

**TESTIMONY IN SUPPORT OF SB156: ENDING CHILD MARRIAGE IN SOUTH DAKOTA
PRESENTED TO THE SENATE JUDICIARY COMMITTEE
FEBRUARY 13, 2025**

Chair Wheeler, Vice Chair Hulse and Distinguished Committee Members:

AHA Foundation wishes to be recorded in strong support of SB156. AHA Foundation thanks the Committee for prioritizing a hearing on this important legislation and the sponsors of this bill for their efforts.

While the current marriage age in South Dakota is 18, an alarming legal loophole allows one parent to enter a 16- or 17-year-old into marriage with nothing more than a notarized signature. SB156 eliminates this dangerous loophole and ends child marriage in South Dakota.

Forced marriage in itself is a form of human trafficking leading to sexual exploitation and forced servitude. In addition to this, the marriage-age laws incentivize and legalize the trafficking of minors under the guise of marriage. Federal law does not set a minimum age for spousal or fiancé visas;¹ instead it defers to the law in the state where the couple will reside.² Thus South Dakota's current marriage age laws allow and encourage 16- and 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. South Dakota's laws also allow and encourage individuals to legally traffic 16- and 17-year-olds from overseas to South Dakota as their spouse.

This is not a small problem. In 2019, the Committee on Homeland Security and Governmental Affairs, then chaired by Senator Ron Johnson, issued a report finding that USCIS approved 8,868 petitions involving minors as young as age 13 for spousal or fiancé entry into the U.S. between 2007 and 2017. The younger party was a girl in 95% of the petitions.³

Marriage before age 18 creates a nightmarish legal trap. Even the most mature minor faces overwhelming legal and practical barriers if they try to avoid being forced into marriage. Minors, having not yet reached the age of majority, can easily be forced to marry or trapped in an abusive marriage in which they are forced to stay. Because they have not yet reached the legal age of majority, minors face significant legal and practical barriers if they try to leave home, enter a domestic violence shelter, retain an attorney, or file a legal action independently.

Minors being coerced into marriage may fear familial violence should they refuse to comply, or they may be physically or emotionally manipulated into an unwanted marriage. AHA Foundation has worked with victims facing child marriage from across the U.S. and knows full well that these barriers are grounded in reality.

¹ 8 U.S. Code § 1101.

² 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>.

³ 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>. (Note that the State Department ultimately rejected the two petitions involving 13-year-olds.)

The individual stories we have seen are also supported by data: 838 minors, one as young as 15, were married in South Dakota between 2000 and 2020.⁴ Additionally, 81% were girls wed to adult men.⁵ Between 2000 and 2018, at least one marriage occurred with a spousal age difference that would have met the definition of a sex crime outside of marriage.⁶

Marriage before age 18 destroys nearly every aspect of an American girl's life. Child marriage produces devastating lifelong repercussions for her health, education, economic opportunities and physical safety. Some 70% to 80% of marriage before age 18 ends in divorce, which brings additional hardship, instability and dependency.

Given these harms, one case of child marriage is one too many. If mechanisms are in place that allow for hundreds of cases to slip through the cracks, the common sense solution is to enact the necessary law to close these gaps.

South Dakota should not participate in child marriage. The solution is simple: eliminate the dangerous loophole in the marriage laws that place the minors of South Dakota at risk of trafficking, exploitation and abuse. AHA Foundation urges you to support, and **vote YES to pass, SB156.**

⁴Fraidy 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). Data for 2019 and later based on the nonprofit Unchained At Last's analysis of marriage-certificate data from the South Dakota Department of Health.

⁵ Based on Unchained At Last's analysis of marriage-certificate data retrieved from the South Dakota Department of Health.

⁶ 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).



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About AHA Foundation

AHA Foundation is a 501(c)3 nonprofit founded by women's rights activist Ayaan Hirsi Ali, and is the leading organization working to end honor violence that shames, hurts or kills thousands of women and girls in the U.S. each year, and puts millions more at risk. We ensure that women and girls of all races, cultures, religions, beliefs and backgrounds who are facing honor violence have a way out, and that survivors get the help they need to thrive.

Since 2010, the Foundation's programs include: 1) compiling data on these crimes, which are not currently tracked by U.S. law enforcement or government agencies, 2) publishing reports and articles and organizing conferences about the continued oppression of women and girls in the U.S., 3) outreach and education to expand and strengthen state and national legislation for the protection of women and girls, 4) training of law enforcement and service providers, and 5) connecting women and girls in crisis to appropriate services. AHA Foundation has trained over 4,000 frontline service providers on responding to cases of gender based violence, honor violence and forced marriage, and partnered with Crisis Text Line to create America's first honor violence and forced marriage helpline.