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January 28, 2021

The Honorable Luke Clippinger  
Judiciary Committee, room 101  
House Office Building  
Annapolis, MD 21401-1991

Re: SUPPORT HB0242 (SB0173) Family Law – Authorization for a Minor to Marry

Chairman and Members of the Committee

The Secular Coalition for Maryland calls on the General Assembly to pass this bill. This bill proposes needed improvements to Maryland's irresponsibly weak marriage law. According to Family Law §2-301, a person can marry at the age of 16 or 17 if there is parental consent or the woman to be married is pregnant or has a child, in which case a parent merely needs to assert how old the child is. A 15 year old can marry when there is both parental consent and the woman is pregnant or has a birth child. Currently there is no meaningful state oversight to ensure that all parties to the marriage actually are at least 15 or that the marriage is not coerced. Early marriages are positively correlated with negative effects on health and education and increased likelihood of domestic violence. Given the higher negative risks, additional state oversight will likely reduce counterproductive early marriage outcomes.

This bill raises the minimum marriage age to 17 and forbids a 17 year old from marrying anyone over 21 years old. It blocks citing pregnancy, or a child, or parental approval as sufficient justification for marriage. It imposes sensible judicial oversight of marriages when one or both parties to the marriage is 17 years old. It requires legal emancipation as a prerequisite marriage, thus ensuring both spouses have equal and full access to legal recourse. We still have some concerns and would support amendments. Even with these additional protections, a 17-year-old's limited legal rights and lack of financial independence still leaves them vulnerable to coerced marriage, it would be simpler and better to raise the minimum age to 18.



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Dependent teenagers are vulnerable to being pressured by parents into a marriage that they would not themselves choose. Pressure tactics include asserting that the family's or individual's reputation will be ruined if the unwed teenager resists the marriage, severely limiting the unwed teenager's social contacts or ability to leave the home, preventing the unwed teenager from going to school, claiming that the unwed teenager will be an outcast in their community, and threatening to kick the unwed teenager out of the house or otherwise withdraw support.

One objection is that imposing restrictions on early marriages improperly stifles religious freedom. However, impeding child marriage does not illegally infringe on religious rights. The Supreme Court has upheld laws that incidentally forbid an act required by religion provided that these laws do not specifically target religious practice. Religious freedom is not unbounded or unlimited. Religious freedom should not prevail over protecting the welfare of citizens as measured by the empirical data. The religious freedom of parents should not be prioritized over the right of the adolescent, who may not adopt the same beliefs as their parents, to have an opportunity to freely choose whether, when, or whom to marry. By preventing child marriages we are protecting both the young members of religious communities that endorse early marriages and adolescents of non-religious families who also may otherwise marry too early.