



PROPONENT TESTIMONY OF:
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IN SUPPORT OF:
HB 511 – Marriage Age
To make changes to the laws governing the ages at which persons may marry
House Community & Family Advancement

Chairman Ginter, Vice-Chair LaTourette, Ranking Minority Member Boyd and distinguished members of the House Community and Family Advancement Committee, thank you for the opportunity to testify today on Ohio House Bill 511.

My name is Erin Ryan and I serve as the Managing Director of the Ohio Women's Public Policy Network (WPPN), a coalition of more than 25 organizations working collaboratively to promote public policies that create economic security for women and strengthen families. We believe that policymakers must advance public policy that addresses the following issue areas:

1. Promoting an economic security agenda for women and their families;
2. Ensuring fairness and opportunity in the workplace; and
3. Improving women's health and well-being

These shared policy goals – focused on fostering a policy landscape in Ohio that promotes economically secure, healthy, and thriving women – guide our work as a coalition and have shaped our interest in House Bill 511. We believe this bill takes a step in the right direction to put an end to child marriage in the state of Ohio, an issue with dire consequences for the lives and futures of girls.

Despite the U.S. State Department declaring marriage before the age of 18 a human rights abuse, child marriage - or marriage in which one or both parties is under the age of 18 - is a reality in the United States. While there are laws in place that dictate the legal age of marriage, loopholes in state laws allow for this outdated practice to continue.¹ Research into current laws and the prevalence of child marriages in each state show that Ohio is no exception. House Bill 511 would help to change that.

As you may know, current state law requires that boys be at least 18 years old to marry. For girls, however, that legal age is set at 16, as long as parental consent is given on the marriage license for minors. While this disconnect in the treatment of boys and girls is troubling enough, there are loopholes in Ohio law that leave the door open to far more egregious abuse. Ohio is one of a handful of states that have exceptions in place to allow those under the age of 16 to marry in

circumstances where the teen girl is pregnant and receives parental and judicial consent. If these exceptions are met, there is no legal “age floor” at which a child cannot be married, meaning that girls of *any* age could become child brides.

Due to these loopholes, a staggering number of child marriages have taken place in Ohio – and girls are disproportionately affected. An overwhelming 93.6 percent of the minors who were wed in the state between the years 2000 and 2015 were girls, and often they were marrying adult men much older than them. State data on marriages in this fifteen-year period found that nearly 4,400 girls aged 17 years and younger — some even as young as 14 — were married. Of these nearly 4,500 child brides, 91.4 percent were minor girls marrying adult men. This study found that this issue of minors wedding was not unique to a certain part of the state; these marriages were documented in cities, rural towns, and suburban areas.ⁱⁱ

And while child marriage is decreasing in the United States, it is not happening fast enough. 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. The health, safety, economic security, and educational opportunity of women and girls is put in danger as a result.

Evidence suggests that the age differences in most of these marriages between teen girls and adult men can lead to unequal power and control dynamics, creating an environment rife with domestic violence and abuse, which often continues throughout the marriage. Women who marry as minors are significantly more likely to have mental and physical health issues as a result of the abuse they suffer, and girls marrying under 18 are three times more likely to experience domestic violence.ⁱⁱⁱ Due to the age of the child at the time of the marriage or the age difference between the child and their spouse, some of these situations constituted statutory rape under Ohio’s state law. However, because of the outdated laws dictating marriage in Ohio, these cases lead to marriage licenses, not statutory rape charges.

Along with the health and safety problems that stem from child marriages, there are also great limitations to the educational and employment opportunities of girls in these marriages. In fact, girls marrying before age 19 are 50 percent more likely to drop out of high school, and four times less likely to finish college.^{iv} Further, because educational and employment opportunities are hindered, the full economic opportunity and lifetime earning potential of girls is often undermined by child marriage. Those who marry as minors have a higher likelihood of working for lower wages and living in poverty. Even more economically devastating are circumstances where teen mothers marry and later divorce, which can more than double a person’s likelihood of living in poverty.^v This is often the fate of many of these girls, as between 70 percent and 80 percent of marriages involving individuals under the age of 18 end in divorce.^{vi}

These economic impacts of child marriage go far beyond the individual girls and their families, impacting the economy of the state. With reduced or limited labor force participation as a result of lower educational attainment, these are long-term consequences on communities that significantly reduce economic growth. Additionally, marriage as a minor is linked to early childbearing, more children, and shorter spacing between births, all of which limit or prevent participation in the workforce.^{vii}

Although the Women’s Public Policy Network has general support for this bill, we do so with an important caveat. The current bill as drafted – while including important safeguards to the exceptions for 17-year olds – still leaves room for girls to fall through the cracks. We respectfully recommend that the committee to consider additional protections to the bill, including:

- Requiring more substantive judicial criteria in cases where judicial approval is needed;
- Adding safeguards to make forced or coerced marriages of minors less likely and more difficult in circumstances when judicial approval is needed for minors to wed, such as appointing the minor counsel, putting measures in place to protect the minor’s privacy or confidentiality, and/or requiring the judge to issue written findings following a hearing;
- Strengthening the bill language on emancipation to consider marriage a strong enough case to grant emancipation (In Ohio there is no longer emancipation law in the state, meaning that there is no legal process in place by which a minor can petition the court to be emancipated. Instead, the rights to emancipation are considered on a case-by-case basis if the minor can prove that they can assume adult responsibilities and financial support for themselves);
- Setting the marriage age to 18 year olds, without exception

These recommendations are further outlined in the legislative solutions document provided with our testimony and we would be happy to explain these in further detail or answer any additional questions about their reasoning. Ultimately, though, we want to urge the committee to consider that the strongest and clearest strategy to end child marriage is to set the legal age of marriage to 18 years old. When looking at the limitations of this bill, it fails to protect the largest population of girls impacted by child marriage: 17 year olds. Although we were glad to see that the bill adds additional protections for allowing marriages of 17 year olds, this may not be enough to prevent forced or coerced marriages of minors. 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.

I want to end my testimony by talking about the recent legislative success in our neighboring state of Kentucky. Earlier this month, the state legislature there passed a bill similar to Ohio House Bill 511. Throughout the committee hearings and in the news coverage of the bill, one women’s story stuck out to me and remains etched in my mind. Donna, bravely shared her story about becoming a child bride at the age of 16. Her husband – or ‘perpetrator’ as she now calls him – was 30 years old. And yet, they were allowed to get married – with her mother’s consent and pressure to the marriage.

She was unable to stay enrolled in high school and shortly after their marriage, she became pregnant. Donna goes on to talk of the physical and mental abuse that she suffered at the hands of her husband. She shared a heart-wrenching memory about her young daughter watching on as her husband abused her; the moment when it clicked in her mind that she had to escape the marriage. But Donna realized, she was stuck. She had no high school diploma and no real financial savings as her employment opportunities were limited. After some time, Donna was finally able to put a plan together and leave the marriage. But she was never able to escape the consequences of the marriage that she says still have a hold of her years after it ended.

Unfortunately, Donna's story is not unique. In fact, I am sure that there are girls across the state of Ohio stuck in identical situations or facing a similar fate because of loopholes in our state's law that fail to protect children most in need of protection. That is why House Bill 511 is so important. This bill is without a doubt, a step in the right direction and we commend the bill sponsors for taking legislative action to address child brides. We urge the committee to support the bill, considering amendments to strengthen protections and understanding that the only way to ensure that girls do not fall through the cracks is to set the marriage at 18, without exceptions.

As this critical piece of legislation continues to move forward, we are hopeful that the committee will consider the lives of the girls touched by this issue and the substantial difference that legislation can have on their future. We look forward to the opportunity to strengthen this bill and create the most impactful legislative change possible to prevent further stories like Donna's from happening to the girls in our state.

Thank you again for the opportunity to testify. I am available to answer any questions today or by email at ryan@innovationohio.org.

Sincerely,

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ⁱ Tahirih Justice Center (2017). Falling Through the Cracks: How Laws Allow Child Marriage to Happen in Today's America. Retrieved from <http://www.tahirih.org/pubs/falling-through-the-cracks-how-laws-allow-child-marriage-to-happen-in-todays-america/>

ⁱⁱ Bischof, Laura A. (2017, September 7). "Should children be allowed to get married? In Ohio, thousands do." Dayton Daily News. Retrieved from <http://www.mydaytondailynews.com/news/crime--law/should-children-allowed-get-married-ohio-thousands/aku65cwegGyrflI9uRzLSM/>

ⁱⁱⁱ WORLD Policy Analysis Center (2015). Assessing National Action on Protection from Child Marriage. Retrieved from https://www.worldpolicycenter.org/sites/default/files/WORLD_Fact_Sheet_Legal_Protection_Against_Child_Marriage_2015.pdf

^{iv} Hamilton, Vivian E. (2012). The Age of Marital Capacity: Reconsidering Civil Recognition of Adolescent Marriage. Faculty Publications. Paper 1430, p. 1841. Retrieved from <http://scholarship.law.wm.edu/facpubs/1430>

^v Seiler, Naomi (2002). Is Teen Marriage a Solution? Washington, D.C.: CLASP Center for Law and Social Policy. Retrieved from <https://www.clasp.org/sites/default/files/public/resources-and-publications/archive/0087.pdf>

^{vi} Hamilton, The Age of Marital Capacity, p. 1820

^{vii} Edmeades, Jeffrey, Kes, Aslihan, Parsons, Jennifer, Petroni, Suzanne, Sexton, Maggie, Wodon, Quentin (2015). "Economic Impacts of Child Marriage: A Review of Literature." The Review of Faith & International Affairs. 13 (3): 12 – 22. Retrieved from <http://www.tandfonline.com/doi/full/10.1080/15570274.2015.1075757>