

Jasmin Martin

From: Dawn Tyree <[REDACTED]>
Sent: Thursday, April 07, 2022 10:53 AM
To: Senate Health and Social Services
Subject: Ending child marriage in Alaska HB62

Distinguished members of the committee,

Edited to add: The National Coalition to End Child Marriage in The United States has announced today that Alaska is now leading the U.S. with the strongest pending legislation to end child marriage. Congratulations!

My name is Dawn Tyree, and I am writing to you because I would like to speak on the record regarding HB62 - "An Act relating to the Legislative Ethics Act; relating to solemnization of marriage and relating to the consent to marriage." I feel strongly that the Alaska Senate amend this bill to change the minimum age for marriage in Alaska to age 18, with no exceptions. Doing so would make Alaska the seventh state to end child marriage.

I am a survivor of child marriage. I was 13-years-old when I was forced to marry my 32-year-old abuser. He had been sexually abusing me for two years. When I became pregnant, my stepmother first tried to terminate my pregnancy - nearly killing me and my unborn son. When that failed, my family insisted that marriage was in our best interest, and the trusted adults in my life coerced me into marriage.

I had no rights over my body. Not one adult ever talked to me about birth control, and 13 months after my son was born, I gave birth to my second child. I was a mother of two at age 15. Research shows that married teens are 40% more likely than unmarried teens to have a second child within 24 months of marriage.

At 16-years-old and with two toddlers in tow, we escaped the marriage. Homeless and with no support, I tried to go to a shelter. The women's shelter turned us away because as minors, we presented the shelter with a liability. Family Services told me to go back to my parents because they were responsible for me. But my parents had disowned me for leaving the marriage. My husband had reported me as a runaway and law enforcement threatened to return me to my rapist. I couldn't even rent a hotel room. How was I to think about working or going to school? Who would help me with child care? We lived below the poverty line for over a decade, sometimes going without the essentials such as toilet paper or shampoo. We often lived without electricity. My greatest fear was that my children would be taken away because of the way we lived.

When a child petitions for a divorce, the decisions often favor the older parent. In my divorce decree, I was allowed to have physical custody of the children, but I was never awarded any child support. The court also allowed my ex-husband unsupervised visits with my children, ignoring my concerns of physical and emotional abuse. My only option for safety was to break the order and save us from his abuse. It was then that we fled to Kodiak, Alaska. Our refuge.

The ripple effect of child marriage has been devastating. My adult children struggle to survive and support their families. Mental illness, addiction, and poverty all repeat through more generations. We do a grave disservice by allowing minors to marry. Marriage is a decision that should be between *two consenting adults*. The standards of responsibility for marriage should reflect the same standards we have in place for things such as voting, entering contracts, or serving our country. You must be 21 years old to buy tobacco in America, yet a child can marry.

This issue is important because the trauma of child marriage didn't end after the divorce. This trauma is generational and unless we raise the minimum age for marriage to 18, we are creating a perpetual loop of abuse and trauma for generations to come. Research by organizations fighting to end child marriage has revealed that most child marriages are a cover-up for statutory rape and child sex abuse. Almost 80% of these marriages end in divorce.

In the context of human rights in other countries, the U.S. State Department has called marriage before 18 a “[human rights abuse](#)” that “produces devastating repercussions for a girl’s life, effectively ending her childhood.” Yet in the United States, child marriage is legal and sanctioned in 44 of the 50 states. Studies show that girls who do not marry when they become pregnant are more likely to focus on their futures, while girls that do marry face dropping out of school.

I am attaching a small sampling of links to articles and resources about child marriage. There are additional articles and information available, and I will bring a more complete list when I appear before your committee.

The mental and physical impact of child marriage:

<https://www.unchainedatlast.org/child-marriage-devastating-consequences/>

A comprehensive research report by the Tahirih Justice Center:

<https://www.tahirih.org/what-we-do/policy-advocacy/child-marriage-policy/>

The United States Customs and Immigration Services approved nearly 9,000 underage petitions for foreign spouses between 2007 - 2017

<https://www.hsgac.senate.gov/imo/media/doc/Child%20Marriage%20staff%20report%201%209%202019%20EMBARGOED.pdf>

Respectfully,
Dawn Tyree

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DAWN TYREE is a writer, an activist, and a founding member of the National Coalition to End Child Marriage in the United States. Her story has been told in an A&E documentary and published in over twelve languages.

<https://www.yesmagazine.org/opinion/2020/01/14/child-marriage-activism/>

Jasmin Martin

From: Cheryl & Mark Lovegreen [REDACTED]
Sent: Saturday, April 09, 2022 2:29 PM
To: Senate Health and Social Services
Subject: HB 62 amendment

I support the amendment to HB 62 to change the marriage age to 18. This will eliminate one form of child abuse, which I know we all abhor. Child marriage should not be allowed in the state of Alaska, to protect our children from predators who marry them in order to legally confine them.

Cheryl Lovegreen

Jasmin Martin

From: Dori Kenneally [REDACTED]
Sent: Sunday, April 10, 2022 2:44 PM
To: Senate Health and Social Services
Subject: End Child Marriage!

Please support legislation to END childhood marriages! It's sickening that pedophiles and sexual predators are able to legally trap children by marrying them. Those perverts should be incarcerated, not rewarded with a child victim to rape and abuse.

Thank you!

Dori Kenneally

Sent from my iPhone

Jasmin Martin

From: Marcia L Hill [REDACTED]
Sent: Monday, April 11, 2022 1:40 PM
To: Senate Health and Social Services
Subject: End Child Marriage

Dear Senators Hughes and Wilson,

I am writing to you today in support of the pending legislation that would end child marriage in Alaska. By passing such legislation, you would be protecting the rights and welfare of minors. No child should be forced or encouraged to marry until they are an adult (18+) and in most cases can responsibly and safely make such decision. Nevertheless, I support increasing the age at this time, which falls short of 18 but still increases it, with parental consent as has been put forward by your colleague.

Kind Regards.

Marcia L Hill

Sent from my iPhone

Jasmin Martin

From: Marcia L Hill [REDACTED]
Sent: Monday, April 11, 2022 1:40 PM
To: Senate Health and Social Services
Subject: End Child Marriage

Dear Senators Hughes and Wilson,

I am writing to you today in support of the pending legislation that would end child marriage in Alaska. By passing such legislation, you would be protecting the rights and welfare of minors. No child should be forced or encouraged to marry until they are an adult (18+) and in most cases can responsibly and safely make such decision. Nevertheless, I support increasing the age at this time, which falls short of 18 but still increases it, with parental consent as has been put forward by your colleague.

Kind Regards.

Marcia L Hill

Sent from my iPhone

Dear Senator,

My name is Aliya Abbas. I am a child marriage survivor and activist to end child marriage in the United States. As a child marriage survivor, I request you to ammend HB62 - "An Act relating to the Legislative Ethics Act; relating to solemnization of marriage and relating to the consent to marriage." I feel strongly that the Alaska Senate amend this bill to change the minimum age for marriage in Alaska to age 18, with no exceptions. Doing so would make Alaska the seventh state to end child marriage. The U.S. State Department has called marriage below 18 a "human rights abuse," and a human rights abuse is never in the best interest of a child.

Child marriage destroys girls' health, education and economic opportunities, and increases their risk of experiencing further violence & trauma.

- What does life look like for children who are forced into this abuse? To start off with, children who are forced to endure the trauma of forced marriage are also likely to be pulled out of school as I was. We know how important education is for children, especially girls. Child brides are physically, mentally, & emotionally abused, manipulated, and raped; ALL before they could even gain the legal rights they need to escape at 18, to recieve any sort of assistance, or to divorce independently. Child marriage puts the health, well being, & saftey of children into jeapordy.
- 70 to 80 percent of marriages before 18 ends in failure which does put children in such situations at risk of homelessness because they lack financial independence and support. So, what would we be really doing here other than putting the lives of these children at risk to all sorts of danger?

I wholeheartedly support this bill because it hits home. It's extremely personal. I am a product of child marriage and who better than a child bride to know the reality of this injustice. At 17 years old, I was taken out of school & was forcefully married off to a complete stranger without my consent. That one instance changed my life forever. I was raped and became a teenage mother again without my consent. Being a mother is one of the most fulfilling jobs I have, but I won't lie, it took every ounce of my being to get to where I am today and it still takes a toll. It's actually a miracle that I am still here and standing strong. No child should ever have to endure that unimaginable heavy load of abuse that child marriage results in. The years I spent in the marriage if you can even call it that were the most painful years of my life where I endured mental, emotional, and physical torture. I was bullied. I was beaten. I was raped. I would like to stop here and just say one thing; I've never defined myself as a victim even though I have been brutally victimized. I am a survivor who had the courage to finally stand up for myself, most importantly for the sake of my children at any cost even when that cost was death as per my uncle. Even though I didn't know how to swim in an ocean of uncertainty, I took a huge risk towards our freedom and jumped. I taught myself how to swim within that uncertainty. I don't know where I got all that strength from, perhaps, God, but what I do know is that I don't wish this experience upon anyone! Unfortunately, most child brides aren't as lucky and they end up experiencing a lifetime of abuse in all forms, dehumanization, torture, and sadly even death in some case.

We need to step up and protect our children. It harms no one, costs nothing and ends this human rights abuse. Please support the amendment of this bill to change the minimum age for marriage in Alaska to age 18, with no exceptions.

Thank You,

Aliya Abbas

April 7, 2022

Honorable Chair David Wilson, and distinguished members of the Committee: My name is Sara Tasneem, and I am a survivor of forced child marriage. I am providing testimony in support of **House Bill 62, as amended; and to further enact amended language that would raise the minimum age to marriage to 18, no exceptions** due the serious harms that underage marriage poses to minors in the state of Alaska.

I am a vocal national advocate to end forced child marriage in the United States because of the horrors that I had to endure as a child with absolutely no escape, legal or otherwise. I am submitting my testimony in hopes to help other minors who may be exposed to the human rights abuse of child marriage. The dangerous loophole which allows minors to marry in the state of Alaska must be removed to protect minors who do not share the same rights as an adult and who can be entrapped into a marriage with no escape.

As many victims of forced child marriage, my father and legal guardian was the one who forced me to marry. At the age of fifteen, during a summer visit to see my dad in California, I was forced into a marriage I did not want. My father introduced me to my husband-to-be one morning and I was told I would marry him that night. That man was thirteen years my senior, he 28 years old and I was fifteen. My mother did not even know that this was taking place. After a spiritual wedding ceremony that evening, I was handed over to my new husband and left in his care. He became my guardian, husband, and the father to my children. I lost my childhood, my freedom, and myself that night.

My perpetrator had full control over my life. I was not allowed to go back to school. Instead, I was taken out of the country, raped, and impregnated almost immediately. At an age where all I had dreamed of was going to the Air Force and then law school, I was instead forced into a marriage and motherhood with a stranger almost twice my age. Six months after our spiritual ceremony we returned to the U.S. where I was *legally* married at the age of 16 and pregnant.

My pregnant belly should have alerted authorities to a rape instead of a rubber stamp on a marriage certificate. I was not advised of my rights, or even asked if I wanted the marriage. It felt more like a prison I could not escape than a real marriage. My perpetrators entrapped me in a marriage so that they could escape any legal repercussions of abuse, kidnapping, and statutory rape. Marriage was a way for my perpetrators to stop any legal action from my mom and sadly, it worked. My personal experience highlights the very real dangers that minors face when forced into a marriage.

Marriage before the age of eighteen makes children more likely to be pulled out of school than their adult counterparts and three times more likely to suffer from abuse in their marriages. All of which was true for me. Marriage before the age of eighteen is a human rights abuse because of the many harms it causes to the minor.

As a minor, I faced extreme and numerous barriers to being able to leave my abusive marriage. It took me eight long years of surviving my abusive relationship and overcoming enormous obstacles to file for divorce. It then took three years to finalize my divorce. Sadly, I am not the exception.

It has taken me years to recognize and address the severe negative impacts child marriage has had on me, and my children. The long-term effects for me include PTSD and anxiety from the prolonged abuse, recovering from the financial, sexual, emotional, and physical abuse. The educational impact of being taken out of school at fifteen years old led directly to extreme poverty later in my adult life. It has taken me years to recover and I most likely will never catch up to my peers. Even though I am in therapy, will likely suffer from PTSD and anxiety most of my life.

There are *so many* reasons why child marriage is harmful to minors. I cannot think of one good reason why Alaska would want to continue to expose minors to these harms and a human rights abuse. Please enact language that would protect minors from such abuse.

Respectfully,
Sara Tasneem, Survivor/Advocate
Tasneemsf333@gmail.com
707-217-8925 cell

Testimony on Alaska House Bill 62: Support with Amendments

Alex Goyette, Senior Public Policy Associate

Tahirih Justice center

April 7, 2022

Dear Chair and Honorable Members of the Committee:

The Tahirih Justice Center (Tahirih) is a national non-profit legal advocacy organization that, since 1997, has been serving survivors of domestic violence, sexual assault, human trafficking, and other violence and abuse, like being forced or coerced to marry.

Children under age 18 are especially vulnerable, and they have limited options to escape a violent home or to protect themselves, among other reasons, because they lack the legal rights of an adult.

Forced marriages in particular can involve insidious forms of coercion, not only physical violence but also extreme psychological abuse and threats. When that comes from a parent or another loved one, it can work just like a gun to the head for a teen girl who is still very dependent, emotionally and practically as well as legally.

Tahirih has considerable 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. Tahirih has also compiled extensive research, including a 50-state report released in August 2017. This comprehensive report analyzes states' minimum marriage age laws and exceptions and identifies how they can either help protect children from harm, or instead expose them to greater risk.ⁱ

Tahirih believes strongly that setting the minimum marriage age at 18, without exception, is the strongest measure to combat not only forced marriages but also the other harmful consequences of marrying under age 18, such as high drop-out rates, increased poverty, more medical and mental health problems, and greater vulnerability to domestic violence.ⁱⁱ

For your further consideration and to underscore the need to reform Alaska's current minimum marriage age laws, we note below just a few of the reasons that those laws pose serious child-protection concerns:

1) The parental "consent" exception can actually conceal parental "coercion."

Sadly, not all parents have their children's best interests at heart or are fit to care for them; this is the reason that Child Protective Services exists. Among Tahirih's forced marriage cases, in fact, most often the perpetrator is a parent. There are many reasons forced child marriages happen, but sometimes, it can be simply because a parent wants to be rid of responsibility for a girl, to offload her on whoever will take her. And whatever the different family backgrounds or dynamics, the common

ATLANTA

230 Peachtree Street NW
Atlanta, GA 30303
Suite 1960
Tel: 470-481-4700
Fax: 470-481-7400
Atlanta@tahirih.org

BALTIMORE

211 E. Lombard Street
Suite 307
Baltimore, MD 21202
Tel: 410-999-1900
Fax: 410-630-7539
Baltimore@tahirih.org

GREATER DC | NATIONAL

6400 Arlington Boulevard
Suite 400
Falls Church, VA 22042
Tel: 571-282-6161
Fax: 571-282-6162
TTY: 711
GreaterDC@tahirih.org
Justice@tahirih.org

HOUSTON

1717 St. James Place
Suite 450
Houston, TX 77056
Tel: 713-496-0100
Fax: 713-481-1793
Houston@tahirih.org

SAN FRANCISCO BAY AREA

881 Sneath Lane
Suite 115
San Bruno, CA 94066
Tel: 650-270-2100
Fax: 650-466-0006
SFBayArea@tahirih.org

tahirih.org

vulnerability is that children lack the rights and resources an adult would have to stand up for themselves.

- 2) The age floor of 14 is the lowest set by any state in the U.S., and falls even below the state's legal age of consent to sex.

Combined with the fact that there is an affirmative defense against prosecution for statutory rape (at AS 11.41.445) so long as the parties are married, current law essentially road-maps a workaround for predators, enabling them 24/7 sexual access through marriage to young girls who would be off-limits otherwise.

- 3) Very few Alaska minors ever go before a judge before being given permission to marry.

A lack of judicial involvement can let abuse and exploitation in the guise of marriage slip by undetected. Under current law, it is only if a minor is younger than age 16 that a judge's approval must be obtained, and minors that young make up only a small fraction of all the minors who marry.

That said, Alaska's current judicial approval process has only vague and subjective criteria and no other critical safeguards like court-appointed counsel for the minor. Moreover, leaving judges with such broad discretion has clearly not lead to robust protection. Judges around the country have approved some of the most egregious child marriage cases that have been documented, like marriages of young girls to men nearly 3 times older.

For these and other reasons, current minimum marriage age laws like these make it far too easy for a whole host of horrors to lurk behind the marriage of an underage girl. We appreciate the work done on this issue by Rep. Claman over the years, and the amendment by Rep. Rasmussen that would raise Alaska's marriage age from 14 to 16.

Tahirih believes the legislation as currently amended is a step in the right direction, but would also ask you to do more. **Please protect Alaska's children and end child marriage entirely with a minimum marriage age of 18.**

States across the country are waking up with a jolt to how their laws have failed to protect vulnerable children. Since 2016, 27 states have passed reforms to limit child marriage, including six that ended it completely by setting a minimum marriage age at 18, no exceptions.

We thank this Committee for its careful consideration of this important issue, and invite you to contact us if we may provide further information or answer any questions.

ⁱ A full copy of Tahirih's 50-state report is available at www.tahirih.org/childmarriagepolicy.

ⁱⁱ See specific statistics and sources cited in Tahirih Justice Center, “Child Marriage in the United States: A Serious Problem with a Simple First-Step Solution” (October 23, 2017), *available at* www.tahirih.org/childmarriagepolicy.



April 8, 2022

Testimony Regarding HB62

Presented to the Alaska Senate Health and Social Services Committee

Chair Wilson, Vice Chair Hughes, and Distinguished Committee Members:

Protect Our Defenders is the pre-eminent national human rights organization dedicated to ending sexual violence, victim retaliation, misogyny, sexual prejudice, and racism in the military and combating a culture that has allowed it to persist. We honor, support, and give voice to survivors of military sexual violence. We seek reform to ensure all service members are provided a safe and respectful work environment free from misogyny and racism, and have access to a fair, impartially administered system of justice.

In order to fulfill our mission, we provide pro bono legal services to survivors of military sexual assault, advocate for military sexual assault reform, and publish and proliferate ground-breaking reports that expose the crises of sexual assault and racial discrimination in the military. Since our founding in 2011, we have assisted a number of child victims of military sexual assault and their families, who are left devastated following incidents that no child should ever have to endure. In FY 2020 alone, the DoD's Sexual Assault Prevention and Response Office (SAPRO) reported that there were 209 unique victims of child sexual abuse, 92.3% of which were female, and 7.7% were male.¹

When it came to our attention that some lawmakers have resisted ending child marriage so that an active duty servicemember might be able to marry a child for the child to be able to benefit from spousal death benefits, we were left deeply shaken. The military has a crisis on its hands in the form of sexual assault, which has been acknowledged by the Secretary of Defense², military leaders such as General Mark Milley³, and the Commander in Chief, President Joe Biden⁴.

¹ Department of Defense Annual Report on Sexual Assault in the Military, Fiscal Year 2020, Appendix H: Child Sexual Abuse; https://www.sapr.mil/sites/default/files/Appendix_H_Child_Sexual_Abuse_FY2020.pdf

² Lolita C. Baldor, "SECDEF backs change in military sex assault prosecution," Military Times, June 22, 2021; <https://www.militarytimes.com/news/pentagon-congress/2021/06/22/secdef-backs-change-in-military-sex-assault-prosecution/>

³ Missy Ryan and Dan Lamothe, "'We haven't moved the needle' on sexual assault in the military, general says," The Washington Post, May 6, 2021; https://www.washingtonpost.com/national-security/military-sexual-assault/2021/05/06/a8f51a7c-ae98-11eb-8109-f8ba1ea2eeab_story.html

⁴ Andrew Solender, "Joe Biden Says He Would Take A Hard Line on Military Sexual Assault," Forbes, April 29, 2020; <https://www.forbes.com/sites/andrewsolender/2020/04/29/joe-biden-says-he-would-take-a-hard-line-on-military-sexual-assault/?sh=ec2ef7678629>

Protect Our Defenders | 950 N. Washington Street, Suite 234, Alexandria, VA 22314 | (703) 639-0396 www.protectourdefenders.com

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Allowing for the perpetuation of child marriage under the guise that children stand to benefit is a fallacy. Under the Survivor Benefit Plan, servicemembers have the ability to designate a recipient for their death benefits, and that recipient is NOT limited only to spouses, thus enabling a servicemember to designate their benefits to whomever he or she desires.

We fear that continuing to proliferate the narrative that a servicemember should be allowed to marry children to ensure that child receives spousal benefits will enable those who wish to prey on children to do so under the guise of a legal union. This is very dangerous in any profession and in any setting, but especially within the U.S. military, which is already contending with a sexual assault crisis it cannot control.

Thank you for your time and consideration.

Very Respectfully,

A handwritten signature in black ink, appearing to read "Don Christensen". The signature is fluid and cursive, with a large initial "D" and a stylized "C".

Col Don Christensen, USAF (Ret)
President, Protect Our Defenders

April 8, 2022

Testimony regarding HB62

Presented to the Alaska Senate Health and Social Services Committee
Chair Wilson, Vice Chair Hughes and Distinguished Committee Members:

Dear Chair Wilson, Vice Chair Hughes and Distinguished Committee Members,

The Service Women's Action Network (SWAN), a not-for-profit organization advocating for servicewomen, past, present, and future. We urge you to close the loophole that allows a military exception to the marriage age in Alaska. We urge you to end all marriage before 18, without an exception for servicemembers or any other exceptions. We do not believe that marriage is acceptable under the age of 18 for any reason, including service to our nation. We understand that often the purpose of marriage for servicemembers under the age of 18 is to ensure that if a service member were to lose their life overseas, their spouse would receive full benefits for their service to our nation.

Under the Survivor Benefit Plan, service members can designate a significant other to receive benefits if the service member passes away; the Plan does not require the individuals to be married. Additionally, servicemember's military benefits extend to their children, regardless of the servicemembers' marital status so long as the child is properly recognized as a dependent. Death gratuity is also offered for service members who die while on active duty or while serving in certain reserve statuses. The death gratuity is the same regardless of the cause of death.

The longstanding purpose of the death gratuity has been to provide an immediate cash payment to assist survivors of deceased members of the Armed forces to meet their financial needs during the period immediately following a member's death and before other survivor benefits, if any, become available.

SWAN believes that using marriage for servicemembers leaving to war as a motive to keep marriage before 18 legal in this country is a misinformed stance. Servicemembers who choose to serve our country can select their beneficiaries; therefore, the requirement for marriage is needless.

A secondary consideration is the military health and housing benefits afforded to spouses. Military health and housing benefits through a spouse are not a solution for underage marriage. A child's economic dependency should not justify marriage before 18 years old. Underage marriage can create a long-term level of dependence that increases a spouse's chance of experiencing domestic violence.

Thank you for your consideration. Please do not hesitate to reach out to our organization for additional information. We appreciate your continued support of our nation's service members and veterans.

Sincerely,



Deshauna Barber
CEO, Service Women's Action Network



Service Women's Action Network

1015 15th Street NW, Suite 600

Washington, DC 20005

www.servicewomen.org

Testimony to Urge Amendment and Passage of HB62 to End Child Marriage Presented to Alaska Senate Health & Social Services Committee | April 4, 2022

Unchained At Last is a survivor-led nonprofit working to end forced and child marriage in Alaska and across the United States through direct services and advocacy. **We at Unchained urge you to amend HB62 to eliminate all marriage before 18, without exceptions. Let's eliminate the archaic, harmful practice of child marriage, which can cover up child trafficking.**

The marriage age is 18, but the law includes alarming loopholes: Parents may enter a 16 or 17-year-old into marriage merely by signing a form, without any input from the teen, and parents may enter a 14- or 15-year-old into marriage with judicial approval.¹ Further, a 17-year-old active-duty member of the armed forces may marry without parental consent or judicial approval.²

These loopholes disempower and seriously endanger minors:

- The law provides no recourse for 16- and 17-year-olds whose parents are forcing them into an unwanted marriage. We have found – as we provide crucial services to forced and child marriage survivors across the U.S. – that when an individual is forced to marry, the perpetrators are almost always the parents. And we have seen repeatedly that **even when a teen sobs openly and begs for help, the clerk is powerless to intervene.**
- The court is not required to interview a 14- or 15-year-old for whom a marriage petition is submitted; the court is required only to find that the parents consent and that the marriage is in the minor's "best interest." However, the U.S. State Department calls marriage before 18 a "human rights abuse."³ How can that ever be in a minor's best interest?
- Even a more robust judicial-review process would put the onus on a teen whose parents are forcing them to marry to figure out how to explain their predicament to the court without facing repercussions at home. **Due to this pressure, every teen we have worked with has stayed silent or lied to the court.**
- **Alaska is the only U.S. state that allows a military exception to the marriage age.** Around the world, too, we do not know of any country that allows a military exception to the marriage age. Child marriage is associated with high rates of domestic violence,⁴ and a married 17-year-old servicemember is likely to live far from home and move repeatedly, making them more vulnerable.
- Sex with a child under age 16 is a sex crime if the perpetrator falls outside the close-in-age exceptions⁵ – unless the perpetrator marries the child.⁶ **The state is issuing get-out-of-jail-free cards to child rapists in the form of marriage licenses.**
- Minors age 16 or 17 who marry adults are automatically emancipated upon marriage, and minors age 14 or 15 who marry adults are automatically emancipated when they turn 16.⁷ This

¹ Alaska Statutes ("AS") § 25.05.171.

² AS § 25.05.011. The statute allows any member of the armed forces to marry, but the age limit to enlist in the military is 17. See: <https://www.usa.gov/join-military>.

³ U.S. Department of State, et al., *United States Global Strategy to Empower Adolescent Girls* (March 2016), <https://2009-2017.state.gov/documents/organization/254904.pdf>.

⁴ Aditi Wahi et al, *The Lived Experience of Child Marriage in the United States*, Social Work Public Health (12 February 2019), <https://pubmed.ncbi.nlm.nih.gov/30747055>.

⁵ Alaska Stat. § 11.41.434.

⁶ Alaska Stat. § 11.41.432(d)-(e) (Lexis Advance through all 2021 regular and special legislation) (providing an affirmative defense to charges of sexual assault of a minor when (1) the offender is married to the person, (2) neither party has filed for separation, divorce or dissolution, and (3) the person was capable of understanding the nature or consequence of the offender's conduct and consented to the act).

⁷ AS § 25.20.020.

emancipation likely ends parents' financial obligation to the minors, regardless of the minors' level of financial independence. In other circumstances, a minor cannot be emancipated unless they first prove to a court that they are capable of sustained self-support and can manage their own financial, personal, educational and other affairs.⁸ **Automatic emancipation can force minors to become financially dependent on their spouse and can lead to teen homelessness, especially since 70-80% of marriages before age 18 end in divorce.**⁹

Marriage before age 18 is inherently dangerous:

- **Child marriage has been used to cover up child trafficking.** The U.S. Senate Homeland Security Committee found that thousands of minor girls in the U.S. have been forced to marry adult men overseas so the men can get a spousal or fiancé visa.¹⁰
- **Even highly mature teens can easily be forced into marriage or forced to stay in a marriage before they turn 18 and attain the rights of adulthood:**¹¹
 - Minors cannot easily escape if their parents are planning an unwanted wedding for them, because law enforcement agencies are required to locate minors who leave home to evade their legal custodian and to take them into protective custody.¹²
 - Where would minors go even if they could escape? We have found that domestic violence shelters across the U.S. routinely turn away unaccompanied minors, due to funding guidelines and/or liability concerns. Youth shelters are not a solution, because, absent an excepted circumstance, they may not shelter a minor for more than seven days, and they are not confidential: They must notify the minor's legal custodian or the state Department of Health and Social Services of the minor's whereabouts.¹³
 - Minors cannot easily retain an attorney to help them with their complex legal needs, because most contracts with children, including retainer agreements, are voidable.¹⁴ In our experience, lawyers are reluctant to take on minors as clients based on a voidable retainer agreement.
 - Minors also cannot independently bring a legal action,¹⁵ which creates additional obstacles when trying to escape a forced marriage. **A minor age 14 or 15, and a minor age 16 or 17 who is married to another minor, cannot even independently file for divorce or seek a protective order if their spouse turns abusive.**¹⁶
 - Minors who marry adults are considered "emancipated" at age 16 and do attain some rights of adulthood.¹⁷ However:
 - Minors who marry at 14 or 15 and minors who marry minors are not emancipated.
 - Emancipated minors' rights are limited; they do not extend, for example, to specific constitutional and statutory age requirements for voting and use of alcoholic beverages.¹⁸ And emancipated minors may face difficulties accessing

⁸ AS § 09.55.590.

⁹ Vivian Hamilton, *The Age of Marital Capacity: Reconsidering Recognition of Adolescent Marriage*, William & Mary Law School Scholarship Repository (2012). Note, though, that minors might not be allowed to file for divorce independently until they turn 18, as explained below.

¹⁰ U.S. Senate Committee on Homeland Security and Governmental Affairs, *How the U.S. Immigration System Encourages Child Marriages* (11 January 2019),

<https://www.hsgac.senate.gov/imo/media/doc/Child%20Marriage%20staff%20report%201%209%202019%20EMBARGOED.pdf>.

¹¹ AS § 25.20.010: The age of adulthood is 18.

¹² AS § 47.10.141.

¹³ AS §§ 47.10.394, 47.10.330(b).

¹⁴ *RLR v. State*, 487 P.2d 27, 34 (Alaska 1971).

¹⁵ Alaska R. Civ. Proc. § 17(c): A minor may bring an action only through a parent, guardian, guardian ad litem or next friend.

¹⁶ AS § 18.66.100: A parent, guardian, or other representative appointed by the court may file a petition for a protective order on behalf of a minor.

¹⁷ AS § 25.20.020.

¹⁸ AS § 09.55.590.

the limited rights they do have. In our experience, for example, domestic violence shelters typically are hesitant to accept even emancipated minors.

- Crucially, in the case of an unwanted marriage, the limited rights of emancipation arrive too late, only after a minor has endured the trauma of the forced marriage.
- Marriage before age 18 is recognized as a “human rights abuse.”¹⁹ **It destroys nearly every aspect of American girls’ lives, including their health, education and economic opportunities²⁰ and even their physical safety.²¹**
- Teen mothers who marry and then divorce are more likely to suffer economic deprivation and instability than teen mothers who stay single – and teen marriage has a 70-80% divorce rate.²²
- **Child marriage undermines reproductive and sexual rights.** Individuals in the U.S. who married before age 18 report high rates of unwanted or unplanned pregnancies.²³

Waiting until 18 to marry brings obvious benefit, and it does not cause harm, beyond an inconvenience, for teens who are eager to marry but must hold off for a matter of months:

- **A teen is emancipated?** Emancipation is intended to help minors who cannot be reunited with their family by giving them some rights of adulthood so they can navigate the world independently until they turn 18 and attain the full rights of adulthood. **Teens do not need marriage to navigate the world independently. And no teen should be subjected to a human rights abuse, regardless of emancipation status.** Further, we are concerned that parents can force teens to emancipate in order to force the teens to marry.
- **A girl is pregnant and wants to co-parent? She and the father can easily co-parent outside of marriage by merely signing an acknowledgement of paternity.²⁴** Such acknowledgement confers upon the father all the rights and duties of a parent.²⁵ (As noted above, a pregnant teenage girl in the U.S. who marries is highly likely to divorce and then much more likely to suffer economic deprivation and instability than a pregnant girl who stays single.)

States across the U.S. are passing legislation to eliminate all marriage before 18, without exceptions, and Alaska should do the same. Such legislation harms no one, costs nothing and ends a human rights abuse. And if Alaska does not act now, it could become the “destination site” for child marriage, since the state does not impose a residency requirement for marriage.²⁶ **Please amend HB62 to eliminate all marriage before 18, without exceptions.**

¹⁹ U.S. Department of State, et al., *United States Global Strategy to Empower Adolescent Girls* (March 2016), <https://2009-2017.state.gov/documents/organization/254904.pdf>.

²⁰ Fraidy Reiss, *Child Marriage in the United States: Prevalence and Implications*, *Journal of Adolescent Health* (December 2021), <https://www.sciencedirect.com/science/article/pii/S1054139X21003414>.

²¹ Individuals in the U.S. who were married before age 18 report high rates of physical, sexual, financial or emotional abuse during their marriage as well as unwanted or unplanned pregnancies. See: Aditi Wahi et al., *The Lived Experience of Child Marriage in the United States*, *Social Work Public Health* (12 February 2019), <https://pubmed.ncbi.nlm.nih.gov/30747055>. Note that this is consistent with global trends. See, for example: Rachel Kidman, *Child Marriage and Intimate Partner Violence: A Comparative Study of 34 Countries*, *International Journal of Epidemiology* (April 2017), <https://academic.oup.com/ije/article/46/2/662/2417355>.

²² Vivian Hamilton, *The Age of Marital Capacity: Reconsidering Recognition of Adolescent Marriage*, William & Mary Law School Scholarship Repository (2012), <https://scholarship.law.wm.edu/facpubs/1430>.

²³ Aditi Wahi et al., *The Lived Experience of Child Marriage in the United States*, *Social Work Public Health* (12 February 2019), <https://pubmed.ncbi.nlm.nih.gov/30747055>.

²⁴ AS § 25.20.050(a).

²⁵ *Id.* See also Office of Pub. Advocacy v. Superior Court, 462 P.3d 1000, 1005–07 (Alaska 2020): Acknowledging parentage determinations can be established through acknowledgment and need not require evidence of a genetic relationship.

²⁶ Alaska Department of Health and Social Services Division of Public Health, *Marriage Licenses*, <http://dhss.alaska.gov/dph/VitalStats/Pages/marriagel/default.aspx>.