

**Letter in SUPPORT of SB 273
(to amend laws concerning judicial approvals of petitions for minors to marry, and
to gather statewide data on such petitions)**

*Submitted to the California Senate Appropriations Committee
For hearing May 22, 2017 at 10:00 a.m.
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The Tahirih Justice Center (Tahirih) has national legal and policy expertise in forced and child marriage in the U.S., including through assistance we have provided on cases arising in California.

Tahirih supports SB 273 as an immediate first step forward in a critical longer journey to protect California's children against forced or coerced marriages, and against the many well-documented risks and harms of child marriage (marriage before age 18), whether forced or voluntary. (*Please see attached backgrounder for more on the acute child-protection concerns raised by child marriage.*)

- Forced marriage. In our 2011 national survey, Tahirih identified thousands of cases of forced marriage cases encountered by service-providers (such as legal and social service-providers, teachers and school counselors, medical and mental health professionals, police, and child protection workers) in nearly every U.S. state, many involving girls under age 18. California was one of 7 states with the *most respondents* to the survey. Forced marriage is a serious but neglected problem in the U.S., and minors (individuals under age 18, who lack the legal rights of adults) are uniquely vulnerable.
- Child marriage. Extensive global and U.S. studies have detailed the hardships caused by getting married before age 18. Women who marry as girls face greater vulnerability to domestic and sexual violence, more medical and mental health problems, steep high school drop-out rates, and increased risk of future poverty, as well as up to 80% divorce rates. In fact, teen mothers who marry can be made *worse-off*, long-term, than teen mothers who don't marry as teens. Permitting children to be married steeply stacks the odds against them of a healthy and fulfilling life, and is bad public policy — not in the best interest of those children, or of the state of California.

SB 273 contains modest but important measures to standardize courts' practices with respect to private interviews of, and Family Court Services' reports on, minors petitioning for permission to marry, in order to screen for abuse, coercion or exploitation. The bill also requires the Judicial Council annually to track very basic statistical information about such petitions (such as petitioners' ages). These provisions will provide crucial information for further consideration by this Legislature of what additional measures are needed to address child marriage in the state.

To the extent there are any cost implications to these provisions, they pale in comparison to the personal, social, and inter-generational costs of forced and child marriage. In addition, arguably, all California courts should already have been exercising the minimal due diligence that SB 273 would mandate, as part of their existing statutory obligation to assess whether a minor truly consents to the marriage.

Finally, with respect to SB 273's data-gathering requirement:

- Sound policy-making is built on solid evidence, yet California is one of only 12 states that does not already compile statewide statistics on marriage licenses granted to minors.

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This negligence is particularly shocking given the inherent child-protection concerns raised by child marriages, and thus the especially watchful eye one would have hoped the state would turn to such cases.

It has also led to a lack of authoritative information. Based on American Community Survey (ACS) data, an estimated 9,165 minors age 15-17 living in California between 2010-2014 were married,ⁱ one of the highest rates of child marriage in the country. However, according to a sample poll of a few courts that the Judicial Council provided to the Senate Judiciary Committee before SB 273's May 9th hearing, L.A. County could only identify 44 petitions granted in the past 5 years, and Orange County could only identify 12 petitions granted over the same period. The vast discrepancy in ACS and court-level data must be resolved, and could yield critical insights about the nature of California's child marriage problem and how best to address it. Moreover, if truly only about 100 such petitions are granted each year, it may take courts just 5 minutes per case to capture the simple data that SB 273 requires and convey it to the Judicial Council after the adjudication concludes — tallying to less than 10 hours of staff time annually, statewide.

Given that the lives and futures of very vulnerable children can hang in the balance of these judicial decisions, again, it is deeply troubling that California has not already made this minimal effort to track them.

- Back in 1996, alarming reports emerged of some courts approving marriages between young teen girls and the adult men who had statutorily raped and impregnated them — and yet it does not appear that any additional or more systematic steps to survey or address court practices have been taken for over 20 years.

Per the attached compilation of sample articles from 1996, a grand jury was convened to investigate the unconscionable practices of Orange County social workers that had recommended the marriage of at least 15 such pregnant teens — including a 13 year old girl to a 20 year old man, and a 14 year old girl to a 22 year old man. A task force was formed and made recommendations, but Tahirih could find no evidence of any oversight or follow-up reporting on Orange County's implementation of those recommendations, nor any indication whether any other counties' court practices were investigated.

And in fact, we know that teen girls are continuing to pay the price for the state's inaction and inattention. At the May 9th hearing on this bill, a child marriage survivor testified that she never even saw a judge, that her parents and the adult man who had statutorily raped her were the only ones to sign forms submitted to the county clerk to obtain the marriage license, that she was told on a Friday that she would be married by Tuesday, and how such marriages trap and subject girls to continued abuse without the rights or options an adult would have to escape.

In light of all the above, collecting the few statewide datapoints that SB 273 would require is the least that California can do to begin to recognize and remediate the many harms that can result from permitting child marriages to occur.

Tahirih Justice Center respectfully asks the Committee to favorably report SB 273.

ⁱ Estimate prepared by Alissa Koski, postdoctoral scholar at the UCLA Fielding School of Public Health. The figure may include minors who married in another jurisdiction or in religious rather than civil marriages, but does not include minors who were married under age 15 or who were no longer married (or had not yet married) at the time of the survey.