in hiring except when a job candidate is over age 50. It's illogical and unhelpful.

### Isn't a pregnant teenage girl better off getting married? Isn't her baby better off too?

- Actually, only seven U.S. states still allow an archaic pregnancy exception to the marriage age, because such exceptions have been shown to be terrible public policy.<sup>28</sup> Other states have moved away from such an exception, most recently Florida and Kentucky in 2018 and Ohio in 2019. Some states go as far as to specify that pregnancy

<sup>26</sup> N.H. R.S.A. § 21.44.

<sup>27</sup> U.S. Department of State, et al., *United States Global Strategy to Empower Adolescent Girls* (March 2016), <https://www.state.gov/documents/organization/254904.pdf>.

<sup>28</sup> The seven states include Arkansas, Indiana, Maryland, New Mexico, North Carolina, Oklahoma and South Carolina.

is *not* enough of a reason to approve a child marriage, including Colorado, Illinois, Iowa, Kentucky, Montana, Nevada and Virginia.<sup>29</sup>

- Contrary to what U.S. policymakers used to believe, pregnant teenage girls who stay single actually have *better* long-term outcomes than those who marry. 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—those who marry are almost guaranteed to divorce. Some 70 to 80 percent of marriages before age 18 end in failure.<sup>30</sup>
- Pregnancy exceptions to the marriage age have been used to cover up rape and to force girls to marry their rapist. Perhaps the most famous example of this is Florida native Sherry Johnson, who was raped at 9 and gave birth at 10. She was 11 when her mother forced her to marry her 20-year-old rapist under Florida’s pregnancy exception.<sup>31</sup>

More recently, in 2016, a 14-year-old girl in Idaho was raped and became pregnant. Her father searched online for states with lax marriage-age laws, and, based on his research, took the girl to Missouri to force her to marry her 24-year-old rapist.<sup>32</sup>

In fact, marriage-license data Unchained obtained from across the U.S. shows an alarming number of child rapists recently were handed marriage licenses instead of prison sentences.<sup>33</sup>

- If New Hampshire creates a pregnancy exception while other states move in the opposite direction, New Hampshire can easily become a “destination wedding” site where parents take their daughters who have been raped to force them into marriage.
- Pregnant girls are at increased risk of forced marriage—possibly to their own rapist—if they are from a family or community that views unwed motherhood as shameful. They need more protection, not less.
- If the father of a baby wants to co-parent, he can easily do so outside of marriage by establishing paternity. A father, mother, or child may petition the superior court in order to establish paternity in New Hampshire.<sup>34</sup> The father and the mother together also can establish paternity by submitting an affidavit of paternity to the clerk of the town in which

<sup>29</sup> See Colorado Rev. Stat. § 14-2-108(2); Illinois 750 CS 5, Part II § 208(b); Iowa Code Title XV § 595.2(4)(b); Kentucky Rev. Stat. § 402.205(6); Montana Code Ann. 40-1-2013(2); Nevada Rev. Stat. 122.025 § (2)(b); Virginia Code § 16.1-333.1(4).

<sup>30</sup> 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>.

<sup>31</sup> Nicholas Kristof, *11 Years Old, a Mom, and Pushed to Marry Her Rapist in Florida*, New York Times (26 May 2017), <https://www.nytimes.com/2017/05/26/opinion/sunday/it-was-forced-on-me-child-marriage-in-the-us.html>.

<sup>32</sup> Associated Press, *Father Who Had Daughter Marry Her Rapist Sentenced to Jail*, AP News (1 June 2016), <https://apnews.com/4fe38d09aaad4a8c98f73b3d4af9a5f2/idaho-father-takes-pregnant-teen-daughter-marry-rapist>.

<sup>33</sup> Fraidy Reiss, *Why Can 12-Year-Olds Still Get Married in the United States*, Washington Post (10 February 2017), <https://www.washingtonpost.com/posteverything/wp/2017/02/10/why-does-the-united-states-still-let-12-year-old-girls-get-married>.

<sup>34</sup> N.H. R.S.A. § 168-A:2(l)(a).

the child was born.<sup>35</sup> That way the baby could be covered under his insurance and other benefits. If he does not want to co-parent, the mother of the baby could petition the court to establish paternity and enforce his basic obligation of support.<sup>36</sup> (Besides, think about how terrible the outcome would be if an unwilling father were forced to marry and co-parent.)

- The federal government and most states no longer refer to children born out of wedlock as “illegitimate” nor treat such children differently.<sup>37</sup> In fact, New Hampshire law states that that a father’s obligations are identical whether the child is born “of unwed parents” or “in wedlock.”<sup>38</sup>
- The only way to make sure no child is born “out of wedlock” is to set the marriage age at the earliest age of puberty, which is approximately age 8 and can be even younger. Can we all agree that makes no sense?

### Does ending child marriage infringe on religious rights?

- The U.S. Supreme Court has upheld laws that incidentally forbid an act required by religion as long as the laws do not target religion.<sup>39</sup> Laws to end child marriage do not target religion, of course.
- Besides, ending child marriage is entirely consistent with modern religious views. Major religions tend to describe marriage as an important union between two willing partners. That sounds nothing like child marriage, which a) often is forced, and b) almost always ends in failure. Marriage before 18 has a 70 to 80 percent chance of ending in divorce.<sup>40</sup>
- Faith leaders from many religions have come forward to support legislation to end all marriage before 18.

### Is ending child marriage “culturally insensitive”?

- The U.S. State Department has called marriage before 18 a “human rights abuse.”<sup>41</sup> We cannot allow a human rights abuse in the name of cultural sensitivity.

<sup>35</sup> N.H. R.S.A. §§ 168-A:2(l)(b); N.H. R.S.A. § 5-C:24.

<sup>36</sup> N.H. R.S.A. § 168-A:2.

<sup>37</sup> Nolo, *Legitimacy of Children Born to Unmarried Parents*, Nolo.com, <https://www.nolo.com/legal-encyclopedia/free-books/living-together-book/chapter7-5.html>.

<sup>38</sup> N.H. R.S.A. § 168-A:1.

<sup>39</sup> 494 U.S. 872, *Employment Division, Department of Human Resources of Oregon v. Smith* (No. 88-1213).

<sup>40</sup> 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>.

<sup>41</sup> U.S. Department of State, et al., *United States Global Strategy to Empower Adolescent Girls* (March 2016), <https://www.state.gov/documents/organization/254904.pdf>.

## Can ending child marriage undermine reproductive rights?

- New Hampshire already sets different minimum ages at which one can engage in different activities. For example, one must be age 21 to buy alcohol,<sup>42</sup> and 18 to buy cigarettes,<sup>43</sup> get a tattoo,<sup>44</sup> use a tanning device<sup>45</sup> or even attend a bingo game.<sup>46</sup> The minimum age for each activity is based on research related to that activity; setting the age for one in no way affects the age for another, unless the two are related. Marriage and reproductive rights are in no way related; indeed, they are vastly different in two key ways:
  - An abortion is a medical procedure, whereas a marriage is a legal procedure. It requires a license to be issued by the state, and it represents a contract with possible lifelong ramifications.
  - A girl can wait until age 18 to marry. She cannot wait until age 18 to have an abortion. In other words, delaying the right to have an abortion can *deny* that right. Delaying the right to marry does *not deny* that right.
- New Hampshire's abortion laws already are completely different from marriage-age laws. There is no minimum age at which a girl is able to receive an abortion, but the doctor of an unemancipated minor must provide written notice to a parent or guardian before performing the procedure.<sup>47</sup> This requirement may be waived in case of a medical emergency or with the approval of a Superior Court judge.<sup>48</sup>
- The reasons child marriage is dangerous are unrelated to children's maturity level or ability to make decisions about sexual and reproductive health or other important matters. Rather, one of the main reasons child marriage is dangerous is that children under 18 have limited legal capacity and are therefore extremely vulnerable to being forced into marriage or forced to stay in a marriage, as explained in the Talking Points.
- Anyone concerned about reproductive rights should be determined to end child marriage, which is associated with higher rates of sexually transmitted infections (including HIV) and early pregnancies because child brides often are unable to negotiate access to safe sex and medical care.<sup>49</sup> This is especially true if the marriage was forced. In Unchained's experience, a girl or woman who is forced to marry typically has no reproductive rights within the marriage.

<sup>42</sup> N.H. R.S.A. §§ 175:1(I), 179:5(I).

<sup>43</sup> N.H. R.S.A. § 126-K:6(I).

<sup>44</sup> N.H. R.S.A. § 314-A:8(I).

<sup>45</sup> N.H. R.S.A. § 313-A:31(I).

<sup>46</sup> N.H. R.S.A. § 287-E:7(III).

<sup>47</sup> N.H. R.S.A. §§ 132:33(I)-(II).

<sup>48</sup> N.H. R.S.A. §§ 132:34(I)-(II).

<sup>49</sup> United Nations Children's Fund (UNICEF), *Ending Child Marriage: Progress and Prospects* (2014), [http://www.unicef.org/media/files/Child\\_Marriage\\_Report\\_7\\_17\\_LR.pdf](http://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR.pdf).



## Are we denying children the “right to marry” if we end child marriage?

- Currently, children in New Hampshire can marry with judicial approval if a parent petitions the court for the marriage. In other words, children do not have the right to decide to marry; adults must decide for them. Thus, we are not disempowering children or taking away their right. Actually, we are empowering children by ensuring that they wait until they can decide *on their own* whether and whom to marry.
- We are not *denying* children the right to marry. We are *delaying* their right to marry until they are adults and can safely enter into a contract as significant as marriage.
- Marriage between two consenting adults is a civil liberty. Marriage involving a child is not a “right”; it is a human rights abuse, according to the U.S. State Department.<sup>50</sup>
- Unchained has never seen or heard of a child who was harmed by *not* marrying before age 18.
  - A girl is destitute and pregnant, or in foster care and suffering? She deserves assistance that does not require her to enter into a sexual relationship and a serious contract with possible lifelong ramifications.

Keep in mind: If she marries an adult man for financial support (and nearly all child marriages involve a minor girl and adult man), the marriage will set her up for a lifetime of financial dependence.

- She loves her partner and is marrying willingly, for all the right reasons? Then she can wait until she is 18 to marry. If the relationship is solid and loving, it will still be solid and loving when she turns 18.
- She is terminally ill and wants to marry her beloved before she dies? Her family can plan a beautiful, emotional wedding ceremony, without entering her into a contract that she certainly will not need.
- She or her partner is in the military? And one or both is pregnant and dying and about to leave for a tour of duty? See the sections, elsewhere in this document, on the many reasons pregnancy and military exceptions are unnecessary and dangerous.
- Child marriage has no redeeming qualities. Period. It offers no benefit to children that cannot and should not be found elsewhere, and it brings countless, serious harms and risks.

<sup>50</sup> U.S. Department of State, et al., *United States Global Strategy to Empower Adolescent Girls* (March 2016), <https://www.state.gov/documents/organization/254904.pdf>.

## Do we infringe on parents' rights if we do not let them marry off their children?

- Parents' rights over the "care, custody and control" of a child derive from their authority over a *child* and extend to such decisions as education and religion. Parents' rights over the care, custody and control of a child cannot logically extend to committing that child to an adult relationship or to a legally binding contract with possible lifelong ramifications.

## Is child marriage safe if we limit the age difference between spouses?

- Definitely not. Limiting the age difference between spouses would decrease neither the child's risk of being forced into marriage nor the devastating effects a child bride would suffer after marriage.

"Close in age" exceptions might make sense in the context of statutory rape, because sex between a minor and another minor or an adult who is close in age is less likely to be coercive than sex between a minor and a much older adult.<sup>51</sup> However, in Unchained's experience, when a child is forced to marry, the perpetrators are almost always the parents. Thus the power imbalance of concern is between the child and the parents, not the child and the spouse or future spouse. Limiting the age difference between the spouses in no way addresses this power imbalance.

Further, marriage before 18 has devastating, lifelong consequences on girls (as described in the Talking Points section). These consequences are no less severe if a girl marries someone close to her age.

## What if I'm a libertarian and don't want government involvement in child marriages?

- Actually, the government already is involved in child marriages by issuing marriage licenses to children. The government is complicit in each of these child marriages. If you want "smaller government," and you want government out of the business of child marriage, you agree with this bill.
- There is another libertarian argument against child marriage: the tremendous cost to society. Girls who marry young are more likely to suffer from serious health conditions, much less likely to get a high school or college degree, and significantly more likely to end up living in poverty (as shown in the Talking Points). No libertarian wants to see more people turning to public assistance.

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<sup>51</sup> Tara N. Richards & Catherine D. Marcum, eds., *Sexual Victimization: Then and Now* pp. 108–09 (1st ed. 2014); Sarah Koon-Magnin et al., *Partner Age Differences, Educational Contexts And Adolescent Female Sexual Activity, Perspectives on Sexual and Reproductive Health* (18 August 2010), <https://www.guttmacher.org/journals/psrh/2010/08/partner-age-differences-educational-contexts-and-adolescent-female-sexual>.

## Should we allow an exception for military members, especially if that's the only way a girl who's dating a servicemember can get military benefits?

- Definitely not. A girl who's being forced to marry a man in the military should get just as much protection as a girl who's being forced to marry a civilian. Unchained has worked with several women who were forced as children to marry adult men in the military.
- We know that child marriage increases a girl's risk of experiencing violence. We also know that reporting domestic violence is extremely difficult if it involves a military spouse. Unlike most domestic violence survivors, in a military context a girl may need to report the abuse to her spouse's boss and up the military chain of command—which can jeopardize the servicemember's livelihood, the girl's source of support, and possibly even the girl's military housing.

Further, being a military spouse can be extremely isolating, especially if the couple moves far from home and continues moving repeatedly, as often happens. This can deprive children of their network of family and friends, instead embedding them in the servicemember's network, which compounds their vulnerability to abuse.

- 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 in serving legal papers on a servicemember. Also, the Servicemembers' Civil Relief Act (SCRA) allows servicemembers to delay court hearings and other legal proceedings based on deployment/military service.
- If a child is dating a servicemember who is about to be deployed and the couple does not want to wait until the servicemember's tour of duty ends, they can marry by proxy when the child turns 18.
- **REGARDING DEATH BENEFITS FOR A GIRL IF HER OLDER BOYFRIEND DIES IN SERVICE:** The military provides several primary forms of death benefits that can be given to a servicemember's surviving loved ones—all of which can be arranged to be given to a nonmarried partner.
  - Dependency and Indemnity Compensation ("DIC") can be granted either to a spouse *or* to a dependent child, not both.<sup>52</sup> Therefore, if an unmarried couple has a child, the DIC can simply be given to the child. If the couple does not have a shared child, the DIC can be assigned to the servicemember's surviving parent,<sup>53</sup> who can then grant this compensation to the servicemember's surviving partner.
  - Death gratuity also can be collected by either the surviving spouse *or* a dependent child of a servicemember.<sup>54</sup> If the couple does not have a child,

<sup>52</sup> U.S. Department of Veterans Affairs, *Dependency and Indemnity Compensation* (last accessed Apr. 16, 2018), [https://benefits.va.gov/compensation/types-dependency\\_and\\_indemnity.asp](https://benefits.va.gov/compensation/types-dependency_and_indemnity.asp).

<sup>53</sup> U.S. Department of Veterans Affairs, *Parents' Dependency and Indemnity Compensation* (last accessed Apr. 16, 2018), [https://benefits.va.gov/compensation/types-dependency\\_and\\_indemnity\\_parents.asp](https://benefits.va.gov/compensation/types-dependency_and_indemnity_parents.asp).

<sup>54</sup> U.S. Department of Defense, *Death Gratuity* (last accessed Apr. 16, 2018), <http://militarypay.defense.gov/Benefits/Death-Gratuity/>.

payment can be made to a surviving parent who can then give the compensation to the servicemember's partner.<sup>55</sup> If the servicemember has no surviving parent, the gratuity is settled by the manager of the deceased's estate, who can pay out the sum to anyone specified in the servicemember's will, including a nonmarried partner.<sup>56</sup>

- Death pension can be awarded to a surviving dependent child of a servicemember instead of a spouse.<sup>57</sup> Keep in mind that, in order for a surviving spouse to collect a death pension, the servicemember must have been in active service for at least 24 months.<sup>58</sup> Therefore, the death pension is available only for servicemembers who are at least age 19 (not for the 18-year-old who is in love with his 17-year-old girlfriend).
  - Under the Survivor Benefit Plan, death benefits for retired armed servicemembers can be assigned to a "natural person with an insurable interest" in the continued benefits of the deceased servicemember.<sup>59</sup> This allows someone in the military to designate a significant other, who does not need to be the servicemember's spouse, to receive benefits if the servicemember dies.
  - Marriage is clearly not the only way to provide benefits to an individual in a relationship with a servicemember, particularly if they have a shared child. In any event, let's not write laws that encourage young girls to marry older men who are about to be deployed in the hopes that the men will die in combat and generate a windfall from the federal government.
- **REGARDING MILITARY BENEFITS FOR A BABY:** A father's military benefits will extend to his children, whether or not he's married to their mother. As discussed above, children will directly collect the DIC, death gratuity and death pension if the servicemember was not married at the time of death.
  - **REGARDING MILITARY BENEFITS FOR A GIRL WHO CAN'T RELY ON HER PARENTS:** Using a girl's current economic dependency to justify an early marriage just sets her up for a lifetime of dependency. And remember: Many abused women cite economic dependence as the main reason they felt compelled to stay in a violent home.
  - Only one U.S. state, Alaska, currently allows a military exception to the minimum marriage age. Around the world, too, military exceptions to the marriage age are not the

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<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> U.S. Department of Veterans Affairs, Survivor Pension (last accessed Apr. 16, 2018), <https://www.benefits.va.gov/pension/spousepen.asp>.

<sup>58</sup> *Id.*

<sup>59</sup> The Department of Defense allows for benefits to run to "a natural person with an insurable interest who has a reasonable and lawful expectation of financial benefit from the continued life of the participating member, or any individual having a reasonable and lawful basis, founded upon the relation of parties to each other, either financial or of blood or affinity, to expect some benefit or advantage from the continuance of the life of the retired member." DoD 7000.14-R, *Financial Management Regulation*, Volume 7B Ch. 44 (Nov. 2011) at 440205.

norm. Even war-torn Afghanistan, where sexist marriage-age laws protect boys more than girls, does not allow a military exception.<sup>60</sup>

## Should we allow emancipated minors to marry?

- Allowing emancipated minors to marry in New Hampshire is not feasible, because there is no formal procedure for the emancipation of a child in New Hampshire.<sup>61</sup> Emancipation in New Hampshire is set by case law, which indicates that a child is emancipated by marriage or military service.<sup>62</sup> Children cannot independently file for emancipation outside of these circumstances.<sup>63</sup>
- Even if New Hampshire had an emancipation statute, allowing emancipated minors to marry would be a terrible idea. Think about the two gravest dangers inherent in child marriage. Allowing marriage for emancipated minors makes them vulnerable to both dangers:
  1. Children can easily be forced to marry, since they face overwhelming obstacles if they try to leave home, enter a shelter, retain an attorney or bring a legal action.

Allowing marriage for emancipated minors opens the terrible possibility that parents or others who are determined to force a child into marriage will force the child to emancipate and then to marry.

Something similar has happened in the U.K., where individuals must prove they are financially secure before they can sponsor a foreign spouse for a visa. U.K. advocates have reported seeing parents give their children fake jobs in the family business and sizable bank accounts that the children cannot actually access, so the parents can force their children to marry and sponsor a foreign spouse for a visa.

One might assume an attempt to forcefully emancipate children for purposes of a forced marriage could backfire on parents: As soon as children are emancipated, they should be able to more easily escape an impending forced marriage. However, the children could make such an escape only if they were savvy enough to understand the window that emancipation opens, and had ample time to escape after being emancipated but before being forced into marriage—both of which would be unlikely for children disempowered enough to be forced to emancipate.

<sup>60</sup> The legal marriage age in Afghanistan is 16 for girls and 18 for boys, and a father or a court can “consent” to marriage for girls as young as 15. See, e.g., <https://www.girlsnotbrides.org/child-marriage/afghanistan>.

<sup>61</sup> N.H. Legal Aid, <http://nhlegalaid.org/self-help-guides/family/childrens-rights/emancipation> (last accessed August 28, 2017).

<sup>62</sup> *Concord Group Ins. Cos. v. Sleeper*, 600 A.2d 445, 447 (N.H. 1991); *Dingley v. Dingley*, 433 A.2d 1281, 1282 (N.H. 1981) (“The general rule is that a child becomes emancipated when he enters the military, at least for the period of his military service.”). Note: If a child is granted emancipated status in another state, New Hampshire will recognize this status. N.H. R.S.A. § 21-B:2.

<sup>63</sup> *Concord Group Ins. Cos. v. Sleeper*, 600 A.2d 445, 447 (N.H. 1991) (“[W]ith the few exceptions of entering into marriage or military service, emancipation may not be accomplished by an act of the child alone.”).

2. Marriage before 18 has devastating, lifelong consequences on girls (as described in the Talking Points section). The many repercussions of child marriage do not disappear if we stamp “emancipated” on a girl’s forehead.<sup>64</sup>

- Emancipation is intended to help children who cannot be reunited with their parents by giving them some rights of adulthood. Emancipation generally does not give minors the right to drive, vote, buy alcohol or serve in the military until they reach the age required for those activities. Given the harms of child marriage, they should not be allowed to marry before 18.
- Emancipation can end parents’ responsibility for a child. However, 70 to 80 percent of marriages before 18 end in failure.<sup>65</sup> What happens to children emancipated because of marriage—not because of financial independence—when their marriage ends but their parents are no longer financially responsible for them? Unchained has seen children in the U.S. automatically emancipated through marriage and divorced before 18 who ended up homeless because their parents refused to allow them to return home.
- An emancipation exception to the minimum marriage age can remove the only option for escape from a girl fleeing an impending forced marriage.

This exact scenario unfolded recently in Texas, which eliminated most child marriage in 2017 but still allows emancipated minors to marry. Just months after the new law went into effect, it trapped a 16-year-old Unchained client in a nightmarish scenario.

Her parents were planning to take her overseas to force her to marry, and the courts refused to intervene to stop the trip. Before the new law passed, Unchained would have helped the girl seek emancipation so she could refuse to travel with her parents. With the new law in place, Unchained could not seek emancipation for the girl—out of fear that her parents would immediately pounce on her emancipated status and coerce her to marry in Texas.

If the new law in Texas were a “brightline” law preventing all marriage before 18, without an emancipation exception, the girl could have sought emancipation. She would then have had two years to finish high school, find a college and plan her next steps without concern that her parents would pressure or trick her into marriage.

## **If we end legal child marriage, will parents just force their children into religious marriages?**

- Parents might try to find some other way to force their children to marry if we pass legislation to end child marriage. However, New Hampshire does not recognize common law marriages, and a marriage requires a license to be recognized by the state.<sup>66</sup>

<sup>64</sup> In many states, children are emancipated upon marriage (see [nlchp.org/Alone\\_Without\\_A\\_Home](http://nlchp.org/Alone_Without_A_Home)). Thus, the studies of married children in the U.S. necessarily included emancipated minors.

<sup>65</sup> 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>.

<sup>66</sup> N.H. R.S.A. 457:22. Note however that in rare circumstances, a cohabitating couple can be recognized as married after one of the partners dies. *In re Mallett & Mallett*, 37 A.3d 333, 335 (N.H. 2012) (discussing N.H. R.S.A. 457:39).

- Passing legislation would help in two more ways:
  1. The government will no longer be complicit in a human rights abuse.
  2. Laws have significant power to affect cultural attitudes. Legislation to end child marriage could inspire families and communities to rethink their attitudes toward girls and marriage.
- The pending legislation would not prevent parents from trying to take their children to another state or country for a forced marriage. That is why Unchained is pushing to end child marriage in every U.S. state and to close federal policy loopholes that enable U.S. children to marry overseas.

### Why is a “brightline” bill (i.e., without exceptions) the right approach here?

- Brightline legislation banning all marriage before 18, without loopholes, is hugely beneficial to children facing a forced marriage: It allows them to easily understand their rights and options. Any exception introduces a murkiness and confusion for survivors. In Unchained’s experience, many of them are able to research their options only by secretly performing a Google search on their smartphone.
- Brightline legislation also is easier to administer, for clerks, judges, advocates and others.
- We do not allow exceptions to the drinking, smoking or driving ages; we set those ages based on when people can engage safely in those activities. We should do the same with marriage. Marriage before 18 is dangerous for children because a) they can easily be forced into marriage, and b) marriage before 18 has devastating, lifelong impacts on girls’ lives, undermining their health, education and economic opportunities and increasing their risk of experiencing violence.<sup>67</sup>
  - Of course, marriage is different from the activities listed above, because it is a civil liberty. But remember: The pending legislation would delay—not deny—the right to marry. For a child who is marrying for all the right reasons, this delay is at worst an inconvenience. For a child who is being forced to marry, this delay is key to preventing rape and lifelong trauma. As soon as children turn 18, they can more easily leave home, access a shelter, retain an attorney and bring a legal action.

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<sup>67</sup> See Talking Points Section (the two main reasons to end child marriage).

# Appendix A: New Hampshire Child Marriage Data, 2000–2017

YEAR	Total Minors Wed	Total Minor Girls Wed	Total Minor Boys Wed	Minors Wed to Adults	Minors Wed to Minors	Minors Wed to 21+	Minor Girls Wed to Adults	Total 15 y/o or younger	Total 16-17 y/o	14 y/o Girls Wed	14 y/o Boys Wed	15 y/o Girls Wed	15 y/o Boys Wed	16 y/o Girls Wed	16 y/o Boys Wed	17 y/o Girls Wed	17 y/o Boys Wed
2000	25	22	3	23	2	9	17	2	23	0	0	2	0	5	1	15	2
2001	17	17	0	17	0	10	21	1	16	0	0	1	0	0	0	16	0
2002	19	16	3	15	4	7	14	1	18	0	0	1	0	5	1	10	2
2003	20	18	2	20	0	6	18	0	20	0	0	0	0	2	0	16	2
2004	13	11	2	13	0	4	11	0	13	0	0	0	0	1	0	10	2
2005	5	4	1	5	0	3	4	0	5	0	0	0	0	0	0	4	1
2006	10	9	1	10	0	4	9	1	9	0	0	1	0	1	0	7	1
2007	13	11	2	11	2	4	10	1	12	0	0	1	0	3	0	7	2
2008	14	12	2	14	0	4	12	0	14	0	0	0	0	1	1	11	1
2009	10	8	2	8	2	0	7	0	10	0	0	0	0	2	1	6	1
2010	10	9	1	10	0	0	9	0	10	0	0	0	0	2	0	7	1
2011	11	8	3	11	0	2	8	0	11	0	0	0	0	4	0	4	3
2012	7	7	0	7	0	1	7	0	7	0	0	0	0	0	0	7	0
2013	7	6	1	5	2	2	5	1	6	1	0	0	0	1	0	4	1
2014	4	3	1	4	0	2	3	0	4	0	0	0	0	1	0	2	1
2015	7	5	2	5	2	1	4	0	7	0	0	0	0	1	0	4	2
2016	5	5	0	5	4	0	5	1	4	0	0	1	0	0	0	4	0
2017	5	4	1	3	2	1	3	0	5	0	0	0	0	0	0	4	1
<b>Total</b>	<b>202</b>	<b>175</b>	<b>27</b>	<b>186</b>	<b>20</b>	<b>60</b>	<b>167</b>		<b>178</b>	<b>1</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>29</b>	<b>4</b>	<b>138</b>	<b>23</b>
<b>% of Total</b>		<b>86.6%</b>	<b>13.4%</b>	<b>92.1%</b>	<b>9.9%</b>	<b>29.7%</b>	<b>82.7%</b>	<b>0.00%</b>	<b>88.12%</b>	<b>Total 14 yo Wed</b>	<b>1</b>	<b>Total 15 yo Wed</b>	<b>7</b>	<b>Total 16 yo Wed</b>	<b>33</b>	<b>Total 17 yo Wed</b>	<b>161</b>

Source: Unchained At Last calculated these totals based on raw data from the New Hampshire Department of State.



# Bill as Introduced

HB 378 - AS INTRODUCED

2019 SESSION

19-0281  
05/06

HOUSE BILL           **378**

AN ACT                raising the minimum age for marriage.

SPONSORS:       Rep. Levesque, Straf. 4; Rep. Read, Rock. 17; Rep. Desjlets, Rock. 7; Rep. Hoelzel, Rock. 3; Rep. Steven Smith, Sull. 11; Rep. Walz, Merr. 23; Rep. Altschiller, Rock. 19; Rep. Mulligan, Graf. 12; Rep. M. Griffin, Rock. 7; Rep. Weber, Ches. 1; Sen. Watters, Dist 4; Sen. Fuller Clark, Dist 21; Sen. Hennessey, Dist 5; Sen. Feltes, Dist 15; Sen. Rosenwald, Dist 13

COMMITTEE:       Children and Family Law

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ANALYSIS

This bill raises the minimum age for marriage from 16 to 18 years of age.

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

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT raising the minimum age for marriage.

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

- 1       1 Marriage; Age. Amend RSA 457:4 to read as follows:  
2       457:4 Marriageable. No person below the age of [16] 18 years shall be capable of contracting a  
3 valid marriage, and all marriages contracted by such persons shall be null and void.  
4       2 Prohibitions. Amend RSA 457:8 to read as follows:  
5       457:8 Prohibitions. No town clerk shall issue any certificate for the marriage of any person  
6 below the age of consent, and no magistrate or minister of religion shall solemnize the marriage of  
7 any such person, if such clerk, magistrate or minister knows or has reasonable cause to believe that  
8 such person is below such age[~~, unless permission for such marriage has been given under this~~  
9 ~~subdivision~~]. No magistrate or minister of religion shall solemnize any marriage by proxy.  
10       3 Repeal. The following are repealed:  
11       I. RSA 457:6, relative to a marriage petition by a party under age.  
12       II. RSA 457:7, relative to grounds for granting a marriage petition by a party under age.  
13       III. RSA 5-C:45, relative to the marriage license of a party under age.  
14       4 Effective Date. This act shall take effect January 1, 2020.