

SENATE BILL REPORT

HB 1455

As of January 30, 2024

Title: An act relating to eliminating child marriage.

Brief Description: Eliminating child marriage.

Sponsors: Representatives Stonier, Berry, Farivar, Rude, Fey, Reed, Morgan, Thai, Fosse, Pollet, Macri and Bateman.

Brief History: Passed House: 1/8/24, 98-0.

Committee Activity: Law & Justice: 1/30/24.

Brief Summary of Bill

- Provides that a marriage entered into in which either person has not attained the age of 18 years is void.
- Eliminates provisions authorizing a court to waive the age requirement on a showing of necessity.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: William Bridges (786-7312)

Background: Marriage is a civil contract between two persons who have each attained the age of 18 years and who are otherwise capable.

Before issuing a marriage license, the county auditor must require each applicant to file an affidavit showing that the applicants are at least 18 years of age. A marriage license may be granted to a 17-year-old applicant with the written consent from the applicant's father, mother, or legal guardian.

A marriage entered into in which either party was incapable of consent because the party

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has not attained legal age is voidable by the underage party. A marriage entered into in which either person has not attained the age of 17 years is void, except where the age requirement has been waived based on a showing of necessity by the judge of the superior court of the county in which one of the parties resides.

Summary of Bill: A marriage that is entered into on or after the effective date of the bill and in which either person has not attained the age of 18 years is void.

Provisions authorizing a superior court judge to waive the age requirement and the county auditor to issue marriage licenses to 17-year-old applicants are removed.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Judges should not have the authority to approve life-long relationships involving vulnerable minors, many of whom are coerced, and are overwhelmingly girls married to older men. Judicial approval does not even require interviews but only a showing of necessity. Sex with a child is a crime so why should marriage with a child be any different. Why should a marriage certificate be a license for rape and abuse?

Some parents marry off their children to avoid custody fights or paying child support. Some marry to avoid prosecution for child rape.

Minors become emancipated when married, without any demonstration that they can manage their own financial affairs. This is unlike other emancipated minors who must be at least 16 years old and must show to the court that they can live independently. And even though married minors are emancipated, as minors they cannot hire lawyers, cannot seek protection orders, or file for divorce. Married minors are financially and emotionally dependent on their spouse which is a risk factor for domestic violence.

Women should not be second-class citizens. The state needs to send a message that it protects and values the life of girls. Public surveys show great support for prohibiting child marriage.

CON: People should have the freedom to choose marriage. Laws should be changed to allow emancipated minors to make contracts, hire lawyers, seek protection orders, etc. But teenagers should have the freedom to marry people they love. The number of marriages involving minors are small in each county.

Persons Testifying: PRO: Representative Monica Jurado Stonier, Prime Sponsor; Fraidy Reiss, Unchained At Last; Michele Hanash, AHA Foundation; Cleland Katherine, Zonta (Please note that Katherine will be in person); Sara Tasneem; Kate Yang; Andrew Villeneuve, Northwest Progressive Institute; Beth Ebel, WA Chapter of the American Academy of Pediatrics; Stephanie Warren.

CON: Michael Brunson.

Persons Signed In To Testify But Not Testifying: No one.