

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY**

**Eightieth Session
March 5, 2019**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 8:04 a.m. on Tuesday, March 5, 2019, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblyman Steve Yeager, Chairman
Assemblywoman Lesley E. Cohen, Vice Chairwoman
Assemblywoman Shea Backus
Assemblyman Skip Daly
Assemblyman Chris Edwards
Assemblyman Ozzie Fumo
Assemblywoman Alexis Hansen
Assemblywoman Lisa Krasner
Assemblywoman Brittney Miller
Assemblywoman Rochelle T. Nguyen
Assemblywoman Sarah Peters
Assemblyman Tom Roberts
Assemblywoman Jill Tolles
Assemblywoman Selena Torres
Assemblyman Howard Watts

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Bradley A. Wilkinson, Committee Counsel
Karyn Werner, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

Kimberly Mull, Legislative Advocate, Kimberly Mull Advocacy and Consulting; and
representing Tihirih Justice Center
Fraidy Reiss, Founder/Executive Director, Unchained At Last
Sara Tasneem, Private Citizen, Reno, Nevada
Elizabeth S. Taylor, Private Citizen, Elko, Nevada
Marlene Lockard, representing Nevada Women's Lobby
Jeana Taylor, Founder, Everyday People Taking Action
Michaelene Bilbray, Private Citizen, Las Vegas, Nevada
Dora Uchel, Vice President, National Federation of the Blind of Nevada
Juan Martinez, Private Citizen, Reno, Nevada
Shirley Cyrus, Private Citizen, Reno, Nevada
Jennifer Jeans, representing Legal Aid Center of Southern Nevada; Washoe Legal
Services; Volunteer Attorneys for Rural Nevada; and the Senior Law Program
of Southern Nevada
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's
Office
John T. Jones, Jr., Chief Deputy District Attorney, Clark County District
Attorney's Office

Chairman Yeager:

[Roll was called. Committee protocol and rules were explained.] We have a quorum.
We will move to our agenda and take the bills in order. I will open the hearing on
Assembly Bill 139.

**Assembly Bill 139: Requires a person to be at least 18 years of age to marry.
(BDR 11-1)**

Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34:

I am here to present Assembly Bill 139, which requires a person to be at least 18 years of age
to marry. I put the bill draft request in during the last session when I asked our research
analyst what our marriage age is in Nevada and discovered that we do not have a minimum
age. That was the onus behind this.

In Nevada a person must be at least 18 years of age to get married. Unfortunately, there are
two gaping loopholes. If a person is younger than 18 years of age and at least 16 years old,
all that is needed is the consent of either parent, typically just a signature on a form.

For a child who is under the age of 16, he or she must have the consent of a parent as well as the approval of a judge. In order for a judge to allow the child to be married, the judge must affirm two things: (1) there is, in fact, parental consent, and (2) that the marriage will serve in the best interest of the child. It is ironic because the United States Department of State considers marriage before the age of 18 to be a human rights abuse. Based on that, how could a child entering into a contract of marriage ever be in the best interest of that child?

According to the Pew Research Center, about 60,000 minors in the United States, ages 15 to 17, were married as of 2014. Unfortunately, the state of Nevada does not collect information about child marriage; however, Clark County does. From 2005 to 2015, 5,146 children were married in that county. Out of the marriages we were able to track in Nevada, 80 percent of them had at least one participant who was from out of state or out of the country. These are people who are coming to our state to take advantage of our lax child marriage laws. The rate of child marriages varies widely by state based on the Pew Research Center's analysis of 2014 census data. While Nevada is not the worst in the country—that is West Virginia with a 7.1 rate of 15- to 17-year-olds married per 1,000—Texas is second with a 6.9 rate, and Nevada comes in third with a 5.9 rate. The rate for the United States as a whole is 4.6.

Assembly Bill 139 requires a person to be at least 18 years of age to marry, with no exceptions. Why is this needed? When a child under the age of 18 marries, the outcome often leads to lifelong negative consequences. Research has shown that child marriage can lead to family instability with 70 to 80 percent of marriages involving persons under the age of 18 ending in divorce, and domestic abuse where women who marry before the age of 18 are three times more likely to be abused by their spouse. Child marriages are associated with higher rates of mental health service needs and psychiatric disorders; health issues where the child is more likely to seek a doctor for heart disease, diabetes, and sexually transmitted diseases; and higher rates of death in women resulting from childbirth, unwanted pregnancies, and pregnancy termination.

We also know that child marriage leads to lower education. A person who marries early is more likely to discontinue formal education. It has been found that women who marry before the age of 18 are 50 percent more likely to drop out of high school. They are more often lower wage earners and have a higher poverty rate.

Some people might argue that putting in an arbitrary age is not necessary, but we limit what children can do all the time. You have to be over the age of 18 to vote, to join the military, obtain a loan without a cosigner, donate blood, donate organs, work a full-time job, obtain a driving permit or a commercial driver's license, and purchase tobacco. I urge your support on this bill.

Kimberly Mull, Legislative Advocate, Kimberly Mull Advocacy and Consulting; and representing Tahirih Justice Center:

The Tahirih Justice Center is a national legal advocacy and directive services organization, founded in 1997, that has assisted over 25,000 survivors of domestic violence, sexual assault,

human trafficking, and other abuses. They would like to submit testimony in strong support of Assembly Bill 139 ([Exhibit C](#)).

Tahirih has unique legal and policy expertise in forced and child marriages in the United States. Through their forced marriage initiative, launched in 2011, they have worked on several hundred cases involving women and girls nationwide, including in Nevada. They have compiled extensive research throughout the 50 states. They found one thing in Clark County that is unique: between 2015 and 2017 nearly 80 percent of the 400 marriages that involved at least one underage party also involved at least one party from out of state. In my opinion as a professional, if you bring an underage child into Nevada from out of state to get married, that is a form of human trafficking.

I am in support of this bill as a survivor of child trafficking. This hits home for me. Whether it is the adult or the child being married who is from out of state, 80 percent of these people come into Nevada from another state or country because of our lax laws when they cannot get married in their own state or country. Essentially, the state of Nevada is being used as a trafficker. No other state markets itself as a "quickie marriage state."

I am excited that we are addressing this situation and that we are not going to be a part of this trafficking. We are going to take a stand.

Fraidy Reiss, Founder/Executive Director, Unchained At Last:

I am a forced-marriage survivor. I was an adult. I was 19 years old when my family forced me to marry. After my two daughters and I managed to escape from the abusive marriage that I was trapped in for 12 years, my family shunned me. I rebuilt my life and founded Unchained At Last to help other women across the United States who are escaping forced marriages. We at Unchained At Last are typically able to help the women 18 years or older who reach out to us in these terrifying situations. Everywhere in the United States, including here in Nevada, we found we were unable to help children. That is still a problem in Nevada.

There are two loopholes that currently exist in the marriage age laws ([Exhibit D](#)). The parental-consent loophole that allows children ages 16 and 17 to marry is very dangerous. When a child is forced to marry, the perpetrators are almost always the parents. That is what we see again and again. The parental-consent exception empowers parents to force their child to marry. It provides no protection for children who do not want to marry. In fact, across the United States we know of girls who have shown up at the clerk's office sobbing and begging not to make them marry, but there is nothing the clerk can do.

With the judicial-approval exception, you would think there would be some protection for the child when the court is involved. Unfortunately, the way the laws are written here in Nevada, the only things the judge considers is whether there is parental consent—which we know is often parental coercion—and whether the marriage is in the best interest of the child. As you heard before, the United States Department of State considers marriage before 18 years of age to be a human rights abuse. How can a human rights abuse ever be in the child's best interest?

The courts have one discretion: they are allowed to approve the marriage of a child who is too young to consent to sex. This becomes a work-around for the sexual assault laws in Nevada. While an adult who has sex with a child 13 years old or younger would typically be charged with a category A felony and punished by up to life in prison, once there is a marriage license handed out it becomes a defense and is now a work-around for sexual assault laws. It is also a ridiculous situation when we talk about 14- and 15-year-olds. An adult who has sex with a child 14 or 15 years old, depending on the circumstances and the age difference, could be charged with a category B felony and imprisoned for up to 10 years. Marriage is not a defense for those perpetrators, so those marriages are legal. Judges approve these marriages, but every time the couple has sex, the adult spouse is committing a category B felony and could be imprisoned. It is a wink-wink, nod-nod, do not rape her, so we will give you a marriage license so you can have sex with her. The way the laws are written, they endanger children, and all of the children who marry in the United States are girls married to adult men.

There are two other really important reasons we should end all marriages before 18—not just strengthen the laws, but end marriage before 18. First, marriage before 18 is easily a forced marriage. Age 18 is not an arbitrary number; that is the age at which a child becomes an adult in Nevada; that is important. Before a child becomes an adult, if that child leaves home before 18, she could be considered a "child in need of supervision" and could be dragged into juvenile court. We advocates who help a child leave home could be charged with a misdemeanor crime if the child becomes a child in need of supervision. Domestic violence shelters across the United States will not take children under the age of 18 because of the liability issues. Sometimes there are funding guidelines that prevent the shelter from taking them in. Youth shelters are not a solution. They are required to notify the parent or guardian that the child is there, and they typically keep children for up to 21 days while they work on a reunification plan. That does not help a child who, on day 22, is going to be sent back home and be forced into marriage, then raped on her wedding night and thereafter.

Someone who is escaping a forced marriage has complex legal needs. Contracts with children, including retainer agreements, are voidable in Nevada. Most attorneys will not take on a child client because the retainer agreement is a worthless piece of paper. A child is not allowed to bring a legal action in his or her own name. If a child wants to get a protective order against parents who are threatening marriage, that child has to ask the parents to petition for the protective order on the child's behalf. It is ridiculous. Because we have unclear statutes in case law that seem to contradict each other, it is also unclear whether a child who is married is considered emancipated and can even file for divorce. In fact, we in Unchained asked two different attorneys to research this for us and they came back with two different answers. Think about a 17-year-old child trying to figure this out by doing a Google search on her cell phone.

The other important reason to end marriage before 18 is the devastating lifelong repercussions, even if the child willingly enters into a marriage. The repercussions are so severe—based on research completed here in the United States and not in a developing country—the United States State Department considers it a human rights abuse. This

significantly undermines the girl's health, education, economic opportunities, and increases her risk of experiencing violence.

This simple commonsense legislation eliminates human rights abuse that destroys girls' lives. This is being done in states across the country. Last year two states ended child marriage with no exceptions, and ten other states are considering this same legislation. Globally, there are 193 countries that have agreed to eradicate child marriage by the year 2030 under the United Nations Sustainable Development Goal 5.3. Let us not wait until 2029, but be a leader in this movement and do it now.

Sara Tasneem, Private Citizen, Reno, Nevada:

I am here to testify in support of A.B. 139 ([Exhibit E](#)). I was 15 years old when my dad forced me to marry. The man whom I married was 28 years old, almost twice my age. I met him that morning and was forced to marry him that night. It was a "spiritual" marriage, and it took place in California. I was born in Boulder, Colorado, but my dad lived in California when he forced me to marry this man. It was part of his religion. I was physically handed off to the man, and he was able to leave the country with me. We went to his country of origin where I did not speak the language. We lived in his parents' home, and I quickly became pregnant, even though I did not know what that meant.

I came back to the United States when I was 16 years old and six months pregnant. One day my ex told me that we were going on a road trip to Nevada. I was then legally married here in Nevada, although I still did not know what that actually meant. That day, I was very happy to see snow for the first time since leaving my mom's home in Colorado.

I was seven months pregnant. In California, if you are under the age of 18, it is a crime to be with someone older. He should have been arrested for statutory rape. My mom did not know that I was getting married. If she had known, she would have called the cops. Instead, I was handed a marriage certificate in Reno. It took me seven years to leave. I had to fight him tooth and nail. He was extremely controlling. He was emotionally abusive and, at times, physically abusive. I had two children, and it took me three more years to divorce him. He was not a United States citizen when he first married me, but he was able to get his Green Card [permanent resident card] through the marriage. As soon as we separated, he left the country. There was no enforceable child support, and that is why it took so long for the divorce. I had to give up everything in my life so I could leave him. I raised my children on my own—they are now 18 and 21 years old—and they are both successful unmarried adults. They can do whatever they want, and they are both good kids. I am happy they are in my life.

I am not happy that child marriages are allowed here in the United States, and it is up to you to change that. I strongly urge you to pass this bill. It would mean a lot to me and to my family.

Chairman Yeager:

We will now have telephonic testimony.

Elizabeth S. Taylor, Private Citizen, Elko, Nevada:

In early 1984, at the age of 16, I was driven to Nevada from California where I was married off against my will to a 28-year-old whom I barely knew and had never been alone with. You have my written statement ([Exhibit F](#)), but I would like to tell you my story to provide some context.

I grew up in a cult that was started by my stepfather and mother and led by my stepfather. I was cut off from my dad after my stepfather adopted me in a closed adoption. I planned to escape from a very early age. However, I felt that I had no parent to escape to since my brother and I were forced to write letters to my real father telling him that we did not love him and would only be there for him on his deathbed.

In the commune, we followed an East Indian guru; however, the day-to-day lives of the members—over 150 adults and 50 children—were controlled by my stepfather. We followed a strict religion, and we had extreme body therapies, vegetarianism, meditation, psychological therapy treatments, and celibacy unless married. Relationships were strictly controlled and were forbidden without the permission of our cult leader.

When I was 16 they discovered that I had a secret boyfriend who was a nonmember. He was literally kicked down the hall and out onto the street even though his family was overseas. I would not see him again for many years. Because I was the eldest of 50 children, I was made an example even though I had not lost my virginity. I was brought before the members in the community room, stripped down to my underwear, tortured using painful body treatments, isolated in my bedroom on a reduced feeding schedule, and shunned by the only community I had ever known. I broke out in hives and came down with mononucleosis from the stress.

I was told the only way for me to regain the respect of my community was to marry. They decided to bring me to Las Vegas due to my young age. The entire way there I hoped someone would notice that this was not of my choosing and report these people to the authorities. No one in the cult stood up for me, and no judge in Nevada asked me whether I wanted to get married. In fact, there was no judge. Please note, since this is key to this bill, that even if I had been asked by a judge, I would not have felt safe enough to tell him I was being married off against my will because I had nowhere else to go. My real father had no legal rights over me, and I would have been returned to the cult in worse shape and circumstances. I felt I had no option but to go through with it.

Given the Nevada law, there was no way out for me in this process. After an evening at Circus Circus, I was married off at the Candlelight Wedding Chapel. I was then brought back to California where I was wed again in front of the cult members and whisked off to consummate the marriage. I was then taken out of the country with my stepfather and his entourage, and my passport was confiscated. While overseas I was made to teach and take care of the younger children and to cook and clean. My plan to convince my husband to escape would not happen for another two and a half years.

I ultimately escaped on Independence Day, when we returned to California, by having a car delivered with a key left on the tire. I was 19 by then, but had been taken out of school in the eighth grade and homeschooled for a year before passing the high school proficiency exam. I had very little education to go on, and my only real skill was the ability to type, which got me my first job.

What happened to me in 1984 could happen to any young girl in Nevada today. I was finally able to escape and divorce the man I married in the cult. I have the family of my choosing, earned both undergraduate and graduate degrees, and have an accomplished career. I still live with the scars of losing my childhood. I have frequent nightmares and have a very hard time trusting others, even though I have gone through years of therapy.

I am grateful for the opportunity to stand up for defenseless children who are forced or coerced into marriage and to be invited to speak publicly about this for the first time. I hope you will pass this legislation to lead the way in ending child marriage in America.

Chairman Yeager:

I want to thank those of you who shared your personal story. I know that is not easy to do in public. It helps us understand what this bill is trying to achieve. I will now open it up for questions.

Assemblywoman Miller:

I echo the same sentiment. Thank you for sharing your stories. Of all the issues in the bills that we address in the Legislature, the ones with human issues are the most important and valuable for me. Anything that impacts individuals and our liberties is very important.

Do we know the age of the youngest child who has been married in Nevada?

Assemblywoman Bilbray-Axelrod:

There was a child in Washoe County who was 11 years old, and one in Clark County that was 12 years old, but we only went back a few years.

Fraidy Reiss:

Nevada is 1 of 12 states that do not track marriage age data. When we at Unchained retrieve data from across the United States, we are unable to get a lot of information on Nevada. What we have seen in states that have similar laws with no minimum age—which puts the laws in line with Iran and Yemen—the youngest that we have seen is 12 years old. Judges are approving child marriages as young as 12.

Assemblywoman Miller:

You mentioned that you were only able to go back a few years. What years were those 11- and 12-year-olds married here in Nevada?

Assemblywoman Bilbray-Axelrod:

I will get that to you. I am not sure since I was just told about the judge who approved it in Washoe County. An important thing to point out is that many judges are just rubber-stamping this. They look to the parents to make the best decision for their children. We have seen a 92 percent approval rate from judges in other states. We tend to think that a judge will come in and save the child, but we know that does not usually happen.

Assemblywoman Miller:

I see that the minimum age is 18, and I understand that is when a person is considered a legal adult. We know they can vote at 18 years old, can leave home and live on their own, and can join the military. Was there any consideration of making it 18 years old with a high school diploma? Many of our 18-year-olds are still in high school. There is a difference between an 18-year-old with a high school diploma and one still in school. Was there any discussion about that?

Fraidy Reiss:

Are you suggesting that the minimum age be 18, but you also need to have a high school diploma to get married?

Assemblywoman Miller:

I am curious if that is part of the discussion. What comes to mind is when I was an undergraduate, there was one bar that allowed people under 21 years old to come in if they were at least 18 with a college identification. It always struck me that there was a distinction between an 18-year-old in college and one who is not. That would be the same as an 18-year-old with a high school diploma and one without. If you are an 18-year-old and still in high school, you are in many ways still considered a minor. You still have protections like everyone else in high school.

Fraidy Reiss:

That is interesting. The reason we at Unchained are pushing for 18 years of age across the United States—and in the states where the age of majority is higher—is that we want to take it to the age of adulthood. It is an interesting thought that an 18-year-old legal adult still in high school faces disadvantages.

Assemblywoman Backus:

Preventing forced marriages and solving difficult issues—such as domestic violence, sexual assault, and human trafficking—are very important. With respect to this law, I want to make sure the intent is not to impact any other laws that may be on the books now or later with respect to minors, including the age of driving, reproductive rights, or even the age when minors can go to court and testify as to their preference of which parent they choose to live with in custody cases. Is my understanding of the main purpose correct? You did a good job laying out the intent today.

Assemblywoman Bilbray-Axelrod:

That is absolutely correct. It is just about marriage.

Assemblywoman Backus:

You gave some shocking statistics regarding 80 percent of the marriages in Nevada being people from out of state, including those under the age of 18. My mind immediately goes to human trafficking. You explained that we are almost fostering it in Nevada, which really disappoints me. In situations where someone may be subject to criminal punishment, this could be used as a shield under the spousal privilege law as well. Is that my understanding?

Kimberly Mull:

Absolutely. There are cases across the country where pimps and traffickers will purposely marry, especially if they have one girl who is the top earner or a girl who is their prized possession. They may do multiple things to that girl to maintain control over her: purposely get her pregnant so they have a permanent connection or just marrying her. This gives them more power, control, and a lifelong connection, along with the spousal privilege over her. The girl would not be able to testify against her husband.

Assemblywoman Cohen:

If a child is emancipated, can she still be forced to marry, or will this prevent that? Ms. Reiss touched on emancipation, but I do not think she talked about that.

Fraidy Reiss:

The emancipation statute already specifies that even emancipated minors—you can seek emancipation at 16 or 17 years old—still have certain age-limited activities that are not available to them, and one is marriage. The intent of this bill is to definitely keep it that way. There is concern that an emancipated minor can still be subjected to all of the lifelong repercussions of marriage before age 18.

Assemblywoman Tolles:

This really deepens our understanding of the abuse and trafficking implications. This can also be used as a way to cover someone's identity or trap them into a lifelong contract. As I was listening, I remembered that we had a girl in high school who was 14 years old and she came to school one day extremely upset. Her parents had told her she had to marry a man who was close to the age of 50 and from another country. We all rallied around her trying to help, but the next week she was gone and we never saw her again.

You mentioned that we are the third-worst state in the country, but how many other states have similar laws to what we are proposing with this restriction?

Assemblywoman Bilbray-Axelrod:

There are 2 states that have done exactly what we are seeking to do, and there is legislation pending in 11 other states.

Assemblywoman Tolles:

With the federal statement that this is a human rights issue, I hope we can join those states and that many more will join in as well.

Assemblyman Edwards:

You said there are no exceptions at all.

Assemblywoman Bilbray-Axelrod:

Yes. This bill says to be married you must be 18 years old.

Assemblyman Edwards:

I wonder if there may be one or two exceptions, but I have not thought of them. If I do, I will get with you. There may be a legitimate exception that we have not thought of yet.

Assemblywoman Bilbray-Axelrod:

Unfortunately, other states have shown that when you put in a little bit of daylight, people will take advantage of the situation. The bill has a hard-line 18-year-old limit just as it is to buy tobacco, vote, or join the military.

Chairman Yeager:

I am disappointed to learn that Nevada does not keep statistics about ages, so that is something we will need to address with those who could be doing so. You mentioned that many of these marriages are for people out of state. Do we have any data regarding the states or countries those people come from to get married here?

Kimberly Mull:

Most of the statistics we have are from Clark County and Washoe County, and that is just what we could pull from the Internet. Their databases are available online. In the rurals, you have to call them to try to get information. Most of what we can find on Clark County is that there are a lot from California and the surrounding states like Arizona and Utah. The majority from what I could pull were from California. As far as countries, a large number were from Mexico, South American countries, and several Middle Eastern countries.

Assemblywoman Bilbray-Axelrod:

We have those numbers, and we will share them with the Committee. They are quite shocking.

Assemblywoman Hansen:

I am also stunned that we do not track the parties' ages in Washoe County marriages. Should we mandate counties to keep track of the ages as a component of the bill?

Kimberly Mull:

I believe they are already asking for the information. It is not so much that they do not ask, but rather that the information is not readily available. That would be more accurate.

Assemblywoman Bilbray-Axelrod:

I can follow up with legal to figure out what we would have to do to add that. I do not know if that would go into the statute, but we can talk about it.

Chairman Yeager:

At this time I will open it up for testimony in support of A.B. 139. If there is anyone in Las Vegas or Carson City who would like to testify in support, please come to the table.

Marlene Lockard, representing Nevada Women's Lobby:

I came with a lot of statistics and information that has already been presented. I will not repeat that information. Research shows that minors who marry as a child are 50 percent more likely to drop out of school and more likely to live in poverty. The Nevada Women's Lobby supports this measure for all of the reasons the presenters stated.

Jeana Taylor, Founder, Everyday People Taking Action:

I am the founder of Everyday People Taking Action. This group's mission is to inspire a greater level of civic engagement and community participation. It is in this role that I come to speak in support of A.B. 139.

As a society, we are defined by how we treat our most vulnerable citizens. In the case of A.B. 139, I am speaking in behalf of girls younger than 18. We have long ago decided that 18 years old marks adulthood and the ability to vote, sign contracts, and enjoy other rights. These rights are also linked to a greater sense of responsibility. We have agreed that being 18 also means greater consequences for our actions. It is surprising to me that we allow a girl to be bound to marriage—a sacred and legal act designed to last a lifetime—before she has had a moment to claim her own adulthood. It is not a surprise that divorce rates among marriages involving minors are higher. It is also not a surprise that a married girl under the age of 18 ends up dropping out of school and is more likely to be abused. In many cases, a pregnancy is involved.

I hope we have come far enough in our society that we can acknowledge that the act of getting married does not magically create a family or a stable home environment. Having exceptions to the rule of how old someone must be to marry creates a situation that is ripe for abuse. Preventing even one girl from being betrayed by family members and being let down by the system justifies the passage of A.B. 139. It is hard to imagine a similar potential for harm arising from simply having to wait a couple of years to be married. I urge you, on behalf of girls who are not even old enough to vote for you, to support this bill.

Michaelene Bilbray, Private Citizen, Las Vegas, Nevada:

I am here to testify in support of Assembly Bill 139. When I was in high school I had a very dear friend who got married at 16. She had to get married at that time because she was pregnant. This was a very beautiful, intelligent, precocious girl. He was also 16 when they entered into this contract. By the time she was 26, she had six children and he was gone. Her life changed dramatically. I do not think that any child should ever enter into a contract of marriage, male or female. That is why I support A.B. 139.

Chairman Yeager:

Is there anyone else who would like to testify in support? Seeing no additional support, we will go to opposition testimony. Would anyone like to testify? I do not see any opposition,

so we will go to neutral. Seeing no one, we will invite anyone who would like to make closing remarks back to the table.

Fraidy Reiss:

Forced marriage is a crime in Nevada. Unfortunately, what we have seen is that children are unable and unwilling to pursue criminal charges against their own parents.

[Additional exhibits submitted but not discussed include letters in support of A.B. 139 from the AHA Foundation ([Exhibit G](#)); Aliya Abbas ([Exhibit H](#)); Donna Pollard ([Exhibit I](#)); Naila Amin ([Exhibit J](#)); "B" ([Exhibit K](#)); Marilyn Smith ([Exhibit L](#)); Dawn B. Tyree ([Exhibit M](#)); Vivian Hamilton, Professor of Law, College of William & Mary ([Exhibit N](#)); Reid Maki, Child Labor Coalition ([Exhibit O](#)); Timothy Janicek, UNICEF USA ([Exhibit P](#)); American Atheists ([Exhibit Q](#)); and Nicholas Syrett, Chair, Women, Gender, and Sexuality Studies Department, University of Kansas ([Exhibit R](#)). Also submitted but not discussed: an excerpt from the *Boston University Law Review*, Volume 92:1817, submitted by Alexandra Boyer Coffey, Public Relations Manager, Unchained At Last ([Exhibit S](#)); and a poem from Delma Rojas titled "You are not alone," submitted by Alexandra Boyer Coffey, Public Relations Manager, Unchained At Last ([Exhibit T](#)).]

Chairman Yeager:

We will close the hearing on Assembly Bill 139. At this point, we will go to our second bill on the agenda. I will open the hearing on Assembly Bill 140.

Assembly Bill 140: Prohibits discrimination against persons with a physical disability in certain proceedings relating to children. (BDR 11-172)

Assemblywoman Leslie E. Cohen, Assembly District No. 29:

During the interim, I was chair of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. We were also joined on our committee by Assemblywoman Krasner. I am here to present Assembly Bill 140, and I will give you some background.

According to the research from the Center for Advanced Studies in Child Welfare at the University of Minnesota, parents who had a disability label in their school record are more than three times more likely to have their parental rights terminated than parents without such a disability label. In addition, parents with a disability label in their school record are more than twice as likely to have involvement with child welfare as their peers without a disability label.

According to a report from the National Council on Disability titled "Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children," it is noted that, in families where a parental disability is physical, 13 percent have reported pathologically discriminatory treatment in custody cases. The deaf and blind communities also report extremely high rates of child removal and loss of parental rights. The report also provides several parental examples. For example, in 2010 a couple from Missouri had their two-day-old daughter taken into custody by the state because both parents were blind. The

removal was not based on allegations of abuse but rather the fear that the parents would be unable to care for the child. Because the couple was presumed to be unfit, they were only permitted to visit their daughter two or three times a week for one hour at a time with a foster parent present. After a 57-day legal battle, they were finally reunited with their daughter.

Another example concerns a woman who was a wheelchair user and a mother of one who was inappropriately referred to Child Protective Services (CPS) by her daughter's pediatrician. During the investigation, the woman had difficulty securing an attorney who could effectively represent her. She eventually did find an attorney, and her daughter's medical records actually refuted that there was any type of neglect.

According to a report from the American Bar Association, cases such as these are not unique or uncommon. Although the *Constitution of the United States* provides the fundamental right to parent without interference—and this right is balanced by the power of the judicial system to interfere to protect the well-being of children—the rules have seemingly not been objectively or justly applied when parents have disabilities.

There is little research on the prevalence of parents with disabilities; however, data collected from a 2010 American Community Survey of the United States Census Bureau shows that there were at least 4.1 million parents with reported disabilities in the United States, and at least 6.1 million children had parents with disabilities, which is about 9 percent of the children in the United States.

According to a report by ParentalRights.org, several states are beginning to pass legislation to address discrimination against disabled parents in proceedings related to children. For example, Georgia House Bill 891 from the 2018 session provides that blindness may not be used to discriminate against a parent in a custody decision. In Hawaii similar legislation was passed in 2018. Other states that have either passed laws or are considering laws to stop discrimination against disabled parents are Nebraska, Oregon, and Virginia.

What does Assembly Bill 140 do? Sections 1, 2, 4, 5, and 10 through 12 prohibit a court from discriminating against a person in a proceeding concerning child custody or visitation, adoption, guardianship, or child protection solely because the person is deaf, legally blind, or has another physical disability. However, these sections expressly authorize the court to decide against such a person if it finds the person's disability has or is likely to cause or contribute to circumstances that are detrimental to the best interests of the child. Similarly, section 3 of the bill prohibits a child welfare or placing agency from determining that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child solely because the adoptive parent or parents are deaf, legally blind, or have another physical disability. This bill also authorizes such an agency to make a determination if it finds that the person's disability is likely to cause or contribute to circumstances that are detrimental to the best interests of the child if placed in the home.

Section 3 also authorizes a prospective adoptive parent injured by a determination of a child welfare or placing agency which is contrary to these provisions to file a complaint with

the Nevada Equal Rights Commission. Sections 6 through 9 of the bill authorize the Commission to investigate and resolve such complaints.

Finally, section 10 provides that a child is not in the need of protection solely because a person responsible for the welfare of the child is deaf, legally blind, or has another physical disability.

With me today are Juan Martinez and Dora Uchel. Dora is a parent representative and vice president of the National Federation of the Blind of Nevada. Ms. Uchel brought this issue regarding blind parents to our attention and presented it during the interim committee. We broadened the bill draft request to include deaf parents and parents with other physical disabilities.

Dora Uchel, Vice President, National Federation of the Blind of Nevada:

This is important to me because I am totally blind, my husband, Juan, is legally blind, and we have five children. One of my legally blind peers had her daughter taken away from her in 2015 based on her blindness. She finally got her daughter back after three years, but the bonding she should have had earlier in her daughter's life was gone. They are still trying to bond. She was a capable mom. She had to go through the court system, and if it was not for the help of the National Federation of the Blind of Nevada attorneys, she would not have had a chance to get her daughter back. It is important that this bill becomes a law because we should not be guilty until proven innocent.

Juan Martinez, Private Citizen, Reno, Nevada:

We are parents of five children, as Dora said. We have two older daughters who work and go to college. One son is in the military, and our two younger ones are honor students and are in honor band. We take them to their band practices and concerts. We take them to school and pick them up afterward, in rain or snow.

Assemblyman Daly:

I have a question on the amendment ([Exhibit U](#)). Is that a friendly amendment?

Assemblywoman Cohen:

It is not ours, and we do not consider it friendly. We are trying to work with the opposition. We met yesterday and will continue to work with them to try to come to a resolution.

Assemblyman Daly:

The bill is fine, and the amendment, one way or the other, accomplishes the same thing. There are court protections and various things. In the definition of what a disabled person is, it references *United States Code* Title 29 Section 794 (a), which is not really a definition. It would be inappropriate in the amendment in my view.

Shirley Cyrus, Private Citizen, Reno, Nevada:

I am here to tell you what happened last week. Last week my mom went to a convention in Orlando, Florida, because she is the vice president of her statewide independent council. While she was gone, my stepfather took care of me and my annoying brother. In the

morning when it was icy and cold and snowy, he went with me to the city bus so I could go to school. When school was over, he took the city bus to my school and waited for me. We would walk home even if it was snowy or icy, but mostly cold. We would wait for my annoying brother—that I am sadly still living with—so we could eat dinner. My stepfather even took my brother and me to a concert in the evening. Within a couple of days, my mom came back home. To me, this demonstrates that disabilities do not stop you from accomplishing goals and getting things done.

Chairman Yeager:

I assume your brother is not here to testify.

Shirley Cyrus:

Happily, no.

Assemblywoman Krasner:

When I first read this bill in the interim committee, I was shocked that we could deny people any type of rights based on a disability. I thought we have the American Disabilities Act (ADA), which is federal law. To deny a parent custody or visitation, or to terminate parental rights, solely—and that is the word, solely—based on their disability is shocking to me. I think we should support this law and do everything we can to help people with disabilities. We are not in the 1930s.

Assemblywoman Cohen:

We do have the ADA, but this adds an extra layer of protection in Nevada to ensure parents are not being denied any rights solely because of the disability.

Assemblywoman Miller:

Are these your parents?

Shirley Cyrus:

Yes.

Assemblywoman Miller:

My parents are biracial so I always get the question, "What is it like having parents of two different colors and two different races?" For me as a kid, I did not know what they meant; they were my parents. That was normal to me. As you are advocating for your parents and families, and for children to remain with their parents, and as a child growing up in a home where your parents have different abilities and maybe some limitations, do you think that has impacted you in any negative way? I heard your father say you and your siblings, including your annoying brother, live successful, exceptional lives. I have seen your parents testify before; they are wonderful people.

Shirley Cyrus:

No, it has not impacted me negatively. It has impacted me in a very positive way. I see them doing things differently; other people do not know about that. My friends at school ask me

how my mom and dad cook. They know where everything is, and they have their own way of doing things. My family and I have adapted to live life the way they want because blindness does not stop them from doing anything. They could skydive if they wanted.

Assemblyman Roberts:

I was raised by a blind, single mom, so I can completely relate to this. I am shocked that this could happen in Nevada. Do you know of any incidents where that is occurring and people are being discriminated against solely because of disability? I find it completely incomprehensible.

Dora Uchel:

There is a mom who had her daughter taken away. I heard from one of my peers that there are two other incidents right now with the CPS. I cannot go into that here because they are ongoing, but one has a visual impairment disability and one is in a wheelchair.

Assemblyman Roberts:

Hopefully, we can pass this before they are adversely impacted.

Assemblywoman Cohen:

I practice in the family law field, not termination of rights, but divorce and custody issues. I asked the State Bar of Nevada—they have a message board for family law attorneys—if anyone was finding it to be an issue in the custody and divorce realm, but I did not get a response to that. I do not think that situation is happening a lot, but I want to make sure that it does not ever happen. We will make it clear that this will not happen in this state like it is happening in other states.

Chairman Yeager:

Are there any additional questions? I do not see any at this time. I will open it up for additional testimony in support of Assembly Bill 140 if anyone wants to testify. I do not see anyone in Las Vegas. Is there anyone in Carson City who would like to testify in support? Seeing no one, we will take opposition testimony. Is there anyone opposed to A.B. 140? It does not look like there is anyone left in Las Vegas, so we will take testimony here in Carson City.

Jennifer Jeans, representing Legal Aid Center of Southern Nevada; Washoe Legal Services; Volunteer Attorneys for Rural Nevada; and the Senior Law Program of Southern Nevada:

These organizations represent low-income individuals, seniors, and individuals with disabilities. I want to stress that I appreciate the intent behind this bill, particularly the importance of protecting parents when their children are taken into protective custody by child welfare agencies. Regrettably, we must oppose it as currently drafted. We have concerns that the language in the bill may have the opposite effect of what is actually intended. It may suggest to a court that it has discretion to limit the rights of the disabled parent without sufficient evidence that the disability affects the ability to parent. I think it may also have the unintended consequence of creating a lesser standard: one that is easier to

establish to restrict the rights of disabled parents than what is required under current law. That would apply also to nondisabled parents.

We attempted an amendment ([Exhibit U](#)). Although consensus could not be reached under that amendment, we will continue to work with the stakeholders. We would like to find a way to better protect the rights of disabled parents and address this issue for Nevada.

Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office:

As indicated by the Legal Aid Center of Southern Nevada, we oppose the bill with the way it is written. We believe the dependency court would interpret the statutes—regarding the ability to remove a child—while considering the disability. The way it is worded they would be able to consider it, and we oppose that. We believe we should be using the ADA as a standard if someone is disabled and not consider their disability in whether the child should be removed from the home. From what was presented here today, I believe it would apply more to the termination statutes, *Nevada Revised Statutes* (NRS) Chapter 128. I will continue to work with the sponsor to see if there is anything we can do to use this language in that chapter. I was reviewing "Rocking the Cradle," which was referenced by the sponsor, and it indicated that change needed to be made in the termination statute and not the removal statute.

John T. Jones, Jr., Chief Deputy District Attorney, Clark County District Attorney's Office:

I am here on behalf of Clark County and covering for Brigid Duffy [Director, Juvenile Division, Clark County District Attorney's Office]. Ms. Duffy had an opportunity to speak with Assemblywoman Cohen about the bill and has committed to continuing to work to a resolution on this. She wanted me to indicate that the child welfare agencies are different from general divorce or child custody matters. There are statutory protections placed in NRS 432B.330 that prevent removal based solely on a parent's potential disability.

Further, because child welfare agencies receive federal funds, the ADA also prohibits discrimination that includes placements with relatives, like foster homes and adoptions. We understand the reasons behind the bill and are committed to working with the sponsor for a resolution.

Chairman Yeager:

Are there any questions? It does not look like it. Is there anyone else in opposition to the bill? Seeing no one, let us take neutral testimony. Is there anyone neutral? Seeing no one, I will invite Assemblywoman Cohen to make closing remarks.

Dora Uchel:

I want to compromise so that we are adequately protected. In the long run, this will be good. People who have a disability will not have to go through what my peers have gone through. That is awful. I have five kids, and I cannot imagine any of them being taken away. I have a service dog, and sometimes I go places where they will not allow him. I go to homes of

people who may be allergic to dogs, so I have to leave him with Juan, and I miss him. It is the same thing, but I am not comparing children to dogs. I have never had a child taken away, but it is important that our rights are protected.

Assemblywoman Cohen:

We will continue to work with the opposition. We want to ensure there are no unintended consequences and that we are protecting families in Nevada. Another thing about the amendment: our bill specifically addresses physical disabilities but the amendment addresses all types of disabilities. We are not looking to capture all of that in this bill. We will work with everyone so we can resolve the matter to get some good legislation and protections for our families.

Chairman Yeager:

I will now close the hearing on Assembly Bill 140. We have reached the point in the meeting where public comment would be appropriate. Would anyone like to give public comment? I do not see any public comment. Is there anything from Committee members? I see nothing.

The Committee will be meeting at 8 a.m. tomorrow. We will hear two of Assemblyman Hambrick's bills. We will have presenters here in Carson City and Assemblyman Hambrick will be joining us from Las Vegas. The rest of the week we will meet at 8 a.m. The meeting is adjourned [at 9:22 a.m.].

RESPECTFULLY SUBMITTED:

Karyn Werner
Committee Secretary

APPROVED BY:

Assemblyman Steve Yeager, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is testimony in support of [Assembly Bill 139](#) submitted by Jeanne L. Smoot, Senior Counsel for Policy and Strategy, Tahirih Justice Center, including the following:

1. A copy of an opinion letter to the editor of the *Washington Post*, authored by Jeanne L. Smoot, Senior Counsel for Policy and Strategy, Tahirih Justice Center, dated October 12, 2018, titled "Time to end child marriage in the United States. No exceptions."
2. A copy of an informational article titled "The National Movement to End Child Marriage" from the Tahirih Justice Center.

[Exhibit D](#) is written testimony presented by Fraidy Reiss, Founder/Executive Director, Unchained At Last, dated March 5, 2019, in support of [Assembly Bill 139](#).

[Exhibit E](#) is written testimony submitted by Sara Tasneem, Private Citizen, Reno, Nevada, dated March 5, 2019, in support of [Assembly Bill 139](#).

[Exhibit F](#) is a letter dated March 5, 2019, to Chairman Yeager, submitted by Elizabeth S. Taylor, Private Citizen, Elko, Nevada, in support of [Assembly Bill 139](#).

[Exhibit G](#) is written testimony submitted by the AHA Foundation, dated March 5, 2019, in support of [Assembly Bill 139](#).

[Exhibit H](#) is written testimony submitted by Aliya Abbas, Private Citizen, Washington, D.C., dated March 5, 2019, in support of [Assembly Bill 139](#).

[Exhibit I](#) is written testimony submitted by Donna Pollard, Private Citizen, dated March 5, 2019, in support of [Assembly Bill 139](#).

[Exhibit J](#) is written testimony submitted by Naila Amin, Private Citizen, dated March 5, 2019, in support of [Assembly Bill 139](#).

[Exhibit K](#) is written testimony submitted by "B," Private Citizen, dated March 5, 2019, in support of [Assembly Bill 139](#).

[Exhibit L](#) is written testimony submitted by Marilyn Smith, Private Citizen, Colorado Springs, Colorado, dated March 5, 2019, in support of [Assembly Bill 139](#).

[Exhibit M](#) is written testimony submitted by, Dawn B. Tyree, Private Citizen, dated March 5, 2019, in support of [Assembly Bill 139](#).

[Exhibit N](#) is a letter dated February 28, 2019, from Vivian Hamilton, Professor of Law, William & Mary School of Law, to Chairman Steve Yeager and members of the Assembly Committee on Judiciary, in support of [Assembly Bill 139](#).

[Exhibit O](#) is written testimony submitted by Reid Maki, Coordinator, Child Labor Coalition, and Director of Child Labor Advocacy, National Consumers League, dated February 27, 2019, in support of [Assembly Bill 139](#).

[Exhibit P](#) is a letter dated March 5, 2019, to Chairman Yeager and Vice Chairwoman Cohen, from Timothy Janicek, Advocate, UNICEF USA, in support of [Assembly Bill 139](#).

[Exhibit Q](#) is a letter dated March 5, 2019, to Chairman Yeager and members of the Assembly Committee on Judiciary, from Alison Gill, Vice President, Legal and Policy, American Atheists, in support of [Assembly Bill 139](#).

[Exhibit R](#) is a letter dated March 5, 2019, from Nicholas L. Syrett, Chair, Women, Gender, and Sexuality Studies Department, College of Liberal Arts and Sciences, University of Kansas, to Chairman Steve Yeager and members of the Assembly Committee on Judiciary, in support of [Assembly Bill 139](#).

[Exhibit S](#) is an excerpt from the *Boston University Law Review*, Volume 92:1817, submitted by Alexandra Boyer Coffey, Public Relations Manager, Unchained At Last.

[Exhibit T](#) is a poem by Delma Rojas titled "You are not alone," submitted by Alexandra Boyer Coffey, Public Relations Manager, Unchained At Last.

[Exhibit U](#) is a proposed amendment to [Assembly Bill 140](#) presented by Jennifer Jeans, representing Legal Aid Center of Southern Nevada; Washoe Legal Services; Volunteer Attorneys for Rural Nevada; and the Senior Law Program of Southern Nevada.