

Testimony in **STRONG SUPPORT** of **HB2422: Eliminating Marriage Before Age 18**
Presented to the Kansas House Federal and State Affairs Committee | March 26, 2021

Chair Barker and distinguished committee members: Unchained At Last which combats forced and child marriage in Kansas and across the U.S. through direct services and advocacy, leads a growing national movement to end child marriage. **Unchained urges you to vote YES on HB2422.**

The marriage age here is 18, but the law includes alarming loopholes: 16- and 17-year-olds may marry with parental "consent," and 15-year-olds may marry with judicial approval.¹

These loopholes seriously endanger Kansas children:

- When a child is forced to marry, the perpetrators are typically the parents. Parental "consent" is often parental "coercion."
- The court must find the marriage is in a 15-year-old's "best interest" – but child marriage is a human rights abuse.² How can a human rights abuse ever be in a child's best interest?
- Children are disempowered through the process, entered into marriage by parents and/or a judge.
- Marriage automatically emancipates 16- and 17-year-olds,³ which might end their parents' financial obligation to them, regardless of the teens' level financial independence. This can lead to teen homelessness, especially since 70-80% of marriages before age 18 end in divorce.⁴
- Usually sex with a 15-year-old is a crime⁵ – but not if the perpetrator first marries the child.⁶ A marriage license involving a 15-year-old is essentially a "get out of jail free" card for a would-be child rapist.

Further, marriage before 18 is recognized as a "**human rights abuse**"⁷ that produces lifelong repercussions:

- Children can easily be forced into marriage or forced to stay in a marriage before they turn 18 and attain the rights of adulthood.⁸ They face overwhelming legal and practical barriers if they try to leave home,⁹ enter a shelter,¹⁰ retain an attorney,¹¹ seek a protective order on their own¹² or bring a legal action on their own.¹³ **Children age 15 can be entered into marriage by parents and/or a judge but cannot escape an abusive spouse or file for divorce independently.**
 - While minors age 16 or 17 get some rights of adulthood upon marriage,¹⁴ those rights arrive too late, only after they have endured the trauma of a forced marriage. Also, 15-year-olds do not get those rights upon marriage.
- Child marriage destroys girls' health, education and economic opportunities and increases their risk of experiencing violence.
- 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.¹⁶

This human rights abuse is happening with shocking frequency:

- 3,028 children were married in Kansas between 2000 and 2018 – and some 81% were girls wed to adult men.¹⁷

HB2422 keeps the marriage age at 18 and simply eliminates the dangerous loopholes. **It harms no one, costs nothing and ends a human rights abuse.** Delaware, New Jersey, Pennsylvania and Minnesota already have passed laws to end all marriage before 18 without exceptions, and similar bills are pending in several other states. **Please vote YES on HB2422 and end child marriage in Kansas.**

¹ Kansas Statutes Annotated (Kan. Stat. Ann.) § 23-2505(c)(1)-(2).

² The U.S. State Department calls marriage before 18 a "human rights abuse." See: <https://2009-2017.state.gov/documents/organization/254904.pdf>.

³ Kan. Stat. Ann. § 38-101.

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

⁵ Kan. Stat. Ann. §§ 21-5506 (b), 21-5506 (c)(2)(a).

⁶ Kan. Stat. Ann. § 21-5503(d).

⁷ The U.S. State Department calls marriage before 18 a "human rights abuse." See above.

⁸ Kan. Stat. Ann. § 38-101: The age of majority is 18.

⁹ Kan. Stat. Ann. § 38-2202(cc): A minor who leaves home without permission is a "runaway."

¹⁰ Domestic violence shelters across the U.S. typically turn away unaccompanied minors, due to the potential legal liabilities they bring.

¹¹ Kan. Stat. Ann. § 38-102: Minors may disaffirm most contracts once they attain majority.

¹² Kan. Stat. Ann. § 60-31a04 (b).

¹³ § 60-217 (c)(1): A minor may bring a legal action only through a representative (a general guardian, committee, conservator or like fiduciary).

¹⁴ Kan. Stat. Ann. § 38-101.

¹⁵ <https://www.unchainedatlast.org/child-marriage-devastating-consequences>.

¹⁶ <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=2467&context=facpubs>.

¹⁷ Based on Unchained's analysis of marriage-license data from the Kansas Department of Health and Environment. Percentages based on those for whom gender and spousal information were available. Due to Kansas' limited data, Unchained could not analyze how many marriages legalized what would otherwise be a sex crime.