



CHILD MARRIAGE IN THE UNITED STATES: A Serious Problem With a Simple First-Step Solution

TAHIRIH JUSTICE CENTER

The Tahirih Justice Center is a national, non-profit organization that aims to end violence against women and girls through direct legal and social services, policy advocacy, and training and education. Tahirih serves courageous survivors of abuses such as domestic violence, rape, female genital mutilation/cutting, human trafficking, “honor” violence, and forced marriage.

Through our specialized [Forced Marriage Initiative \(FMI\)](#),

Tahirih is leading efforts at the federal and state levels to tackle forced marriage as a domestic problem impacting U.S. citizen and immigrant women and girls from diverse backgrounds. Since launching the FMI in 2011, Tahirih has worked on hundreds of forced marriage cases involving U.S. women and girls, in almost every state.

For the reasons outlined below, Tahirih urges the elimination of child marriage throughout the United States — as a critical first step, by setting the minimum legal marriage age at the age of majority.

CHILD MARRIAGE IN THE UNITED STATES: AN OVERVIEW

- Based on state marriage license data obtained by advocates and expanded upon by PBS Frontline, **well over 200,000 children under age 18 were married between 2000 and 2015 in America.** 87% of them were girls, and 86% married adults.¹
- **Drilling down on these statistics in any given state over that time period exposes more alarming findings.** For example, records pulled from the Virginia Department of Health showed that clerks had issued marriage licenses to pregnant girls as young as 13, and that girls were sometimes married to men who were decades older. Similar records from Maryland show that, because of the ages and age differences of the parties and because a pregnancy was involved, dozens of statutory rape victims were married to their rapists. Texas Department of Health records revealed judicially-approved marriages of girls as young as 12, and thousands of girls married to men who were significantly older.²
- **Children under age 18 face many practical obstacles when they try to resist or escape forced marriages.** State laws can also work against them. Before a girl reaches the “age of majority,” when she gains the legal rights of an adult, she may be legally unable to take critical steps to protect herself. Depending on the state, laws may prevent her from leaving home, staying in a shelter, filing for a protective order, or even filing for divorce on her own. Child protective services’ limited legal authority may also mean they are unable to protect a married minor from an abusive spouse.
- **Most U.S. states have laws that seem to set the minimum marriage age at 18, but then allow for exceptions that lower the true minimum age.** Despite the fact that 13 states have enacted legislative reforms since 2016, 18 states still have no age “floor,” meaning that as long as exceptions are met, a child of *any age* may be married. Other aspects of current state laws also put children at acute risk of forced marriages and other abuse and exploitation. For example, in several states, a court clerk can approve all underage marriage license applications. Only 13 states require all minors to get judicial approval. And even in states that require judges to be involved in some cases, these judicial processes can be bare-bones and may not even clearly require a judge to meet with or question the minor. Few provide any meaningful guidance for a judge’s decision making, or put any other safeguards in place to protect children from harm.³

CHILD MARRIAGE IN THE UNITED STATES: INCREASING RISKS, JEOPARDIZING FUTURES

Child marriage denies young people more than the right to decide if, when, and whom to marry – it denies them the opportunity to lead healthy and fulfilling lives.

In addition to the extensive global data about the harms of child marriage (including linkages to maternal and child mortality, domestic and sexual violence and human trafficking, and HIV infection), mounting U.S. evidence demonstrates the devastating, lifelong consequences that can result from child marriage, including:

- **Family instability and limited resources.** Between 70-80% of marriages involving individuals under age 18 end in divorce.⁴ In addition:
 - Teen brides tend to come from poverty and remain in poverty, in part due to childbearing dynamics. Teens who marry are 130% more likely to conceive a child than those who cohabit.⁵ Married teen mothers are 40% more likely (compared to unmarried teen mothers) to have a second birth within 24 months of their first, and teens who marry are nearly 3 times more likely (compared to women who marry later) to have at least 5 children.⁶
 - A woman who marries young is up to 31 percentage points more likely to live in poverty when she is older.⁷
 - For teen mothers, getting married and later divorcing can *more than double* the likelihood of poverty.⁸
- **Limited education and work opportunities.** A girl's education can be interrupted or discontinued when she marries, limiting her ability to become financially independent in case of domestic violence or divorce. As noted above, women who marry in their teens tend to have more children, more closely spaced, which can prevent them from accessing education and work opportunities.⁹ Women who marry before the age of 19 are 50% more likely to drop out of high school and four times less likely to graduate from college.¹⁰
- **Diminished mental and physical health.** A major study of U.S. women who married as children found they experienced higher rates of psychiatric disorders (in some cases, nearly 3 times as high as those who married as adults), and were more likely to seek health services.¹¹ Women who marry before age 19 also have a 23% greater risk of developing a serious health condition (diabetes, cancer, heart attack, or stroke).¹²

These substantial personal costs can also mean tremendous inter-generational and social costs.¹³

The acute vulnerability of girls and young women in the U.S. to physical, emotional or verbal abuse¹⁴ also raises major red flags with respect to child marriage:

- Nationally, girls and young women aged 16-24 experience the highest rates of intimate partner violence among all such victims, and girls aged 16-19 face victimization rates *almost triple the national average*.¹⁵ Yet in most states, while girls aged 16-17 make up the vast majority of children who are being married, they are *least protected* by minimum marriage age laws, as court clerks can issue them marriage licenses based on parental consent alone.
- The younger the adolescent, the more likely it is that if they are sexually active, they have experienced coercive sex – this is the core understanding that underlies statutory rape laws.¹⁶ Yet in many states, statutory rape laws are set aside by other state laws that permit marriages of adolescents younger than the legal age of consent to sex, or that shield a perpetrator from prosecution for statutory rape if the parties are married.
- In addition, “[b]eing physically or sexually abused makes teen girls six times more likely to become pregnant.”¹⁷ Yet several states have express pregnancy exceptions to their minimum marriage ages. Such provisions fail to grasp that the pregnancy may be the result of rape and abuse. Granting the marriage license could subject a pregnant teen to further rape and abuse, and moreover, isolate her from help.

Increasing media coverage is calling attention to the horrific experiences of former child brides, and underscoring the steep risks that child marriage poses to health, safety, and welfare.¹⁸

Courageous survivors are now speaking out across the country, leading the charge for laws to change.

Join this historic movement!
tahirih.org/childmarriage

ENDNOTES

1. PBS Frontline derived these statistics from 41 states and 3 counties, building on an effort to collect and analyze state marriage license data led by Unchained At Last, with contributions by Tahirih on several states (assisted pro bono by the law firm of Hogan Lovells). See Anjali Tsui, Dan Nolan, and Chris Amico, "Child Marriage in America: By the Numbers" (PBS Frontline: July 6, 2017), available at <http://apps.frontline.org/child-marriage-by-the-numbers/>.
2. See Tahirih Justice Center, "Child Marriage in America: Current Laws Are Failing to Protect Vulnerable Children and Teens," February 20, 2016, available at <http://www.tahirih.org/news/child-marriage-happens-in-the-u-s-too/>; see also Tahirih Justice Center, *Falling Through the Cracks: How Laws Allow Child Marriage to Happen in Today's America*, August 2017, available at <http://www.tahirih.org/childmarriage>. After Virginia enacted a new law in 2016, the number of minors being married plummeted. A new law that Texas enacted in 2017 is expected to yield similar results.
3. See Tahirih Justice Center, *Falling Through the Cracks*, *supra* note 2, at Appendices A-C (state comparison charts); see also Tahirih Justice Center, "Understanding State Statutes on Minimum Marriage Age and Exceptions," October 11, 2018, available at <http://www.tahirih.org/childmarriage>. In 2016, after a legislative campaign led by Tahirih, Virginia became the first state to limit marriage to adults age 18 or older, with a narrow exception only for court-emancipated minors age 16 or older who have been given the full legal rights of adults. Texas and New York in 2017, and Kentucky in 2018, also signed bipartisan bills into law that limit marriage to legal adults and establish meaningful safeguards against forced marriage. Delaware and New Jersey in 2018 became the first states to set age 18, without exception, as the minimum legal marriage age. Several other states have also passed legislative reforms to limit child marriage, recognizing the serious risks it poses.
4. See research cited by College of William & Mary Law School Professor Vivian E. Hamilton, in "The Age of Marital Capacity: Reconsidering Civil Recognition of Adolescent Marriage" (*Boston University Law Review*: December 2012) 92 B. U. L. Rev. 1817, 1820 and at n. 10 and 11, available at <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=2467&context=facpubs>.
5. See Wendy D. Manning and Jessica A. Cohen, "Teenage Cohabitation, Marriage, and Childbearing," *Population Research and Policy Review* (April 2015), 34(2): 161-177, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4426270/>.
6. See Gordon B. Dahl, "Early Teen Marriage and Future Poverty," *Demography* (August 2010: 47(3): 689-718), at 691, n. 2, available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3000061/>.
7. *Id.*, at 714. The author defined "early teen marriage" as marrying before age 16. *Id.*, at 693.
8. See *supra*, note 4, at 1820 n. 15.
9. See *supra*, note 6; see also Naomi Seiler, "Is Teen Marriage a Solution?" (Center for Law and Social Policy, April 2002), at p. 8, available at <http://www.clasp.org/resources-and-publications/archive/0087.pdf>.
10. See *supra*, note 6, at 691.
11. See Yann Le Strat, Caroline Dubertet & Bernard Le Foll, "Child Marriage in the United States and Its Association with Mental Health in Women" 128 *Pediatrics* 524 (September 2011), available at <http://pediatrics.aappublications.org/content/pediatrics/early/2011/08/24/peds.2011-0961.full.pdf>.
12. Compared with a study cohort of those who married between age 19 and 25. See Matthew E. Dupre and Sarah O. Meadows, "Disaggregating the Effects of Marital Trajectories on Health," *Journal of Family Issues* (Vol. 28, No. 5, May 2007, 623-652), at pp. 630-636, and 646-647, available at <http://journals.sagepub.com/doi/pdf/10.1177/0192513X06296296>; see also Bridget M. Kuehn, "Early Marriage Has Lasting Consequences on Women's Mental Health," *news@JAMA* (August 29, 2011), posts by *The Journal of the American Medical Association* ("research has linked such early marriages to a higher risk of HIV or other sexually transmitted infections, cervical cancer, unintended pregnancy, maternal death during childbirth, and abortion; early marriage is also associated with malnutrition among offspring"), available at <http://newsatjama.jama.com/2011/08/29/early-marriage-has-lasting-consequences-on-women%e2%80%99s-mental-health/>.
13. A major study co-sponsored by the Centers for Disease Control and Prevention found a powerful relationship between adverse emotional experiences as children on physical and mental health as adults. See information about the "Adverse Childhood Experiences" ("ACEs") Study at <http://www.cdc.gov/NCCDPHP/ACE>, <http://www.cdc.gov/violenceprevention/acestudy/about.html>, and <http://www.cdc.gov/violenceprevention/acestudy/findings.html>. These findings suggest that not only individuals who themselves marry as children, but also the children produced of such marriages, may be more susceptible to lifelong health problems.
14. See Centers for Disease Control and Prevention, information about Teen Dating Violence, available at http://www.cdc.gov/violenceprevention/intimatepartnerviolence/teen_dating_violence.html.
15. See www.loveisrespect.org factsheet available at http://www.loveisrespect.org/pdf/Dating_Abuse_Statistics.pdf.
16. See "Statutory Rape: A Guide to State Laws and Reporting Requirements," prepared by The Lewin Group for the U.S. Dept. of Health and Human Services, December 15, 2004, p. 1, available at <http://aspe.hhs.gov/hsp/08/sr/statelaws/report.pdf>, citing research findings that almost three-quarters of women who had intercourse before age 14, and 60 percent who did so before age 15, reported having a forced sexual experience.
17. See *supra*, note 15.
18. See, e.g., "Child Brides Call on U.S. States to End 'Legal Rape,'" *Reuters* (October 24, 2018); "Human Trafficking Survivor Tells Her Story," *WJWF* (October 11, 2018); "You shouldn't be doing this': She was 16. He was 25. Should marrying a child be allowed?" *The Washington Post* (October 5, 2018); "I Do at 14: Michigan's Secret Child Marriages," *WoodTV.com* (September 26, 2018); "The Shocking Plight of America's Child Brides Aged as Young as 13 Who Have Been Forced to Marry Their Attackers—Which Helps Their Abusers Escape Justice Under Archaic Laws," *Daily Mail* (September 1, 2018); "She Was Forced into Child Marriage in Texas. Now She Wants to End the Pain for Others," *Dallas News* (July 11, 2018); "This American Girl Was Forced to Marry a Stranger in a Religious 'Cult' at Age 15," *Global Citizen* (June 28, 2018); "An American 13-Year-Old, Pregnant, and Married to Her Rapist," *The New York Times* (June 1, 2018); "I Was 13' - Inside America's Shocking Child Bride Epidemic Where Thousands of Kids are Forced into Abusive Marriages," *The Sun* (March 20, 2018); "Hundreds of Missouri's 15-year-old Brides May Have Married their Rapists," *The Kansas City Star* (March 12, 2018); "Child Marriage Protects Predators, Must End, Former Bride Tells Kentucky Lawmakers," *Fox News* (February 23, 2018); "Sherry Johnson Was Raped, Pregnant, and Married by 11. Now She's Fighting to End Child Marriage in America," *CNN* (January 30, 2018); "Grown Men Are Exploiting Loopholes in State Laws to Marry Children," *Huffington Post* (August 30, 2017); "Child Marriage Laws in CA Act as Loopholes that Allow for Statutory Rape," *The Daily Californian* (May 30, 2017); "11 Years Old, a Mom, and Pushed to Marry Her Rapist in Florida," *The New York Times* (May 26, 2017); "How Underage Marriage Puts Girls At Risk," *WGBH* (May 11, 2017); "Former child bride in Texas aims to change marriage laws, says 'Child marriages hurt children,'" *Houston Chronicle* (April 23, 2017).

For more resources on forced and child marriage in the U.S., or to get help, visit preventforcedmarriage.org.