



*Protecting Immigrant
Women and Girls
Fleeing Violence*

Testimony in SUPPORT of HB 994 (Raising Age of Marriage to Eighteen)

**Presented to the Virginia State House of Delegates:
Courts of Justice – Civil Subcommittee**

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Committee Chair Hope, Vice Chair Simon, and Distinguished Committee Members,

The Tahirih Justice Center (Tahirih) is a national legal advocacy and direct services organization, founded in 1997 in Falls Church, Virginia. We now have 5 offices across the country and since our founding we have assisted over 25,000 survivors of domestic violence, sexual assault, human trafficking, child and forced marriage and other abuses.

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 hundreds of cases involving women and girls nationwide, many right here in Virginia. 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.

We submit this testimony in strong support of HB 994. This important measure would build on reforms undertaken in 2016, when a bill was signed into law raising Virginia's minimum marriage age to 16 and requiring 16- and 17-year-olds to be emancipated prior to marriage.

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Unfortunately, these reforms did not go far enough to protect Virginia’s children. Among the other shortcomings, current law does not always require an official proof of age, does not limit age difference between parties, does not prohibit judges from approving marriages for out-of-state minors, does not include a waiting period between approving the marriage and issuing a marriage license and does not require judges to interview the minor privately, away from parents or the intended spouse. This is a critical opportunity for minors to disclose, or judges to detect, abuse or coercion.

HB 994 would take a simple but powerful step to protect all of Virginia’s children, by making the legal minimum marriage age the same as the legal age of adulthood (age 18).

The reforms proposed by HB 994 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 of immediate and lifelong harm.

Forced marriages can happen in America for many reasons. They can arise in families and communities where parents expect to control the marriage choices of their children, and 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 to marry them to further isolate and control them and to have round-the-clock access to them without fear of accountability or 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.

While both adults and children can face forced marriages, children are especially susceptible to coercion, and particularly disempowered to advocate for themselves. 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 seeking help from formal systems but are often reluctant to do so because of mandatory reporting laws on child abuse. Children 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 for them. In Tahirih's experience, child protective services typically fail to investigate forced marriage allegations, 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 appeal for help and making it more difficult for advocates to work with her as perpetrators monitor her more closely or may expedite the marriage.

The bill will also spare children from the domino effects of marrying under the age of 18, which can dramatically heighten their vulnerability. Up to 80% of marriages involving someone under 18 ends 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. All this can increase their dependence and limit their options in the event of domestic violence or divorce.

This harsh reality has even compelled religious leaders in multiple states to come out in support of legislation to end child marriage in the U.S. given the power of such legislation to prevent the trafficking and exploitation of children as well as the negative consequences of divorce. Father Reginald Whitt of the Archdiocese of Baltimore, Washington, and Wilmington (Maryland Catholic Conference) shared powerful testimony when he stated:

“In fact, we can think of no circumstance under which the Church would encourage a person under the age of 18 to marry... It has been the constant teaching of the Catholic Church that marriage is a ‘...covenant by which a man and a woman establish between themselves a partnership of the whole of life and which is ordered by its nature to the good of the spouses...’ The Church believes that this “covenant” is not the result of a happenstance meeting or pure chance, but rather, the result of God working in the lives of two people, bringing them together for a divine purpose according to the Almighty’s divine plan for them. [This] is a critically important measure in preventing the tragedy of young women being coerced or exploited through a marriage imposed on them against their will. It is also an important measure in preventing young people from mistakenly entering one of the most serious commitments of their lives, only to later suffer the negative consequences that the breakup of that marriage would likely have on both the partners and any children born of the marriage.”

In sum, there are significant child-protection concerns inherent to every child marriage and Virginia’s current minimum marriage age law does not do enough to prevent these harms.

There is a rapidly growing national movement to overhaul antiquated minimum marriage age laws that put children at risk. Since 2016, ten states have ended child marriage entirely: Delaware, New Jersey, Pennsylvania, Minnesota, Rhode Island, New York, Massachusetts, Vermont, Connecticut, and Michigan. The recent laws ending child marriage in nearby states are also of particular concern, as they may lead to an increase in “policy shopping” where children are brought to Virginia specifically for the purpose of child marriage.

Several other states also have pending bills that, like HB 994, would ban all marriages under the age of 18. Virginia should assert its place as a leader in this historic movement by taking swift action now to advance this bill.

We respectfully urge the Committee to support HB 994 to end child marriage in Virginia.