

**Testimony in Support of SB548  
Presented to the Oregon Senate Committee on Judiciary | February 19, 2025**

Chair Prozanski, Vice Chair Thatcher and Distinguished Committee Members:

Unchained At Last is a survivor-led nonprofit organization working to end forced and child marriage in Oregon and across the United States through direct services and systems change. We at Unchained, and our many allies in the Oregon Coalition to End Child Marriage that we convene, urge the state legislature to eliminate the archaic, harmful practice of child marriage.

Child marriage is a serious problem in Oregon. The marriage-age laws allow one parent to enter a 17-year-old into marriage with nothing more than “written consent.”<sup>1</sup>

### **Dangers in the Current Law**

- The law does not seek any input from a teen who is being entered into marriage, nor does it provide recourse for a teen being forced to marry – even if the teen sobs openly and begs for help.
- The marriage-age laws give a “get out of jail free” card to child rapists: Sex with a 17-year-old is a Class C misdemeanor<sup>2</sup> if the perpetrator is three or more years older<sup>3</sup> – unless the 17-year-old is married.<sup>4</sup>
- Teens are automatically emancipated upon marriage,<sup>5</sup> which terminates their parents’ financial obligation to them,<sup>6</sup> regardless of the teen’s financial circumstances. Usually minors cannot be emancipated unless a court determines they are self-sufficient.<sup>7</sup> This can easily force the teen to become financially dependent on their spouse, which is a risk factor for domestic violence.<sup>8</sup> It also incentivizes forced child marriage, so a parent can get out of a child support obligation or child custody battle.
- Child marriage encourages the legal trafficking of minors under the guise of marriage.<sup>9</sup>

### **Devastating Consequences of Child Marriage**

- Marriage before 18, the age of adulthood,<sup>10</sup> creates a nightmarish legal trap. Minors before age 18 cannot easily leave home,<sup>11</sup> enter a shelter,<sup>12</sup> retain an attorney<sup>13</sup> or independently bring a legal action.<sup>14</sup> (Marriage emancipates minors, but emancipation brings only limited rights.<sup>15</sup> Further, those limited rights arrive too late, only *after* the minor has endured the trauma of forced marriage.)
  - Once a 17-year-old is married, they also lose the protection of Child Protective Services.<sup>16</sup>
- Child marriage destroys American girls’ health, education and economic opportunities, and increases their risk of experiencing violence.<sup>17</sup> The U.S. State Department calls marriage before age 18 a “human rights abuse.”<sup>18</sup>
- Those who marry before age 18 have a 70% to 80% chance of divorcing,<sup>19</sup> which brings additional instability and hardship.

### **Alarming Statistics**

- Some 3,596 minors were married in Oregon between 2000 and 2018.<sup>20</sup>
- Some 83% were girls wed to adult men<sup>21</sup> an average of 3.91 years older.<sup>22</sup>
- At least 1,272 and possibly as many as 1,814 marriages between 2000 and 2014 occurred with a spousal age difference that would have met the definition of a sex crime outside of marriage.<sup>23</sup>

### **Simple Legislative Solution**

- SB548 is bipartisan legislation to keep the marriage age at 18 but eliminate the loopholes that allow marriage before that age. It is simple, commonsense legislation that harms no one, costs nothing and ends a human rights abuse.
- States and territories across the U.S. – including Washington – and countries around the world are passing the same legislation. Oregon is falling behind and risks becoming a destination site for child marriage. More information is at [www.unchainedatlast.org](http://www.unchainedatlast.org).

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<sup>1</sup> Oregon Revised Statutes (ORS) §§ 106.010 and 106.060. Note that only one parent or guardian’s “consent” is required.

<sup>2</sup> ORS §§ 163.315(1)(a), 163.445.

<sup>3</sup> ORS § 163.345(1),(3).

<sup>4</sup> ORS § 163.445(1): “A person commits the crime of sexual misconduct if the person engages in sexual intercourse or oral or anal sexual intercourse with an **unmarried** person under 18 years of age” (emphasis added).

<sup>5</sup> ORS § 109.520: “... all persons shall be deemed to have arrived at the age of majority upon their being married according to law.

<sup>6</sup> ORS § 419B.552(1)(b)-(c).

<sup>7</sup> ORS § 419B.558(1)(b).

<sup>8</sup> Nancy Salamone, *Domestic Violence and Financial Dependency*, Forbes (2 September 2010),

<https://www.forbes.com/2010/09/02/women-money-domestic-violence-forbes-woman-net-worth-personal-finance.html>.

<sup>9</sup> Federal law (8 U.S. Code § 1101) does not set a minimum age for spousal or fiancé visas; instead it defers to the law in the state where the couple will reside (see: U.S. Senate Committee on Homeland Security and Governmental Affairs, *How the U.S. Immigration System Encourages Child Marriages* (11 January 2019), <https://www.hsdl.org/c/abstract/?docid=820021>). Thus Oregon’s current marriage age laws allow and encourage 17-year-olds to be legally trafficked for their citizenship, forced to marry adults overseas so the adults can get a visa and path to citizenship. Oregon’s laws also allow and encourage individuals to legally traffic 17-year-olds from overseas to Oregon as their spouse.

<sup>10</sup> ORS § 109.510: The age of adulthood is 18.

<sup>11</sup> ORS §§ 419B.152; 419B.183; 419B.185: A minor who leaves home to escape parents who are planning an unwanted wedding for them may be taken into police custody as a “runaway” and then sent back home, placed in a shelter and/or subjected to a court hearing to determine their fate.

<sup>12</sup> 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; typically are not confidential – they must notify parents of the minor’s whereabouts – and they typically house minors for about 21 days while they work on a reunification plan.

<sup>13</sup> *Olshen v. Kaufman*, 235 Or. 423, 433 (Or. 1963): Most contracts with minors are voidable. In our experience, lawyers are reluctant to take on a minor as a client based on a voidable retainer agreement.

<sup>14</sup> Oregon Rules of Civil Procedure (ORCP) 27: A minor may appear only through their guardian, through their conservator or through a guardian ad litem.

<sup>15</sup> ORS § 419B.552 lists the specific, limited rights an emancipated minor gets.

<sup>16</sup> ORS § 419B.005(2): A “child” means an “unmarried” person under age 18.

<sup>17</sup> Fraidy Reiss, *Why Can 12-Year-Olds Still Get Married in the United States*, Washington Post (10 February 2017),

<https://www.washingtonpost.com/posteverything/wp/2017/02/10/why-does-the-united-states-still-let-12-year-old-girls-get-married>.

<sup>18</sup> 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>.

<sup>19</sup> Vivian Hamilton, *The Age of Marital Capacity: Reconsidering Civil Recognition of Adolescent Marriage*, William & Mary Law School Scholarship Repository (2012), <https://scholarship.law.wm.edu/facpubs/1430>.

<sup>20</sup> Fraidy Reiss, *Child Marriage in the United States: Prevalence and Implications*, Journal of Adolescent Health (December 2021), [https://www.jahonline.org/article/S1054-139X\(21\)00341-4/fulltext](https://www.jahonline.org/article/S1054-139X(21)00341-4/fulltext).

<sup>21</sup> Based on Unchained’s analysis of marriage-certificate data retrieved from the Oregon Center for Health Statistics.

<sup>22</sup> Based on McGill University’s analysis of marriage-certificate data Unchained retrieved.

<sup>23</sup> Alissa Koski, et. al., *Child Marriage or Statutory Rape?*, Journal of Adolescent Health (March 2022), [https://www.jahonline.org/article/S1054-139X\(21\)00552-8/fulltext](https://www.jahonline.org/article/S1054-139X(21)00552-8/fulltext).