



October 28, 2021

The Honorable Representative Michael Day House
Chair
Joint Committee on the Judiciary

The Honorable Senator James Eldridge
Senate Chair
Joint Committee on the Judiciary

Dear Chair Day, Chair Eldridge and Committee members,

The Children's League of Massachusetts (CLM) is a statewide non-profit association of over 60 private and public organizations and individuals that collectively advocate for public policies and quality services that are in the best interest of the Commonwealth's children, youth and families. It is through public education and advocacy that CLM promotes the availability, accessibility, and quality of these needed services. Our members, who comprise providers, advocates, and regulators of services, know first-hand the struggles that children and their families face in the Commonwealth.

We are writing to testify **in support of An act to end child marriage in Massachusetts (H.1709/S.937)**. Child well-being and safety is a complex issue, but this bill provides a simple solution to one of the most insidious and dangerous corners of child abuse: child marriage. The harmful repercussions of child marriage are long-lasting, difficult to reverse, and easily prevented with this law.

While the marriage age in Massachusetts is 18, the law includes a dangerous loophole: children of any age may marry if they have judicial approval and parental "consent." When a child is forced to marry, the perpetrators are almost always the parents. Parental "consent" is often parental "coercion." Judges have wide discretion to approve even marriages with a spousal age difference that constitutes statutory rape, or where a child is marrying a registered sex offender. Children are effectively disempowered through the process, entered into coerced marriages by parents and a judge. Indeed, Massachusetts judges approved 92% of child marriage petitions from 2010 to 2014, and the Child Advocate testified in a previous session that the judicial paperwork does not even include a box to deny the petition, only to approve. Between 2000 and 2018, 1,246 children as young as 13 were married in Massachusetts, and 83% of these cases were underage girls wed to adult men. The current law makes a mockery of statutory rape laws by allowing an abuser to circumvent statutory rape



laws through marriage. Fifty-nine of the children wed from 2000-2018 were not yet 16 and therefore unable to consent to sex under Massachusetts law.

Children forced into marriage or forced to stay in a marriage before they turn 18 and become legal adults have few avenues for escape. While under the age of 18, they cannot enter a domestic violence shelter without a parent, or seek help from Department of Children & Families in case of spousal abuse (DCF intervenes only when the abuser is a parent or parent substitute). They cannot independently bring a legal action or retain an attorney easily, as contracts with children, including retainer agreements, are voidable. This means that children can be married but cannot seek protection from an abusive spouse or even file for their own divorce.

As an organization focused on child welfare, we are alarmed by the detriment that child marriage has on child well-being and long-term outcomes. Research shows that child marriage destroys girls' health, education and economic opportunities, and increases their risk of experiencing violence. Those who marry before 18 have a 70-80% chance of divorcing—and teen mothers who marry and then divorce are more likely to experience high rates of economic deprivation and instability. Rather than creating stable families, child marriage undermines the safety and well-being of not only the children entering these marriages but their offspring.

Simply put, the U.S. State Department has called marriage before 18 a “human rights abuse.” This bill can easily end this practice in Massachusetts, as many nearby states have done. We strongly urge you to vote this bill out favorably and work diligently for its passage without delay.

Sincerely,

Tammy Mello

Executive Director

Children's League of Massachusetts