



new hampshire
WOMEN'S FOUNDATION

January 18, 2018

Representative Kimberly Rice, Chair
Children and Family Law Committee
New Hampshire House of Representatives
107 North Main Street
Concord, NH 03301

Via Hand Delivery

RE: Testimony in Opposition to HB 1287

Dear Chair Rice and Honorable Members of the Committee:

The New Hampshire Women's Foundation submits this written testimony in opposition to HB 1287, and requests that you recommend the bill as Inexpedient to Legislate. The New Hampshire Women's Foundation invests in equality and opportunity for New Hampshire women and girls through grantmaking, research, education, and advocacy. We are opposed to HB 1287 because it reaffirms the permissibility of marriage by girls as young as 13.

Under current law, New Hampshire girls can marry at age 13 and New Hampshire boys can marry at age 14 with parental permission and a court order. There are no restrictions related to the age difference between the parties, which means that children can marry much older adults. Just as troubling, marriage can excuse sexual conduct that would otherwise amount to statutory rape. For example, it's not illegal for a 13-year-old girl to have sex with her 20-year-old husband. As the New Hampshire Women's Foundation recently reported in our *Gender Matters* series, a copy of which is attached for your review, nearly 200 children under age 18 have been married in New Hampshire since 2000. In a possibly unconstitutional twist, both males and females must be 18 to enter into same-sex marriages, with no exceptions.

Child marriage is linked to a number of harmful effects for girls. As the New Hampshire Women's Foundation also reported in *Gender Matters*, the number of child marriages has declined sharply over the last two decades. This likely reflects both changing cultural attitudes as well as a general trend toward marriage later in life. Nevertheless, setting the appropriate limits on child marriage continues to be a highly controversial topic. Your Committee will consider a number of bills on this topic today, all of which provide different solutions to the question of

child marriage. The New Hampshire Women's Foundation urges you to reject the solution proposed by HB 1287.

HB 1287 would continue to allow child marriage by 16- and 17-year-old children with parental permission and a court order. Nationally, most of the minors who are married are 16- and 17-year-old girls. Lifting the minimum age for marriage with parental consent and a court order to 16 will likely prevent very few child marriages.

Even worse, HB 1287 would continue to allow marriages by girls as young as 13 and boys as young as 14 if one of the parties to the marriage is pregnant – regardless of the age difference between them. Marriage is not required for a minor to seek child support from her baby's father; nor is it required for her to live with him, if she wishes. We also urge the Committee to keep in mind that a pregnant 13-year-old girl seeking authorization for her marriage to the 17-year-old father of her baby is in fact seeking authorization to marry her rapist. See NH RSA 632-A:4, I(c) (defining statutory rape). A blanket exception for pregnancy moves our child marriage laws backwards by continuing to permit such marriages.

Finally, HB 1287 would continue to allow marriages by girls as young as 13 and boys as young as 14 if one of the parties to the marriage is a member of the United States armed forces – once again, regardless of the age difference between them. Being a military spouse takes courage and self-reliance and requires great personal sacrifice. We are all indebted to the men and women who serve in this way. Nevertheless, we urge the Committee to consider the fact that a 13-, 14-, or 15-year-old child may be particularly ill-equipped to manage challenges such as living abroad, moving repeatedly, and being isolated from friends and family (on top of the challenges of being a young teenage newlywed). Married minors who experience domestic violence or marital discord may find it more difficult to seek protective orders or file divorce papers while they are living abroad or married to a member of the armed forces who is deployed. We are unaware of any campaign by the United States armed forces for the passage or protection of laws that allow child marriage based on military service.

The New Hampshire Women's Foundation is pleased to be a resource to the Committee as you work through the bills you are hearing today. Thank you for the opportunity to provide this testimony.

Sincerely,

A handwritten signature in cursive script that reads "Sarah".

Sarah Mattson Dustin
Director of Policy

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