



*Protecting Immigrant  
Women and Girls  
Fleeing Violence*

**Testimony in SUPPORT of HB 2422  
(Requiring all persons to be 18 years of age to be eligible to give consent for  
marriage and eliminating exceptions to such requirement)**

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Chair Barker, Vice Chairs Arnberger, Ranking Member Ruiz, and Honorable Members of  
the House Committee on Federal and State Affairs:

The Tahirih Justice Center (Tahirih) is a non-profit legal advocacy organization has been  
serving survivors of domestic violence, sexual assault, human trafficking, and other  
abuses since 1997.

Tahirih has unique legal and policy expertise in forced and child marriage as U.S.  
problems. Through Tahirih's Forced Marriage Initiative, launched in 2011, we have  
worked on several hundred cases involving women and girls nationwide. Tahirih has also  
compiled extensive research on child marriage in the United States, including a 50-state  
statutory compilation, an in-depth report that compares and analyzes all states'  
minimum marriage age laws and exceptions, a compilation of stories from survivors' of  
child marriage in the United States, and a policy brief reflecting on progress made in the  
national movement to end child marriage since 2016.<sup>i</sup>

**We submit this testimony in strong support of HB 2422.** This important reform  
would take a simple but powerful step to protect Kansas's children by matching the  
state's minimum marriage age to its legal age of adulthood (age 18),<sup>ii</sup> eliminating  
exceptions in current law that allow children of any age to marry with few safeguards.

One investigation found that under current law, nearly 3,000 children under age 18  
married in Kansas between 2000 and 2014.<sup>iii</sup> This gave Kansas the 11<sup>th</sup> highest rate of  
child marriage per capita in the U.S. – though it should be noted that 6 of the 10 states  
with higher rates have passed legislation to limit or end child marriage since the study  
was published. As other states continue passing reforms, Kansas risks moving up the list  
to be among the top states for child marriage in the country.

This reform will accomplish three critical commonsense objectives—preventing forced  
marriages of children; ensuring that both parties to a marriage are fully empowered to  
protect themselves from abuse; and preventing early marriages that put children at acute  
risk for devastating, lifelong consequences.

Forced marriages can happen in the U.S. for many reasons. They can arise in families and  
communities where parents expect to control the marriage choices of their children, or  
where marrying young is the norm. Some individuals are pushed to marry to prevent or  
address sex or pregnancy outside of marriage, or as a cover-up for rape or sexual abuse.  
Sometimes, an abusive dating partner will threaten or coerce an individual into marriage.  
In other cases, sexual predators can target, “groom,” and then pressure vulnerable girls

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to marry them, in order to further isolate and control them and to have round-the-clock access to them without fear of prosecution. Children can also be compelled to marry when poor, abusive, or neglectful parents try to offload them on others. Some parents even seek to gain financially from such arrangements. When a judge is asked to approve such a marriage, they all too often act as a simple rubber stamp for this parental coercion.

While both adults and children can face forced marriages, children are especially susceptible to coercion, and particularly disempowered to advocate for themselves because of their legal status as minors. Many “escape routes” that are wide open to adults are closed, or much more challenging to access, for minors. Without being able to exercise self-help options minors must rely on systems-help, but are often reluctant to do so because of mandatory reporting laws on child abuse. They realize that disclosing abuse could set in motion serious consequences over which they would have no control, including that their parents could go to jail, or that they and their siblings could be put into foster care.

Even when minors do make a report, it may get them nowhere, or even make matters worse. In Tahirih’s experience across the country, child protective services invariably fails to investigate forced marriage allegations, typically considering it outside their mandate, or does not take appropriate action. This can subject a girl to retaliation for reaching out, causing her to rescind her request for help and making it more difficult for advocates to work with her as her family begins to monitor her more closely or even moves up the date of the marriage.

In addition to addressing all these forced marriage concerns, HB 2422 will ensure that any parties that do willingly marry will do so on equal legal footing by ensuring that both parties have the legal rights of an adult Kansan, rather than leaving a minor party at such a harsh disadvantage in the relationship.

Of critical and equal importance, the bill will also spare girls from the domino effects of marrying underage, which can dramatically heighten their vulnerability to abuse. Up to 80% of marriages involving someone underage end in divorce, and teen mothers who marry and later divorce can be made worse-off long-term—more than twice as likely to live in future poverty—than teen mothers who do not marry.

Women who marry as teens are also more likely to have more children overall and to do so more quickly, to drop out of school, to have fewer work opportunities, and to wind up poor. They also experience more medical and mental health problems, both short- and long-term.<sup>iv</sup> All this can increase their dependence, and limit their options in the event of divorce or domestic violence. In sum, there are significant child-protection concerns inherent to every child marriage.

Kansas’s current law on minimum marriage age turns a blind eye to these concerns. The requirement that children ages 16 and 17 obtain parental consent to marry<sup>v</sup> is likely intended as a safeguard, but is wholly insufficient. In our experience, parental consent is often hides what is in reality parental coercion, forcing a minor into marriage.

The judicial hearing required for children aged 15<sup>vi</sup> is unfortunately also an insufficient safeguard for a child being forced to marry – our history of case work includes many clients who lied to the judge about the nature of the marriage, knowing that saying they did not want to marry would only lead to more abuse at the hands of their parents or intended partner once they were back at home.<sup>vii</sup>

While current Kansas law does take the important step of clearly emancipating minors aged 16 or 17 who marry,<sup>viii</sup> the statute fails to do so for more vulnerable younger children and, even for older minors does not do so soon enough to prevent the harms of an unwanted marriage. The statute leaves 15-year-olds without the rights they would need to escape an abusive situation, and only grants those rights to older children *after* they have married – too late to prevent a forced marriage from taking place.

There is a rapidly growing national movement to overhaul antiquated minimum marriage age laws that put children at risk. Since 2016, 11 states have effectively ended child marriage. Delaware, New Jersey, Minnesota, and Pennsylvania have all passed bills prohibiting marriage under age 18, with no exceptions. Virginia, Texas, New York, Kentucky, Ohio, Georgia, and Indiana passed more complex bills limiting marriage to legal adults (age 18 or older, but with a limited exception for court-emancipated minors). Several other states also have pending bills that, like HB 2422, would ban all marriage under age 18 if passed this year. Kansas should assert its place as a leader in this historic movement by taking swift action now to advance this bill.

**The Tahirih Justice Center respectfully urges this Committee to report HB 2422 favorably to end child marriage in Kansas.**

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<sup>i</sup> A full copy of Tahirih’s 50-state report, along with other resources, is available at [www.tahirih.org/childmarriagepolicy](http://www.tahirih.org/childmarriagepolicy).

<sup>ii</sup> See Kan. Stat. Ann. § 38-101 (defining the “period of minority” as extending “in all persons to the age of eighteen (18) years”).

<sup>iii</sup> See statistics compiled by Frontline, “Child Marriage in America by the Numbers” (July 6, 2017), available at <http://apps.frontline.org/child-marriage-by-the-numbers/>.

<sup>iv</sup> See specific statistics and sources cited in Tahirih Justice Center, “Child Marriage Poses Serious Risks to Children,” available at [www.tahirih.org/childmarriagepolicy](http://www.tahirih.org/childmarriagepolicy).

<sup>v</sup> See Kan. Stat. Ann. § 23-2505.

<sup>vi</sup> See *id.*

<sup>vii</sup> See Tahirih Justice Center, “Child Marriage in the U.S. Survivor Story Compilation,” (January 2020) available at [www.tahirih.org/childmarriagepolicy](http://www.tahirih.org/childmarriagepolicy).

<sup>viii</sup> See *supra* n. 2.