

Memorandum in Support

COMMITTEE ON CHILDREN AND THE LAW

Children #8

June 5, 2017

S. 4407-B

By: Senator Lanza

A. 5524-B

By: M. of A. Paulin

Senate Committee: Rules

Assembly Committee: Codes

Effective Date: 30th day after it shall have become a law

AN ACT to amend the domestic relations law, in relation to increasing the age of consent for purposes of marriage to the age of seventeen.

LAW AND SECTIONS REFERRED TO: Sections 15 and 15-a of the domestic relations law.

THE COMMITTEE ON CHILDREN AND THE LAW SUPPORTS THIS BILL

This Bill would accomplish four positive steps to protect children. First, it would ban all marriages by children under the age of 17. Current law permits children as young as 14 years of age to marry. Children under 17 are still in their formative years and are not emotionally equipped to choose a lifetime mate and adjust to marriage. Earlier this year, the Legislature followed that same reasoning in raising the age of criminal liability to 18. Second, the Bill would require that a child who is 17 years old can only be married with court approval. Third, the Bill would establish criteria for a court to use in determining whether to grant approval for such a marriage. Currently, there are no criteria in statute. Finally, the Bill would provide the child with an attorney and require that the judge interview the child outside of the presence of the child's parents, to ensure that the child is not being forced into the marriage by the child's parents or the prospective spouse, or as a result of domestic violence. The court would also inform the child of the numerous consequences of marriage, so that the child can make a fully-informed decision.

Based on the foregoing, the Committee on Children and the Law **SUPPORTS** this legislation.