



TO: Andrew Farmer, Chair, Darren Jernigan, Vice Chair, and Honorable Members of the House Standing Committee on Civil Justice

FROM: Marci Hamilton, Esq. & Kathryn Robb, Esq.

RE: HB 233 – *An act to amend Tennessee Code Annotated; Title 8*

DATE: April 12, 2022

Dear Chair Farmer, Vice Chair Jernigan, and Honorable Members of the House Standing Committee on Civil Justice,

Thank you for allowing us, Professor Marci Hamilton of CHILD USA and Kathryn Robb of CHILD USA Advocacy, to submit testimony regarding HB 233. Marci Hamilton is the Founder & CEO of CHILD USA, an interdisciplinary think tank dedicated to the prevention of child abuse and neglect at the University of Pennsylvania, where she is a Professor in the Fels Institute of Government and a Senior Resident Fellow in the Program for Research on Religion. Kathryn Robb is the Executive Director of CHILD USA Advocacy, a 501(c)(4) advocacy organization dedicated to protecting children’s civil liberties and keeping children safe from abuse and neglect.

We urge you to vote “NO” on HB 233.

This legislation, if passed, would relegate Tennessee to the lowest nine states in the nation for protecting children from the trauma of child marriage. Currently, **nearly every state in the United States permits child marriage in some form.** While many states set a marriage age floor at seventeen or eighteen, like Tennessee’s current law, their laws still include an array of exceptions that “can in effect drop the true minimum marriage age much lower.” These loopholes—most commonly including parental consent, judicial approval, the lack of official proof of age requirements, and pregnancy exceptions—endanger children.

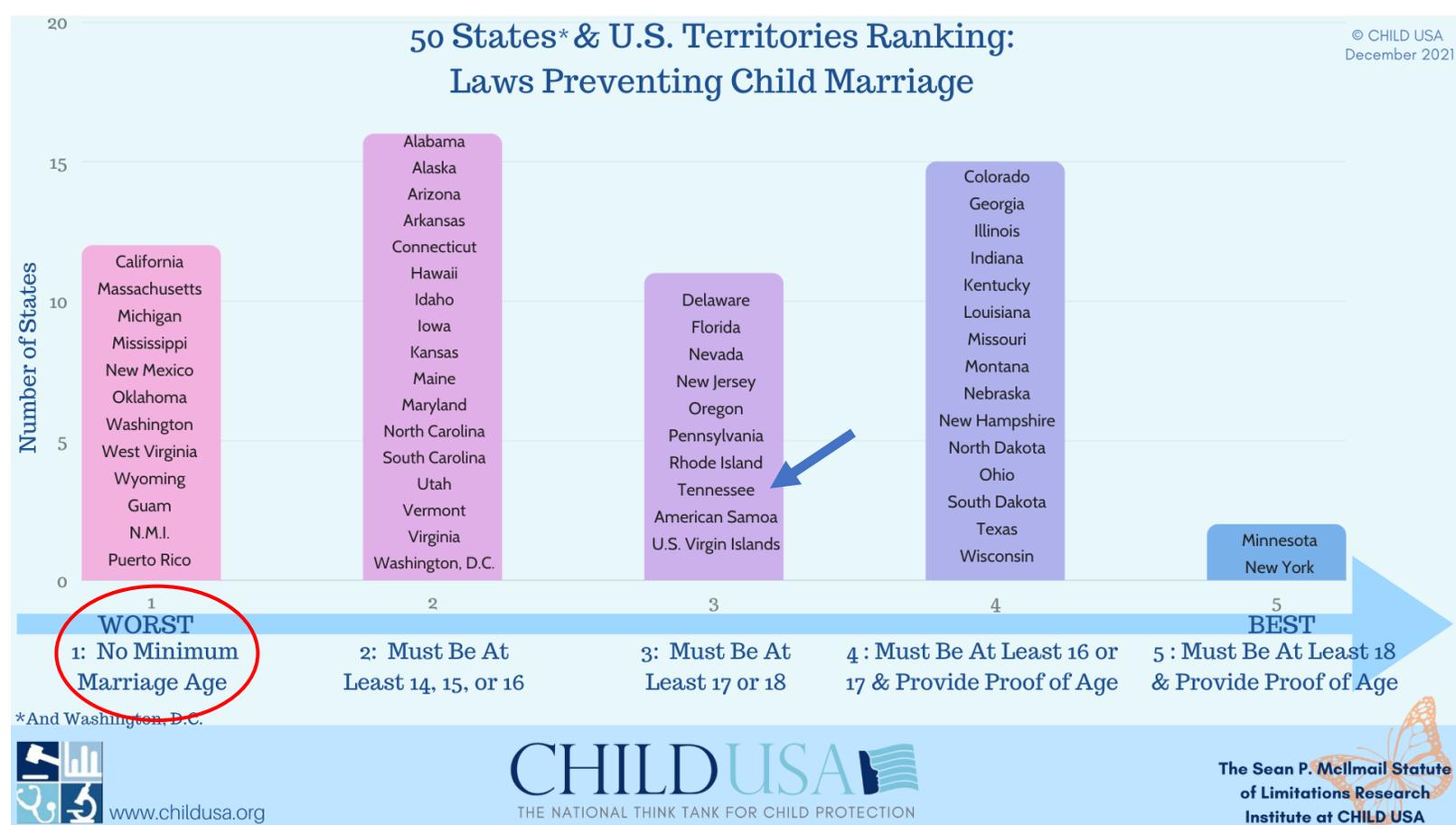
Child Marriage is Pervasive in the United States with Devastating Domestic Consequences

The above-mentioned legal loopholes may seem trivial on paper, but they result in tragic, life-altering consequences for children in the United States.

- Between 2000 and 2018, almost 300,000 adolescent minors were legally married in the U.S.—this is an average of forty-five child marriages per day.
- An estimated 30,000–60,000 marriages occurred “at an age or spousal age difference that should have been considered a sex crime.”
- The majority of U.S. states permit marriage as a defense to statutory rape.



- Between 70% and 80% of marriages involving a child in the United States end in divorce, and child marriage followed by divorce doubles the likelihood that child mothers will descend into poverty.
- Girls in the United States who marry before the age of nineteen are also 50% more likely to drop out of high school and four times less likely to graduate from college.
- Victims of child marriage in the United States are acutely vulnerable to higher rates of psychiatric disorders as well as physical, emotional, or verbal abuse.



Tennessee does not escape these consequences. As evidenced in the graph above, Tennessee's current child marriage law is very average, allowing 17 year-olds to marry with parental consent. If HB 233 is passed, it will transform Tennessee's marriage law into one of the worst in the United States. Unfortunately, these laws have permitted abusers to harm children. The story of Donna Pollard exemplifies the need to maintain a minimum marriage age. At fourteen-years-old, she was checked into a mental health facility in Indiana. Just two years later, she dropped out of school to marry one of her counselors at the facility, a then thirty-one-year-old man, in Tennessee. Later, seeking to escape his abuse with her young daughter, now sixteen-year-old Donna was too young to sign an apartment lease. Marriage renders a child ineligible for protective

services, and many shelters were only open to women over eighteen. With no education, no job, and no family to support her, Donna had no option but to live with her abuser until her eighteenth birthday. In Tennessee, Donna was old enough to sign a marriage license, theoretically binding herself for life to a man, but was not old enough to sign an apartment lease for six months.

To protect children and secure their futures, the practice of child marriage must be prohibited under the law. In the absence of a federal prohibition against child marriage, it falls to each state to establish marriage laws that close these loopholes and effectively ban child marriage. **Ultimately, a federal law that (1) bans marriage for persons under the age of eighteen, without exception, and (2) requires all marriage applicants to furnish official proof of their age, will be the most effective way to thwart child marriage nationally and truly protect children.**

We thank you for your work and encourage you to take up the charge on behalf of Tennessee's children by opposing HB 233, thus maintaining the current minimum age of marriage. For more information about statute of limitations reform, visit <https://childusa.org/sol/> or email info@childusa.org. Please do not hesitate to contact us if we can be of assistance on this or any other child protection issues.

Sincerely,



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