

Wednesday, March 21, 2018

Advocates Back Child Marriage Bill, But Want Age Floor At 18

Groups urged a House panel Wednesday to support a proposal to place more limitations on child marriage, but they also asked lawmakers to go even further.

Witnesses told the House Community & Family Advancement Committee that the legislation ([HB 511](#)) would still leave some children open to forced marriage, and they recommended ways to help prevent coercion.

Chief among the witnesses' recommendations was setting the floor for marriage at 18 years old, instead of the 17 considered in the proposal.

Jeanne Smoot, senior counsel for policy and strategy at the Tahirih Justice Center, said children under age 18 are especially vulnerable to domestic violence, sexual assault, human trafficking and other violence and abuse, and being forced to marry.

"Forced marriages in particular can involve insidious forms of coercion, not only physical violence but also extreme psychological abuse and threats," she said.

The legislation would condition eligibility for judicial approval on if an applicant meets the definition of an "emancipated" minor and institute an age floor of 17, with an age difference of no more than four years if one person is 17, she said. The measure also eliminates pregnancy as an express reason for an exception, treats boys and girls the same and involves a judge in all cases.

Ms. Smoot suggested setting the minimum marriage age at 18 without exceptions. It would combat forced marriages and other consequences of underage marrying, such as high divorce rates, dropout rates, poverty rates and vulnerability to domestic violence, she said.

She urged the committee to amend the proposal to ensure all minors are appointed an attorney to represent them in a judicial hearing, ensure minors granted permission to marry is legally emancipated by the court before marriage, require the judge to determine a minor isn't being forced or coerced, and create a waiting period.

[Rep. Janine Boyd](#) (D-Cleveland Hts.) said she hoped those amendments are added to the bill. She asked how many minors have gotten married in the state. Ms. Smoot said about 5,000 minors were married in Ohio from 2000-2015.

Rep. Stephanie Howse (D-Cleveland) said she found it hard to believe judges who allow child marriages are operating in the minor's best interest.

"Frankly, we also recommend that clarifying for judges that pregnancy does not in and of itself establish a minor's best interest might be a good addition," Ms. Smoot said.

She told Rep. Boyd that her organization has trained judges and juvenile justice organizations on the effects of legislative changes.

Erin Ryan, managing director with the Ohio Women's Public Policy Network, said the proposal would close loopholes in Ohio law that effectively mean a girl can marry at any age if she is pregnant and has parental and judicial consent.

"Too many girls are still falling through the cracks and being subjected to a practice that has devastating long-term consequences for minors, especially girls," she said. "The health, safety, economic security, and educational opportunity of women and girls is put in danger as a result."

Ms. Ryan said the current legislation as drafted would still allow girls to fall through the cracks, and suggested ways to strengthen the language.

"In order to make the most impactful change with this legislation, we respectfully recommend that the committee consider making amendments to the bill and consider the most effective solution of raising the minimum age for marriage in the state of Ohio to 18 years old, with no exceptions," she said.

Camille Crary, director of legal services and policy for the Ohio Alliance to End Sexual Violence, said the state's marriage statutes and its sex crimes laws are sometimes at odds with each other, allowing someone who has committed statutory rape to marry the victim if the victim becomes pregnant.

"This not only confuses Ohio's true values when it comes to protecting girls from sexual abuse, it allows for forced marriages that leave girls extremely vulnerable to future acts of sexual violence and particularly vulnerable for trafficking," she said.

The legislation eliminates the pregnancy exemption, bringing the marriage laws in line with statutory rape laws, she said.