



**Forced Marriage Initiative**

## Understanding State Statutes on Minimum Marriage Age and Exceptions

*(Last updated: August 1, 2020)*

The chart below serves as a legal resource for understanding state statutes on minimum marriage age in all 50 states and the District of Columbia<sup>1</sup>. It highlights the youngest age at which an individual may legally be married (the age “floor”) in each state and DC, provides the text of key statutes on issuing marriage licenses to minors,<sup>2</sup> and links to the statutory text.

Most states require the parties to be at least age 18 (the typical age of “majority,” or legal adulthood) to marry without parental consent or judicial approval. Age 18 is therefore often referred to as a state’s “statutory minimum marriage age.” That term can be misleading, however, because statutory exceptions that apply can in effect drop the true minimum marriage age much lower. More than half of all states allow parties between the ages of 16 and 18 to be married based on parental consent alone. Fifteen states allow parties *younger than age 16* to be married; depending on the state, the exception is based on judicial approval and/or if one party is pregnant or has had a child<sup>3</sup>. In fact, *ten states’ statutes actually set no bottom-line “age floor”* (that is, a lower limit below which a child *cannot* be married, *even if* exceptions are met).

Lax statutory exceptions based on parental consent (which can hide parental coercion) or pregnancy (which can be evidence of rape) can facilitate forced marriages and often leave older minors especially unprotected. Even when judicial approval is required, however, serious gaps in protection can exist. Among other shortcomings, judges are often given little to no guidance for their decision-making, and minors are seldom appointed counsel or afforded other rights in those proceedings. As a result, judges can serve to rubber-stamp parental consent rather than act as independent gatekeepers against the abuse and exploitation of children under the guise of marriage.<sup>4</sup>

A growing national reform movement is building momentum, as states recognize that their current laws put children at unacceptable risk. Since the Tahirih Justice Center spearheaded the enactment of a new law in 2016 that made Virginia the first state to limit marriage to legal adults, a total of 25 states have enacted new laws to end or limit child marriage<sup>5</sup>. More reform bills are pending or will be introduced in upcoming legislative sessions.

*For legislative updates and other information about child marriage in the United States, including additional state-specific and national legal analyses, please contact the Tahirih Justice Center at [policy@tahirih.org](mailto:policy@tahirih.org) or visit [www.tahirih.org/childmarriage](http://www.tahirih.org/childmarriage).*

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### *At a Glance: How Do State Laws on Minimum Marriage Age Compare?<sup>6</sup>*

- **4 states have an age-18 floor, no exceptions – Delaware, New Jersey, Pennsylvania and Minnesota.** Age 18 is the age of majority in those states.
- **7 more states require parties to be legal adults (i.e., the only exception to age-18 is for court-emancipated minors): Texas, Virginia, Kentucky, New York, Ohio, Georgia, and Indiana.** In those states, depending on the state, there is an age floor of either 16 or 17. Together with the “age-18, no exceptions” states above, a total of 11 states now limit marriage to legal adults.
- **9 states have an age-17 floor:** Florida, Georgia, Kentucky, Nevada, Nebraska, New York, Ohio, Oregon, and Tennessee. Nebraska also requires parental consent until age 19, Nebraska’s age of majority.
- **22 states (and Washington, D.C.) have an age-16 floor:** Alabama, Arkansas, Arizona, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Louisiana, Maine, Missouri, Montana, New Hampshire, North Dakota, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia and Wisconsin.
- **5 states set an age floor *below age 16*:** Alaska (14); Hawaii (15); Kansas (15); Maryland (15); and North Carolina (14).
- **10 states – California, Massachusetts, Michigan, Mississippi, New Mexico, Oklahoma, Rhode Island, Washington, West Virginia, and Wyoming – *do not set any age floor by statute*,** though some (e.g., Massachusetts) may suggest an age floor through case law.
- **17 states require all minors to get judicial approval before they can marry.** Some states’ judicial processes are bare-bones, simply to verify parental consent, and may not even clearly require a judge to meet with or question the minor. Other states’ judicial processes set several criteria and have detailed safeguards.<sup>7</sup>
- **In 14 states (and Washington, D.C.), clerks acting on their own – without judges – can issue marriage licenses for all minors:** Alabama, Florida, Idaho, Maine, Maryland, Missouri, Nebraska, North Dakota, Oregon, South Carolina, South Dakota, Tennessee, Vermont, and Wisconsin.
- **Only one state, Mississippi, sets different conditions for approvals for girls vs. boys.** Judicial approval is required for all males under age 17, but for females, only if they are under age 15. All other states’ gender-differentiated laws have been repealed through recent reforms.
- **Only one state, Maryland, allows the marriage of minors younger than age 16 with no judge ever involved,** based only on proof of pregnancy/childbirth and parental consent.
- **5 states expressly permit pregnancy to lower the minimum marriage age:** Arkansas, Maryland, New Mexico, North Carolina, and Oklahoma.

State	Age Floor Set by Statute?	State Code Provisions
Alabama	16	<p><a href="#">Ala. Code § 30-1-4</a> A person under the age of 16 years is incapable of contracting marriage.</p> <p><a href="#">Ala. Code § 30-1-5</a> If a person intending to marry is at least 16 years of age and under 18<sup>s</sup> years of age and has not had a former wife or husband, the consent of a parent or guardian of the minor to the marriage shall be required. Evidence of consent shall be in the form of an affidavit signed by a parent or guardian, notarized, and filed with the probate court.</p>
Alaska	14	<p><a href="#">Alaska Stat. § 25.05.011</a> (a) Marriage is a civil contract entered into by one man and one woman that requires both a license and solemnization. The man and the woman must each be at least one of the following:  (1) 18 years of age or older and otherwise capable;  (2) Qualified for a license under AS 25.05.171 [see below]; or  (3) A member of the armed forces of the United States while on active duty.</p> <p><a href="#">Alaska Stat. § 25.05.171</a> (a) A person who has reached the age of 16 but is under the age of 18 shall be issued a marriage license if the written consent of the parents, the parent having actual care, custody, and control, or a guardian of the under-aged person is filed with the licensing officer issuing the marriage license under AS 25.05.111 [general conditions for marriage license: identification of parties (“to the satisfaction of the licensing officer”), no legal objection to marriage, parties not intoxicated, officer provides information about fetal alcohol syndrome].  (b) A superior court judge may grant permission for a person who has reached the age of 14 but is under the age of 18 to marry and may order the licensing officer to issue the license if the judge finds, following a hearing at which the parents and minor are given the opportunity to appear and be heard, that the marriage is in the best interest of the minor and that either  (1) The parents have given their consent; or  (2) The parents are  (A) Arbitrarily and capriciously withholding consent;  (B) Absent or otherwise unaccountable;  (C) In disagreement among themselves on the question; or  (D) Unfit to decide the matter.</p>
Arizona	16	<p><a href="#">Ariz. Rev. Stat. Ann. § 25-102</a> A. A person who is at least sixteen years of age and who is under eighteen years of age may marry only if one of the following is true:</p>

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		<p>1. The person has received an emancipation order<sup>9</sup> pursuant to Title 12, Chapter 15 or from a court in another state and the person’s prospective spouse is not more than three years older than the person.</p> <p>2. The parent or guardian who has custody of the person consents to the marriage and the person’s prospective spouse is not more than three years older than the person.</p> <p>B. Persons who are under sixteen years of age shall not marry.</p> <p>C. The clerk of the superior court may not issue a license to a person who is under eighteen years of age and who does not meet the requirements of subsection A of this section.</p>
Arkansas	16	<p><a href="#">Ark. Code Ann. § 9-11-102</a></p> <p>(a) Every male who has arrived at the full age of seventeen (17) years and every female who has arrived at the full age of seventeen (17) years shall be capable in law of contracting marriage.</p> <p>(b) (1) (A) However, males and females under the age of eighteen (18) years shall furnish the clerk, before the marriage license can be issued, satisfactory evidence of the consent of the parent or parents or guardian to the marriage.</p> <p>(B) As used in subdivision (b)(1)(A) of this section, “satisfactory evidence” means a verified affidavit signed in the presence of a notary that states that the parent or parents or guardian of the minor consent to the marriage.</p> <p>(2) (A) The consent of both parents of each contracting party shall be necessary before the marriage license can be issued by the clerk unless the parents have been divorced and custody of the child has been awarded to one (1) of the parents exclusive of the other, or unless the custody of the child has been surrendered by one (1) of the parents through abandonment or desertion, in which cases the consent of the parent who has custody of the child shall be sufficient.</p> <p>(B) The consent of the parent may be voided by the order of a circuit court on a showing by clear and convincing evidence that:</p> <p>(i) The parent is not fit to make decisions concerning the child; and</p> <p>(ii) The marriage is not in the child’s best interest</p> <p>(c) There shall be a waiting period of five (5) business days for any marriage license issued under subdivision (b)(2) of this section.</p> <p>(d) If a child has a pending case in the circuit court, a parent who files consent under subsection (b) of this section shall immediately notify the circuit court, all parties, and attorneys to the pending case.</p> <p><a href="#">Ark. Code Ann. § 9-11-103</a></p> <p>(a) (1) If an application for a marriage license is made where one (1) or both parties are under eighteen (18) years of age but older than sixteen (16) years of age and the female is pregnant, both parties may appear before a judge of the circuit court of the district where the application for a marriage license is being made.</p> <p>(2) Evidence shall be submitted as to:</p> <p>(A) The pregnancy of the female in the form of a certificate from a licensed and regularly practicing physician of the State of Arkansas;</p>

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		<p>(B) The birth certificates of both parties; and  (C) Parental consent of each party who may be under the minimum age.  (3) Thereupon, after consideration of the evidence and other facts and circumstances, if the judge finds that it is to the best interest of the parties, the judge may enter an order authorizing and directing the county clerk to issue a marriage license to the parties.  (4) The county clerk shall retain a copy of the order on file in the clerk's office with the other papers.</p> <p>(b) However, if the female has given birth to the child, the court before whom the parties are to appear, if satisfied that it would be to the best interests of all the interested parties and if all the requirements of subsection (a) of this section are complied with, with the exception of the physician's certificate as to the pregnancy, may enter an order authorizing and directing the county clerk to issue a marriage license as provided in subsection (a) of this section.</p> <p><a href="#">Ark. Code Ann. § 9-11-209</a>  . . . (b) In case either or both of the parties to the marriage are not of lawful age, it shall be the duty of the clerk, before issuing the license, to require the party applying therefor to produce satisfactory evidence of the consent and willingness of the parent or guardian of the party to the marriage, which shall consist of either verbal or written consent thereto.</p> <p>(c) If there are any doubts in the mind of the clerk as to the evidence of the consent and willingness of the parent or guardian of the party applying for the license or if the clerk is in doubt as to the true age of the party so making application, the clerk may require the applicants to furnish a copy of their birth certificates as proof of lawful age or may require the parties to make affidavit to the genuineness of the consent granted or to the correctness of the ages given. The affidavit so made shall be filed in the clerk's office for public inspection.</p>
California	<p>No age floor set by statute.</p> <p>If the statutory exceptions are met, a child of any age could be married.</p>	<p><a href="#">Cal. Fam. Code § 301</a>  Two unmarried persons 18 years of age or older, who are not otherwise disqualified, are capable of consenting to and consummating marriage.</p> <p><a href="#">Cal. Fam. Code § 302</a>  (a) An unmarried person under 18 years of age may be issued a marriage license upon obtaining a court order granting permission to the underage person or persons to marry, in accordance with the requirements described in Section 304.</p> <p>(b) The court order and written consent of at least one of the parents or the guardian of each underage person shall be filed with the clerk of the court, and a certified copy of the order shall be presented to the county clerk at the time the marriage license is issued.</p> <p><a href="#">Cal. Fam. Code § 303</a>  If it appears to the satisfaction of the court by application of a minor that the minor requires a written consent to marry and that the minor has no parent or has no parent capable of consenting, the court may make an order consenting to the issuance of a marriage license and granting permission to the minor to marry, in</p>

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		<p>accordance with the requirements described in Section 304. The order shall be filed with the clerk of the court and a certified copy of the order shall be presented to the county clerk at the time the marriage license is issued.</p> <p><a href="#">Cal. Fam. Code § 304</a></p> <p>(a) In determining whether to issue a court order granting permission to marry pursuant to Section 302 or 303, the court shall do all of the following:</p> <ol style="list-style-type: none"> <li>(1) Require Family Court Services to separately interview the parties intending to marry and, if applicable, at least one of the parents or the guardian of each party who is a minor. If more than one parent or guardian is interviewed, the parents or guardians shall be interviewed separately.</li> <li>(2) Require Family Court Services to prepare and submit to the court a written report, containing any finding of potential force, threat, persuasion, fraud, coercion, or duress by either of the parties or their family members relating to the intended marriage. The report shall also contain recommendations of Family Court Services for either granting or denying the parties permission to marry. If Family Court Services knows or reasonably suspects that either party is a victim of child abuse or neglect, Family Court Services shall submit a report of the known or suspected child abuse or neglect to the county child protective services agency.</li> <li>(3) After receiving the report of the findings and recommendations of Family Court Services, as described in paragraph (2), separately interview in camera each of the parties prior to making a final determination regarding the court order.</li> <li>(4) Consider whether there is evidence of coercion or undue influence on the minor.</li> </ol> <p>(b) If the court issues an order granting the parties permission to marry pursuant to Section 302 or 303, and if one or both of the parties are 17 years of age or younger, the parties shall be eligible to request a marriage license no earlier than 30 days from the time the court order was issued.</p> <p>(c) As part of the court order granting permission to marry under Section 302 or 303, the court shall, if it considers it necessary, require the parties to the prospective marriage of a minor to participate in premarital counseling concerning social, economic, and personal responsibilities incident to marriage. The parties shall not be required to confer with counselors provided by religious organizations of any denomination. In determining whether to order the parties to participate in the premarital counseling, the court shall consider, among other factors, the ability of the parties to pay for the counseling. The court may impose a reasonable fee to cover the cost of any premarital counseling provided by the county or the court. The fees shall be used exclusively to cover the cost of the counseling services authorized by this section.</p> <p>(d) (1) Only for purposes of completing the document described in Section 102233 of the Health and Safety Code, and not for purposes of making a determination regarding the court order, the gender of each party intending to marry, if provided, shall be documented on the court order granting permission to marry.  (2) The date of birth of each party intending to marry shall also be documented on the court order granting permission to marry.  (3) For purposes of the requirements on the person solemnizing the marriage under subdivision (b) of Section 423, and the requirements on the local registrar under subdivision (a) of Section 102356 of the</p>

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		<p>Health and Safety Code, the court shall provide parties who are granted permission to marry with a copy of the court order granting permission to marry.</p> <p>(e) Upon issuance of the order granting permission to marry, the minor shall be provided with the following information:</p> <ul style="list-style-type: none"> <li>(1) The rights and responsibilities of an emancipated minor, including, but not limited to, the effects of emancipation as described in Sections 7050 to 7052, inclusive.</li> <li>(2) (A) The circumstances under which a marriage may be determined by a court to be void or voidable and adjudged a nullity and the procedure for obtaining that judicial determination.</li> <li style="padding-left: 20px;">(B) The procedures for legal separation or dissolution of marriage.</li> <li>(3) Telephone numbers for the National Domestic Violence Hotline and the National Sexual Assault Hotline.</li> <li>(4) The conditions under which an unemancipated minor may leave home and seek to remain in a shelter or otherwise live separately from his or her parent or guardian, and whether the consent or acquiescence of a parent or guardian is required to remain away from the home of the parent or guardian, the rights of an unemancipated minor to apply for a protective or restraining order to prevent abuse, and the rights of a minor to enter into contracts, including contracts for legal services and mental health counseling.</li> </ul> <p>(f) (1) Subdivisions (a) and (b) shall not apply to a minor who is 17 years of age and who has achieved a high school diploma or a high school equivalency certificate.</p> <p>(2) Subdivision (b) shall not apply to a minor who is 16 or 17 years of age and who is pregnant or whose prospective spouse is pregnant.</p>
Colorado	16 <sup>10</sup>	<p><a href="#">Colo. Rev. Stat. § 14-2-106<sup>11</sup></a></p> <p>(1) (a) When a marriage license application has been completed and signed by both parties to a prospective marriage and at least one party has appeared before the county clerk and recorder and has paid the marriage license fee . . . the county clerk shall issue a license to marry and a marriage certificate form upon being furnished:</p> <ul style="list-style-type: none"> <li>(I) Satisfactory proof that each party to the marriage will have attained the age of eighteen years at the time the marriage license becomes effective; or, if over the age of sixteen years but has not attained the age of eighteen years, has judicial approval, as provided in section 14-2-108 [see below]; and</li> <li>(II) Satisfactory proof that the marriage is not prohibited, as provided in section 14-2-110 [forbidding marriage to a person already married or to a relative of a certain degree].</li> </ul> <p>(b) Violation of subsection (1)(a)(I) of this section makes the marriage voidable.</p> <p><a href="#">Colo. Rev. Stat. § 14-2-108</a></p> <p>(1) The juvenile court, as defined in section 19-1-103 (17), after a reasonable effort has been made to notify the parents or legal guardians of each underage party, may order the county clerk and recorder pursuant to subsection (2) of this section to issue a marriage license and a marriage certificate form to a party sixteen or seventeen years of age.</p> <p>(2) (a) The court may order the county clerk and recorder to issue a marriage license under subsection (1) of this section only if the court finds, after reviewing the report of the guardian ad litem appointed pursuant to</p>

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		<p>subsection (2)(b) of this section, that the underage party is capable of assuming the responsibilities of marriage and the marriage would serve the underage party's best interests. Pregnancy alone does not establish that the best interests of the party would be served.</p> <p>(b) (I) Prior to ordering the issuance of a marriage license to an underage party, the court shall appoint a guardian ad litem for the underage party and direct the guardian ad litem to investigate the best interests of the underage party and to file a report with the court addressing the factors set forth in subsection (2)(b)(II) of this section and stating a position as to whether the issuance of a marriage license to the underage party is in the underage party's best interests.</p> <p>(II) The court shall consider all relevant factors, including:</p> <ul style="list-style-type: none"> <li>(A) The wishes of the underage party;</li> <li>(B) The view of the parents or legal guardians of the underage party, if known;</li> <li>(C) The ability of the underage party to assume the responsibilities of marriage;</li> <li>(D) The circumstances surrounding the marriage; and</li> <li>(E) The ability of the underage party to manage the underage party's financial, personal, social, educational, and nonfinancial affairs independent of the underage party's intended spouse both during the marriage or upon dissolution of the marriage.</li> </ul>
Connecticut	16	<p><a href="#">Conn. Gen. Stat. § 46b-20a</a></p> <p>(a) A person is eligible to marry if such person is:</p> <ul style="list-style-type: none"> <li>(1) Not a party to another marriage, or a relationship that provides substantially the same rights, benefits and responsibilities as a marriage, entered into in this state or another state or jurisdiction, unless the parties to the marriage will be the same as the parties to such other relationship;</li> <li>(2) Except as provided in subsection (b) of this section, at least eighteen years of age;</li> <li>(3) Except as provided in section 46b-29, not under the supervision or control of a conservator; and</li> <li>(4) Not prohibited from entering into a marriage pursuant to section 46b-21.</li> </ul> <p>(b) A license may be issued to a minor who is at least sixteen years of age but under eighteen years of age with the approval of the Probate Court as provided in this subsection. A parent or guardian of a minor may, on behalf of the minor, petition the Probate Court for the district in which the minor resides seeking approval for the issuance of a license to such minor. The court shall schedule a hearing on the petition and give notice to the minor, the minor's parents or guardians and to the other party to the intended marriage. The minor and the petitioning parent or guardian shall be present at such hearing. The court may, in its discretion, require the other party to the intended marriage to be present at such hearing. After a hearing on the petition, the court may approve the issuance of a license to the minor if the court finds that:</p> <ul style="list-style-type: none"> <li>(1) The petitioning parent or guardian consents to the marriage;</li> <li>(2) The minor consents to the marriage and such consent is based upon an understanding of the nature and consequences of marriage;</li> <li>(3) The minor has sufficient capacity to make such a decision;</li> <li>(4) The minor's decision to marry is made voluntarily and free from coercion; and</li> <li>(5) The marriage would not be detrimental to the minor.</li> </ul>

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Delaware	18	<p><a href="#">Del. Code tit. 13, § 123</a>  (a) No individual under the age of 18 shall be granted a marriage license.</p>
District of Columbia	16	<p><a href="#">D.C. Code § 46-403</a>  The following marriages in said District shall be illegal, and shall be void from the time when their nullity shall be declared by decree, namely: . . . (4) When either of the parties is under the age of consent, which is hereby declared to be 16 years of age.</p> <p><a href="#">D.C. Code § 46-411</a>  If any person intending to marry and seeking a license therefor shall be under 18 years of age, and shall not have been previously married, the said Clerk shall not issue such license unless a parent, or, if there be neither father nor mother, the guardian, if there be such, shall consent to such proposed marriage, either personally to the Clerk, or by an instrument in writing attested by a witness and proved to the satisfaction of the Clerk.</p>
Florida	17	<p><a href="#">Fla. Stat. § 741.04</a>  (1) A county court judge or clerk of the circuit court may not issue a license to marry to any person younger than 18 years of age, unless:  (a) The person is at least 17 years of age and provides the written consent of his or her parents or legal guardian, which is acknowledged by an officer authorized by law to take acknowledgements and administer oaths; and  (b) The older party to the marriage is not more than 2 years older than the younger party to the marriage.</p> <p>(2) A county court judge or clerk of the circuit court may not issue a license to marry until the parties to the marriage file with the county court judge or clerk of the court a written and signed affidavit, made and subscribed before a person authorized by law to administer an oath, which provides:  (a) The social security number or any other available identification number for each person.  (b) The respective ages of the parties. . . .<sup>12</sup></p>
Georgia	18  (unless a minor age 17 has been emancipated by court order)	<p><i>Provisions on Marriage-Age:</i>  <a href="#">Ga. Code Ann. § 19-3-2</a>  (a) To be able to contract marriage, a person must: . . . 2) Except as provided in subsection (b) of this Code section, be at least 18 years of age . . .  (b) If either applicant for marriage is 17 years of age, documentary proof that such applicant was emancipated by operation of law or pursuant to a petition filed with the court as provided in Article 10 of Chapter 11 of Title 15 shall be required before a license may be issued pursuant to Article 2 of this chapter; provided, in addition, that:  (1) If the emancipation was pursuant to a petition filed with the court, a certified copy of the order providing for the emancipation shall be provided as documentary proof;</p>

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		<p>(2) At least 15 days shall have passed since such emancipation shall have occurred by operation of law or pursuant to a petition filed with the court;</p> <p>(3) The older party to the marriage contract shall not be more than four years older than the younger party to the marriage contract; and</p> <p>(4) Each party to the marriage contract who is 17 years of age shall present a certificate of completion of premarital education as provided under Code Section 19-3-30.1.</p> <p>(c) No license provided for under Article 2 of this chapter shall be issued for the marriage of any party who is under 17 years of age.</p> <p><a href="#">Ga. Code Ann. § 19-3-30.1</a></p> <p>(a) The premarital education provided for under this Code section shall include at least six hours of instruction involving marital issues, which may include but not be limited to conflict management, communication skills, financial responsibilities, child and parenting responsibilities, and extended family roles. The premarital education shall be completed within 12 months prior to the application for a marriage license and the couple shall undergo the premarital education together, except as provided for in subsection (d) of this Code section. The premarital education shall be performed by:</p> <ol style="list-style-type: none"> <li>(1) A professional counselor, social worker, or marriage and family therapist who is licensed pursuant to Chapter 10A of Title 43;</li> <li>(2) A psychiatrist who is licensed as a physician pursuant to Chapter 34 of Title 43;</li> <li>(3) A psychologist who is licensed pursuant to Chapter 39 of Title 43;</li> <li>(4) An active member of the clergy when in the course of his or her service as clergy or his or her designee, including retired clergy, provided that a designee is trained and skilled in premarital education; provided, further, that any active or retired member of the clergy or his or her designee performing the premarital education for a party who is 17 years of age shall also be a licensed professional counselor, social worker, or marriage and family therapist who is licensed pursuant to Chapter 10A of Title 43.</li> </ol> <p>(b) Each premarital education provider provided for in paragraphs (1) through (4) of subsection (a) of this Code section shall furnish each participant who completes the premarital education under his or her performance a certificate of completion.</p> <p>(c) If both persons applying for a marriage license are 18 years of age or older and certify on the application for a marriage license that they have successfully completed a qualifying premarital education program, then such persons shall not be charged a fee for a marriage license.</p> <p>(d) If either person applying for a marriage license is 17 years of age:</p> <ol style="list-style-type: none"> <li>(1) No fee shall be charged for the issuance of a marriage license;</li> <li>(2) A certificate of completion of premarital education by any such person as provided in subsection (b) of this Code section shall be provided to the judge of the probate court. The requirement of this paragraph shall not be waived regardless of whether the persons applying for a marriage license are willing to be charged a fee for the marriage license;</li> <li>(3) Each person shall undergo the premarital education separately from the other person; and</li> </ol>

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		<p>(4) In addition to the topics provided for under subsection (a) of this Code section, the premarital education shall include instruction on the potential risks of marrying young, including, but not limited to, high divorce rates, increased rates of noncompletion of education, greater likelihood of poverty, medical and mental health problems, and information contained within the fact sheet provided for under Code Section 19-3-41.1, including, but not limited to, information on domestic violence and website and telephone resources for victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking.</p> <p><a href="#">Ga. Code Ann. § 19-3-36</a>  The judge of the probate court to whom the application for a marriage license is made shall satisfy himself or herself that the provisions set forth in Code Section 19-3-2 regarding age limitations are met. The judge shall require all applicants to furnish the court with documentary evidence of proof of age in the form of a birth certificate, driver’s license, baptismal certificate, certificate of birth registration, selective service card, court record, passport, immigration papers, alien papers, citizenship papers, armed forces discharge papers, armed forces identification card, or hospital admission card containing the full name and date of birth. Applicants who have satisfactorily proved that they have reached the age of majority may be issued a marriage license immediately.</p> <p><a href="#">Ga. Code Ann. § 19-3-41.1</a>  (a) The Department of Public Health shall prepare a fact sheet for public availability and for distribution by premarital education providers. ...  (b) The fact sheet provided for in subsection (a) of this Code section shall:  (1) Include basic information about the legal rights and responsibilities of parties to a marriage as well as information about dating violence, sexual assault, stalking, domestic violence, and human trafficking, including, but not limited to, the warning signs and behaviors of an abusive partner and the dynamics of domestic violence and other forms of coercive control. Such fact sheet shall also include basic information about the rights of victims of such violence and the resources available to them, including, but not limited to, website and telephone resources, legal assistance, confidential shelters, and civil protective orders; ...</p> <p><a href="#">Ga. Code Ann. § 19-3-43</a>  (a) ...Parties residing in this state may not evade any of the laws of this state as to marriage, including, but not limited to, the age limitations provided for in Code Section 19-3-2, by going into another state for the solemnization of the marriage ceremony.  (b) Notwithstanding subsection (a) of this Code section, the age limitations provided for in Code section 19-3-2 shall not apply to a lawful marriage solemnized in another state or country prior to either party residing in this state.</p>

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		<p><i>Provisions on Emancipation, Including Based on Intent to Marry:</i></p> <p><a href="#">Ga. Code Ann. § 15-11-720</a></p> <p>(a) Emancipation may occur by operation of law or pursuant to a petition filed with the court as provided in this article by a child who is at least 16 years of age.</p> <p>(b) An emancipation occurs by operation of law:</p> <ol style="list-style-type: none"> <li>(1) When a child is validly married;</li> <li>(2) When a child reaches the age of 18 years; or</li> <li>(3) During the period when a child is on active duty with the armed forces of the United States.</li> </ol> <p>(c) An emancipation occurs by court order pursuant to a petition filed by a child with the juvenile court.</p> <p><a href="#">Ga. Code Ann. § 15-11-721</a></p> <p>(a) A child seeking emancipation shall file a petition for emancipation in the juvenile court in the county where such child resides. The petition shall be signed and verified by the petitioner, and shall include:</p> <ol style="list-style-type: none"> <li>(1) The petitioner’s full name and birth date and the county and state where the petitioner was born;</li> <li>(2) A certified copy of the petitioner’s birth certificate;</li> <li>(3) The name and last known address of the petitioner’s parent, guardian, or legal custodian and, if no parent, guardian, or legal custodian can be found, the name and address of the petitioner’s nearest living relative residing within this state;</li> <li>(4) The petitioner’s present address and length of residency at that address;</li> <li>(5) A declaration by the petitioner demonstrating the ability to manage his or her financial affairs together with any information necessary to support the declaration;</li> <li>(6) A declaration by the petitioner demonstrating the ability to manage his or her personal and social affairs together with any information necessary to support the declaration; and</li> <li>(7) The names of individuals who have personal knowledge of the petitioner’s circumstances and believe that under those circumstances emancipation is in the best interests of the petitioner. Such individuals may include any of the following: <ol style="list-style-type: none"> <li>(A) A licensed physician, physician assistant, or osteopath;</li> <li>(B) A registered professional nurse or licensed practical nurse;</li> <li>(C) A licensed psychologist;</li> <li>(D) A licensed professional counselor, social worker, or marriage and family therapist;</li> <li>(E) A school guidance counselor, school social worker, or school psychologist;</li> <li>(F) A school administrator, school principal, or school teacher;</li> <li>(G) A member of the clergy;</li> <li>(H) A law enforcement officer; or</li> <li>(I) An attorney.</li> </ol> </li> </ol> <p>(b) If the petition provided for under subsection (a) of this Code section is based on the petitioner’s desire to enter into a valid marriage, the petitioner shall:</p>

State	Age Floor Set by Statute?	State Code Provisions
		<p>(1) Be at least 17 years of age;</p> <p>(2) In addition to the requirements provided for under subsection (a) of this Code section, include in such petition the name, age, date of birth, and address of residence of the intended spouse;</p> <p>(3) Include a statement of the reasons why the petitioner desires to marry, how the parties came to know each other, and how long they have known each other; and</p> <p>(4) Attach copies of any criminal records of either party to be married and of any family violence or stalking protective order issued to protect or restrain either party to be married.</p> <p><a href="#">Ga. Code Ann. § 15-11-722</a> [Summons, answer, time limitations]</p> <p><a href="#">Ga. Code Ann. § 15-11-723</a> (a) After a petition for emancipation is filed, the court shall appoint an attorney for the petitioner and may:</p> <p>(1) Appoint a guardian ad litem to investigate the allegations of the petition and to file a report with the court, including a recommendation as to whether it is in the best interests of the petitioner that the petition for emancipation be granted; and</p> <p>(2) Appoint an attorney for the petitioner’s parent, guardian, or legal custodian if he or she is an indigent person and if he or she opposes the petition.</p> <p>(b) After a petition for emancipation is filed, the court shall seek an affidavit from each person identified in the petition pursuant to paragraph (7) of subsection (a) of Code Section 15-11-721 that describes why that person believes the petitioner should be emancipated.</p> <p><a href="#">Ga. Code Ann. § 15-11-724</a> [Standard of proof (preponderance of evidence)]</p> <p><a href="#">Ga. Code Ann. § 15-11-725</a> (a) (1) Except as provided for in paragraph (2) of this subsection, the court shall issue an emancipation order if, after a hearing, it determines that emancipation is in the best interests of the child and such child has established:</p> <p>(A) That his or her parent, guardian, or legal custodian does not object to the petition; or, if a parent, guardian, or legal custodian objects to the petition, that the best interests of the child are served by allowing the emancipation to occur by court order;</p> <p>(B) That he or she is a resident of this state;</p> <p>(C) That he or she has demonstrated the ability to manage his or her financial affairs, including proof of employment or other means of support. “Other means of support” shall not include general assistance or aid received from means-tested public assistance programs such as Temporary Assistance for Needy Families as provided in Article 9 of Chapter 4 of Title 49 or similar programs under Title IV-A of the federal Social Security Act;</p>

State	Age Floor Set by Statute?	State Code Provisions
		<p>(D) That he or she has the ability to manage his or her personal and social affairs, including, but not limited to, proof of housing; and</p> <p>(E) That he or she understands his or her rights and responsibilities under this article as an emancipated child.</p> <p>(2) If the court finds that the petition for emancipation is based upon the petitioner's desire to enter into a valid marriage, the court shall not issue an emancipation order if the court further finds that:</p> <p>(A) The petitioner is being compelled to marry against the petitioner's will by force, fraud, or coercion;</p> <p>(B) The petitioner is younger than 17 years of age, or the age difference between the parties is more than four years;</p> <p>(C) The intended spouse was or is in a position of authority or special trust as defined in Code Section 16-6-5.1 in relation to the petitioner;</p> <p>(D) The intended spouse has been convicted of or entered into a diversion program for a crime against a person under Chapter 5 of Title 16 that involves an act of violence or includes a child victim or is for a crime defined as a sexual offense under Chapter 6 of Title 16;</p> <p>(E) There is a preponderance of evidence that the petitioner was the victim and the intended spouse was the perpetrator of statutory rape as defined in Code Section 16-6-3;</p> <p>(F) The intended spouse has previously been enjoined by a family violence or stalking protective order, regardless of whether or not the person to be protected by the order was the petitioner; or</p> <p>(G) The intended marriage is not in the best interests of the petitioner. A past or current pregnancy of the petitioner or the intended spouse or the wishes of the parents or legal guardians of the petitioner may be considered by the court, but shall not alone or together be sufficient evidence to determine the best interests of the minor.</p> <p>(b) If the court issues an emancipation order, the court shall retain a copy of the order until the emancipated child becomes 25 years of age.</p> <p>(c) An emancipation obtained by fraud is voidable. Voiding an emancipation order shall not affect an obligation, responsibility, right, or interest that arose during the period of time the order was in effect.</p> <p>(d) A child or his or her parent, guardian, or legal custodian may appeal the court's grant or denial of an emancipation petition.</p>

State	Age Floor Set by Statute?	State Code Provisions
Hawaii	15	<p data-bbox="562 142 877 167"><a href="#">Hawaii Rev. Stat. § 572-1</a></p> <p data-bbox="562 175 1913 334">In order to make valid the marriage contract, which shall be permitted between two individuals without regard to gender, it shall be necessary that: . . . (2) Each of the parties at the time of contracting the marriage is at least sixteen years of age; provided that with the written approval of the family court of the circuit within which the minor resides, it shall be lawful for a person under the age of sixteen years, but in no event under the age of fifteen years, to marry, subject to section 572-2 [see below] . . .</p> <p data-bbox="562 375 877 399"><a href="#">Hawaii Rev. Stat. § 572-2</a></p> <p data-bbox="562 407 1902 534">Whenever any person who is under the age of eighteen is to be married, the written consent of his or her parents, or guardian or other person in whose care and custody he or she may be, shall accompany the application for a license to marry. No license shall be issued to any minor who is under the jurisdiction of the family court without the written consent of a judge of such court.</p> <p data-bbox="562 574 877 599"><a href="#">Hawaii Rev. Stat. § 572-9</a></p> <p data-bbox="562 607 1902 699">Whenever any person who is under the age of eighteen, whose parents are dead, or who is a ward of a family court, applies for a license to marry, he or she shall set forth in the statement accompanying the application, the name of his or her guardian or of any other person in whose care and custody he or she may be.</p> <p data-bbox="562 740 894 764"><a href="#">Hawaii Rev. Stat. § 572-10</a></p> <p data-bbox="562 773 1885 865">If any applicant for a license to marry appears to any agent to be under the age of eighteen years, the agent shall, before granting a license to marry, require the production of a certificate of birth or other satisfactory proof showing the age of the applicant.</p>
Idaho	16	<p data-bbox="562 906 911 930"><a href="#">Idaho Code Ann. § 32-202</a><sup>13</sup></p> <p data-bbox="562 938 1913 1430">Any unmarried male of the age of eighteen (18) years or older, and any unmarried female of the age of eighteen (18) years or older, and not otherwise disqualified, are capable of consenting to and consummating marriage. A minor under eighteen (18) and not less than sixteen (16) years of age may not contract marriage with a person of the age of majority where there is an age difference of three (3) years or greater between them. No marriage license for a minor under the age of eighteen (18) and not less than sixteen (16) years of age shall be issued where there is such an age difference between the parties. Provided that if the male party to the contract is under the age of eighteen (18) and not less than sixteen (16) years of age, or if the female party to the contract is under the age of eighteen (18) and not less than sixteen (16) years of age, the license shall not be issued except upon the consent in writing duly acknowledged and sworn to by the father, mother, or guardian of any such person if there be either, and provided further, that no such license may be issued, if the male be under eighteen (18) years and not less than sixteen (16) of age and the female under eighteen (18) and not less than sixteen (16) years of age, unless each party to the contract submits to the county recorder his or her original birth certificate, or certified copy thereof or other proof of age acceptable to the county recorder. Where the female is under the age of sixteen (16), or the male is under the age of sixteen (16), the license shall not be issued.</p>

State	Age Floor Set by Statute?	State Code Provisions
Illinois	16	<p><a href="#">750 Ill. Comp. Stat. 5/203</a>  When a marriage application has been completed and signed by both parties to a prospective marriage and both parties have appeared before the county clerk and the marriage license fee has been paid, the county clerk shall issue a license to marry and a marriage certificate form upon being furnished:</p> <p>(1) Satisfactory proof that each party to the marriage will have attained the age of 18 years at the time the marriage license is effective or will have attained the age of 16 years and has either the consent to the marriage of both parents or his guardian or judicial approval; provided, if one parent cannot be located in order to obtain such consent and diligent efforts have been made to locate that parent by the consenting parent, then the consent of one parent plus a signed affidavit by the consenting parent which (i) names the absent parent and states that he or she cannot be located, and (ii) states what diligent efforts have been made to locate the absent parent, shall have the effect of both parents' consent for purposes of this Section . . .</p> <p><a href="#">750 Ill. Comp. Stat. 5/208</a>  (a) The court, after a reasonable effort has been made to notify the parents or guardian of each under-aged party, may order the county clerk to issue a marriage license and a marriage certificate form to a party aged 16 or 17 years who has no parent capable of consenting to his marriage or whose parent or guardian has not consented to his marriage.</p> <p>(b) A marriage license and a marriage certificate form may be issued under this Section only if the court finds that the under-aged party is capable of assuming the responsibilities of marriage and the marriage will serve his best interest. Pregnancy alone does not establish that the best interest of the party will be served.</p>
Indiana <sup>14</sup>	18  (unless a minor age 16 has been emancipated by court order)	<p><a href="#">Ind. Code § 31-11-1-4</a>  Except as provided in sections 5 and 7 of this chapter, two (2) individuals may not marry each other unless both individuals are at least 18 years of age.</p> <p><a href="#">Ind. Code § 31-11-1-5</a>  Two (2) individuals may marry each other if:</p> <p>(1) both individuals are at least sixteen (16) years of age;</p> <p>(2) one (1) of the individuals is not more than four (4) years older than the other individual if the other individual is sixteen (16) or seventeen (17) years of age;</p> <p>(3) each individual who is less than eighteen (18) years of age:</p> <p>(A) has been granted an order by a juvenile court under section 7 of this chapter granting the individual approval to marry and completely emancipating the individual; and</p> <p>(B) not earlier than fifteen (15) days after the issuance of the order described in clause (A), presents to the clerk of the circuit court an application for a marriage license accompanied by:</p> <p>(i) a certified copy of the order; and</p> <p>(ii) a certificate of completion of any premarital counseling required under the order; and</p> <p>(4) The individuals are not prohibited from marrying each other for a reason set forth in this article.</p>

State	Age Floor Set by Statute?	State Code Provisions
		<p><a href="#">Ind. Code § 31-11-1-7</a></p> <p>(a) A minor who is sixteen (16) or seventeen (17) years of age may petition the juvenile court in the county in which the minor resides for an order granting the minor approval to marry and completely emancipating the minor. The petition must contain the following information:</p> <ol style="list-style-type: none"> <li>(1) The minor's name, gender, and age.</li> <li>(2) Documentary proof of the minor's date of birth.</li> <li>(3) The minor's address, and how long the minor has resided at that address.</li> <li>(4) The following information with regard to the intended spouse: <ol style="list-style-type: none"> <li>(A) The intended spouse's name, gender, and age.</li> <li>(B) Documentary proof of the intended spouse's date of birth.</li> <li>(C) The intended spouse's address, and how long the intended spouse has resided at that address.</li> </ol> </li> <li>(5) A statement of: <ol style="list-style-type: none"> <li>(A) the reasons the minor desires to marry;</li> <li>(B) how the minor and the intended spouse came to know each other; and</li> <li>(C) how long the minor and the intended spouse have known each other.</li> </ol> </li> <li>(6) Copies of: <ol style="list-style-type: none"> <li>(A) any criminal records of the minor and of the intended spouse; and</li> <li>(B) any protective order: <ol style="list-style-type: none"> <li>(i) issued to protect or restrain either the minor or the intended spouse; and</li> <li>(ii) relating to domestic or family violence, a sexual offense, or stalking.</li> </ol> </li> </ol> </li> <li>(7) Evidence that the minor has demonstrated maturity and capacity for self-sufficiency and self-support independent of the minor's parents or legal guardians or the intended spouse, including proof that the minor: <ol style="list-style-type: none"> <li>(A) has graduated from high school;</li> <li>(B) has obtained a high school equivalency diploma;</li> <li>(C) has a plan for continued education;</li> <li>(D) has completed a vocational training or certificate program;</li> <li>(E) has attained a professional licensure or certification; or</li> <li>(F) has maintained stable housing or employment for at least three (3) consecutive months prior to filing the petition.</li> </ol> </li> </ol> <p>(b) A court with which a petition under subsection (a) is filed shall:</p> <ol style="list-style-type: none"> <li>(1) set a date for an evidentiary hearing on the petition;</li> <li>(2) provide reasonable notice of the hearing to the minor and the minor's parents or legal guardians; and</li> <li>(3) appoint an attorney to serve as guardian ad litem for the minor.</li> </ol> <p>(c) At the evidentiary hearing, the court shall conduct an in camera interview with the minor separate from the minor's parents or legal guardians and intended spouse.</p> <p>(d) Following the evidentiary hearing, and subject to subsection (e), the court may grant the petition if the court finds all of the following:</p> <ol style="list-style-type: none"> <li>(1) The minor is a county resident who is at least sixteen (16) years of age.</li> </ol>

State	Age Floor Set by Statute?	State Code Provisions
		<p>(2) The intended spouse is not more than four (4) years older than the minor.</p> <p>(3) The minor’s decision to marry is voluntary, and free from force, fraud, or coercion.</p> <p>(4) The minor is mature enough to make a decision to marry.</p> <p>(5) The minor has established the minor’s capacity to be self-sufficient and self-supporting independent of the minor’s parents, legal guardians, and intended spouse.</p> <p>(6) The minor understands the rights and responsibilities of parties to marriage and of completely emancipated minors.</p> <p>(7) It is in the best interests of the minor for the court to grant the petition to marry and to completely emancipate the minor. In making the determination under this subdivision, the court shall consider how marriage and emancipation may affect the minor’s health, safety, education, and welfare.</p> <p>A court that grants a petition under this section shall issue written findings regarding the court’s conclusions under subdivisions (1) through (7).</p> <p>(e) The following, considered independently or together, are not sufficient to determine the best interests of a minor for purposes of this section:</p> <p>(1) The fact that the minor or the intended spouse is pregnant or has had a child.</p> <p>(2) The wishes of the parents or legal guardians of the minor. However, there is a rebuttable presumption that marriage and emancipation are not in the best interests of the minor if both parents of the minor oppose the minor’s marriage and emancipation.</p> <p>(f) The juvenile court shall deny a petition under this section if the court finds any of the following:</p> <p>(1) The intended spouse:</p> <p>(A) is or was in a position of authority or special trust in relation to the minor; or</p> <p>(B) has or had a professional relationship with the minor, as defined in IC 35-42-4-7.</p> <p>(2) The intended spouse has been convicted of, or entered into a diversion program for, an offense under IC 35-42:</p> <p>(A) that involves an act of violence;</p> <p>(B) of which a child was the victim; or</p> <p>(C) that is an offense under:</p> <p>(i) IC 35-42-3.5; or</p> <p>(ii) IC 35-42-4.</p> <p>(3) Either the minor or the intended spouse is pregnant or is the mother of a child, and the court finds by a preponderance of evidence that:</p> <p>(A) the other party to the marriage is the father of the child or unborn child; and</p> <p>(B) the conception of the child or unborn child resulted from the commission of an offense under:</p> <p>(i) IC 35-42-4-3 (child molesting);</p> <p>(ii) IC 35-42-4-6 (child solicitation);</p> <p>(iii) IC 35-42-4-7 (child seduction); or</p> <p>(iv) IC 35-42-4-9 (sexual misconduct with a minor).</p>

State	Age Floor Set by Statute?	State Code Provisions
		<p>(4) The intended spouse has previously been enjoined by a protective order relating to domestic or family violence, a sexual offense, or stalking, regardless of whether the person protected by the order was the minor.</p> <p>(g) If a court grants a petition under this section, the court shall also issue an order of complete emancipation of the minor and provide a certified copy of the order to the minor.</p> <p>(h) A minor emancipated under this section is considered to have all the rights and responsibilities of an adult, except as provided under specific constitutional or statutory age requirements that apply to the minor because of the minor's age, including requirements related to voting, use of alcoholic beverages or tobacco products, and other health and safety regulations.</p> <p>(i) A court hearing a petition under this section may issue any other order the court considers appropriate for the minor's protection.</p> <p>(j) A court that grants a petition under this section may require that both parties to the marriage complete premarital counseling with a marriage and family therapist licensed under IC 25-22.5, IC 25-23.6-8, or IC 25-33.</p> <p>(k) A court that grants a petition under this section may impose any other condition on the grant of the petition that the court determines is reasonable under the circumstances.</p> <p><a href="#">Ind. Code § 31-11-4-6</a></p> <p>Each individual who applies for a marriage license must submit to the clerk of the circuit court documentary proof of the individual's age, in the form of:</p> <p>(1) a:</p> <ul style="list-style-type: none"> <li>(A) certified copy of the individual's birth certificate;</li> <li>(B) copy of a birth record; or</li> <li>(C) certification of birth issued by the state department of health, a local registrar of vital statistics, or another public office charged with similar duties under the law of another state, territory, or country;</li> </ul> <p>(2) a certified copy of a judicial decree issued under IC 34-28-1 (or IC 34-4-3 before its repeal) that establishes the date of the individual's birth;</p> <p>(3) a passport;</p> <p>(4) a valid operator's license or other identification that is issued by a state or another governmental entity and that contains the individual's date of birth and current address;</p> <p>(5) an immigration or naturalization record showing the individual's date of birth;</p> <p>(6) a United States selective service card or armed forces record showing the individual's date of birth; or</p> <p>(7) a:</p> <ul style="list-style-type: none"> <li>(A) court record; or</li> <li>(B) document or record issued by a governmental entity; showing the individual's date of birth.</li> </ul>

State	Age Floor Set by Statute?	State Code Provisions
		<p><a href="#">Ind. Code § 31-11-8-6</a>  A marriage is void if the parties to the marriage:</p> <ol style="list-style-type: none"> <li>(1) are residents of Indiana;</li> <li>(2) had their marriage solemnized in another state with the intent to: <ol style="list-style-type: none"> <li>(A) evade IC 31-11-1-4 [minimum marriage age requirements], IC 31-11-4-4, or IC 31-11-4-11 (or IC 31-7-3-3 or IC 31-7-3-10 before their repeal); and</li> <li>(B) subsequently return to Indiana and reside in Indiana; and</li> </ol> </li> <li>(3) without having established residence in another state in good faith, return to Indiana and reside in Indiana after the marriage is solemnized.</li> </ol> <p><a href="#">Ind. Code § 31-9-2-7</a> [Family and Juvenile Law Definitions]  ...(c) “Adult”, for purposes of IC 31-11, means:</p> <ol style="list-style-type: none"> <li>(1) a person at least eighteen (18) years of age; or</li> <li>(2) a: <ol style="list-style-type: none"> <li>(A) married minor who is at least sixteen (16) years of age; or</li> <li>(B) minor who has been completely emancipated by a court; subject to specific constitutional and statutory age requirements and health and safety regulations that remain applicable to the person because of the person’s age.</li> </ol> </li> </ol>
Iowa	16	<p><a href="#">Iowa Code § 595.2</a>  . . . 2. Additionally, a marriage between a male and a female is valid only if each is eighteen years of age or older. However, if either or both of the parties have not attained that age, the marriage may be valid under the circumstances prescribed in this section.</p> <p>3. If either party to a marriage falsely represents the party’s self to be eighteen years of age or older at or before the time the marriage is solemnized, the marriage is valid unless the person who falsely represented their age chooses to void the marriage by making their true age known and verified by a birth certificate or other legal evidence of age in an annulment proceeding initiated at any time before the person reaches their eighteenth birthday. A child born of a marriage voided under this subsection is legitimate.</p> <p>4. A marriage license may be issued to a male and a female either or both of whom are sixteen or seventeen years of age if both of the following apply:</p> <ol style="list-style-type: none"> <li>a. The parents of the underage party or parties certify in writing that they consent to the marriage. If one of the parents of any underage party to a proposed marriage is dead or incompetent the certificate may be executed by the other parent, if both parents are dead or incompetent the guardian of the underage party may execute the certificate, and if the parents are divorced the parent having legal custody may execute the certificate; and</li> <li>b. The certificate of consent of the parents, parent, or guardian is approved by a judge of the district court or, if both parents of any underage party to a proposed marriage are dead, incompetent, or cannot be located and the party has no guardian, the proposed marriage is approved by a judge of the district court. A judge shall grant approval under this subsection only if the judge finds the underage party or parties</li> </ol>

State	Age Floor Set by Statute?	State Code Provisions
		<p>capable of assuming the responsibilities of marriage and that the marriage will serve the best interest of the underage party or parties. Pregnancy alone does not establish that the proposed marriage is in the best interest of the underage party or parties, however, if pregnancy is involved the court records which pertain to the fact that the female is pregnant shall be sealed and available only to the parties to the marriage or proposed marriage or to any interested party securing an order of the court.</p> <p>5. If a parent or guardian withholds consent, the judge upon application of a party to a proposed marriage shall determine if the consent has been unreasonably withheld. If the judge so finds, the judge shall proceed to review the application under subsection 4, paragraph “b.”</p> <p><a href="#">Iowa Code § 595.3</a></p> <p>Previous to the solemnization of any marriage, a license for that purpose must be obtained from the county registrar. The license must not be granted in any case:</p> <ol style="list-style-type: none"> <li>1. Where either party is under the age necessary to render the marriage valid.</li> <li>2. Where either party is under eighteen years of age, unless the marriage is approved by a judge of the district court as provided by section 595.2 [see above] . . .</li> </ol>
Kansas <sup>15</sup>	15	<p><a href="#">Kan. Stat. Ann. § 23-2505</a></p> <p>. . .(c) No clerk or judge shall issue a license authorizing the marriage of any person:</p> <ol style="list-style-type: none"> <li>(1) Under the age of 16 years, except that a judge of the district court may, after due investigation, give consent and issue the license authorizing the marriage of a person 15 years of age when the marriage is in the best interest of the person 15 years of age; or</li> <li>(2) Who is 16 or 17 years of age without the express consent of such person’s father, mother or legal guardian and the consent of the judge unless consent of both the mother and father and any legal guardian or all then living parents and any legal guardian is given in which case the consent of the judge shall not be required. If not given in person at the time of the application, the consent shall be evidenced by a written certificate subscribed thereto and duly attested. Where the applicants or either of them are 16 or 17 years of age and their parents are dead and there is no legal guardian then a judge of the district court may after due investigation give consent and issue the license authorizing the marriage.</li> </ol> <p>(d) The judge or clerk may issue a license upon the affidavit of the party personally appearing and applying therefor, to the effect that the parties to whom such license is to be issued are of lawful age, as required by this section, and the judge or clerk is hereby authorized to administer oaths for that purpose.</p> <p>(e) Every person swearing falsely in such affidavit shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$500. A clerk or judge of the district court shall state in every license the birth dates of the parties applying for the same, and if either or both are 16 or 17 years of age, the name of the father, mother, or guardian consenting to such marriage.</p>

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Kentucky	<p>18</p> <p>(unless a minor age 17 has been emancipated by court order)</p>	<p><a href="#">Ky. Rev. Stat. §402.020</a></p> <p>(1) Marriage is prohibited and void:</p> <p>...</p> <p>(f) Except as provided in KRS 402.210, with a person who at the time of marriage is under eighteen (18) years of age.</p> <p>(2) Subsection 1(f) of this section shall not apply to a lawful marriage entered into in the Commonwealth of Kentucky prior to July 14, 2018, or to a lawful marriage in another state or country prior to the parties' residence in the Commonwealth of Kentucky.</p> <p><a href="#">Ky. Rev. Stat. §402.210</a></p> <p>(1) Both parties to a marriage shall:</p> <p>(a) Be present for a marriage license to be issued; and</p> <p>(b) Present to the county clerk documentary proof of age in the form of:</p> <ol style="list-style-type: none"> <li>1. A copy of a birth record;</li> <li>2. A certification of birth issued by the state department of health, a local registrar of vital statistics, or other public office charged with similar duties by the laws of another state, territory, or country;</li> <li>3. A baptismal record showing the individual's date of birth;</li> <li>4. A passport;</li> <li>5. An automobile driver's license;</li> <li>6. Any government or school issued identification card showing the individual's date of birth;</li> <li>7. An immigration record showing the individual's date of birth;</li> <li>8. A naturalization record showing the individual's date of birth; or</li> <li>9. A court record or any other document or record issued by a government entity showing the individual's date of birth.</li> </ol> <p>(2) If either of the parties is under seventeen (17) years of age, no license shall be issued.</p> <p>(3) If either of the parties is seventeen (17) years of age, a marriage license shall not be issued unless:</p> <p>(a) The party who is seventeen (17) years of age presents to the clerk a certified copy of a court order by a family court or District Court judge that grants the party permission to marry and removes the party's disability of minority, as provided in KRS 402.205; and</p> <p>(b) At least fifteen (15) days have elapsed since the court order was granted.</p> <p><a href="#">Ky. Rev. Stat. §402.205</a></p> <p>(1) A minor who is seventeen (17) years of age may petition the family court in the county in which the minor resides, or the District Court in that county if a family court division has not been established in that county, for an order granting permission to marry. The petition shall contain the following:</p>

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		<p>(a) The petitioner’s name, gender, age, date of birth, address, and how long the petitioner has resided at that address, as well as prior addresses and dates of residence for the six (6) months preceding the petition;</p> <p>(b) The intended spouse’s name, gender, age, date of birth, address, and how long the intended spouse has resided at that address, as well as prior addresses and dates of residence for the six (6) months preceding the petition;</p> <p>(c) An affidavit attesting to the consent to marry signed by:</p> <ol style="list-style-type: none"> <li>1. The father or the mother of the petitioner, if the parties are married, the parents are not legally separated, no legal guardian has been appointed for petitioner, and no court order has been issued granting custody of petitioner to a party other than the father or mother;</li> <li>2. Both the father and the mother, if both are living, and the parents are divorced or legally separated, and a court order of joint custody to the parents of the petitioner has been issued and is in effect;</li> <li>3. The surviving parent, if the parents were divorced or legally separated, and a court order of joint custody to the parents of the petitioner was issued prior to the death of either the father or mother, which order remains in effect;</li> <li>4. The custodial parent, as established by a court order which has not been superseded, where the parents are divorced or legally separated and joint custody of the petitioner has not been ordered; or</li> <li>5. Another person having lawful custodial charge of the petitioner;</li> </ol> <p>(d) A statement of the reasons why the petitioner desires to marry, how the parties came to know each other, and how long they have known each other;</p> <p>(e) Evidence of the petitioner’s maturity and capacity for self-sufficiency independent of the petitioner’s parents and the intended spouse, including but not limited to:</p> <ol style="list-style-type: none"> <li>1. Proof that the petitioner has maintained stable housing or employment for at least three (3) consecutive months prior to the petition; and</li> <li>2. Proof that the petitioner has completed high school, obtained a High School Equivalency Diploma, or completed a vocational training or certificate program;</li> </ol> <p>(e) Copies of any criminal records of either party to be married; and</p> <p>(f) Copies of any domestic violence order or interpersonal protective order involving either party to be married.</p> <p>(2) Upon the filing of the petition for permission to marry, the court shall set a date for an evidentiary hearing on the petition that is no sooner than thirty (30) days but not later than sixty (60) days from the date of the filing.</p> <p>(3) The petitioner may be represented by counsel in court proceeding pertaining to the petition to marry.</p> <p>(4) The court shall take reasonable measures to ensure that any representations made by a minor party are free of coercion, undue influence, or duress. Reasonable measures shall include, but are not limited to, in camera interviews.</p>

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		<p>(5) Following an evidentiary hearing, the court shall grant the minor’s petition for permission to marry unless:</p> <ul style="list-style-type: none"> <li>(a) The age difference between the parties is more than four (4) years;</li> <li>(b) The intended spouse was or is a person in a position of authority or a position of special trust as defined in KRS 532.045 in relation to the minor;</li> <li>(c) The intended spouse has previously been enjoined by a domestic violence order or interpersonal protective order, regardless of whether or not the person to be protected by the order was the minor petitioner;</li> <li>(d) The intended spouse has been convicted of or entered into a diversion program for a criminal offense against a victim who is a minor as defined in KRS 17.500 or for a violent or sexual criminal offense under KRS Chapter 506, 507, 507A, 508, 509, 510, 529, 530, or 531;</li> <li>(e) The court finds by a preponderance of the evidence that the minor was a victim and that the intended spouse was the perpetrator of a sexual offense against the minor under KRS 510.040, 510.050, 510.060, 510.110, 510.120, or 510.030;</li> <li>(f) The court finds by a preponderance of the evidence that abuse, coercion, undue influence, or duress is present; or</li> <li>(g) The court finds that it would otherwise not be in the minor party’s best interest to grant the petition to marry.</li> </ul> <p>(6) A past or current pregnancy of the minor or the intended spouse shall not be sufficient evidence to establish that the best interests of the minor would be served by granting the petition for marriage.</p> <p>(7) The granting of a petition to marry filed under subsection (1) of this section shall remove the disabilities of minority. A minor emancipated by the petition shall be considered to have all the rights and responsibilities of an adult, except for specific constitutional or statutory age requirements, including but not limited to voting, the use of alcoholic beverages, and other health and safety regulations relevant to him or her because of his or her age.<sup>16</sup></p> <p>(8) The minor shall be advised by the court of the rights and responsibilities of parties to a marriage and of emancipated minors. The minor shall be provided with a fact sheet on these rights and responsibilities to be developed by the Office of the Attorney General and the Cabinet for Health and Family Services. The fact sheet shall include referral information for legal aid agencies in the Commonwealth and national hotlines for domestic violence and sexual assault.</p> <p>(9) The court may make any other orders that the court deems appropriate for the minor’s protection and may impose any other condition on the grant of the petition that the court determines is reasonable under the circumstances for the minor’s protection.</p> <p>(10) The court may set a fee not to exceed twenty dollars (\$20) to file a petition for permission to marry under this section.</p>

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Louisiana <sup>17</sup>	16	<p data-bbox="562 136 842 164"><a href="#">La. Civil Code Art. 90.1</a></p> <p data-bbox="562 168 1885 261">A minor under the age of sixteen may not contract marriage. A minor sixteen or seventeen years of age may not contract marriage with a person of the age of majority where there is an age difference of three years or greater between them.</p> <p data-bbox="562 302 852 329"><a href="#">La. Civil Code Art. 2333</a></p> <p data-bbox="562 334 1885 427">A minor under the age of sixteen may not enter into a matrimonial agreement. A minor sixteen or seventeen years of age may not enter into a matrimonial agreement without judicial authorization and the written concurrence of his father and mother, or of the parent having his legal custody, or of the tutor of his person.</p> <p data-bbox="562 467 848 495"><a href="#">La. Child. Code § 1545</a></p> <p data-bbox="562 500 1898 560">A. An officiant may not perform a marriage ceremony in which a minor sixteen or seventeen is a party unless the minor has judicial authorization and the written consent to marry of either:</p> <ol data-bbox="604 565 1325 657" style="list-style-type: none"> <li data-bbox="604 565 898 592">(1) Both of his parents.</li> <li data-bbox="604 597 940 625">(2) The tutor of his person.</li> <li data-bbox="604 630 1325 657">(3) A person who has been awarded custody of the minor.</li> </ol> <p data-bbox="562 678 1577 706">B. No marriage ceremony shall be performed for a minor under the age of sixteen.</p> <p data-bbox="562 747 848 774"><a href="#">La. Child. Code § 1546</a></p> <p data-bbox="562 779 1913 839">A proceeding brought pursuant to this Chapter may be commenced in the parish in which the minor resides or the marriage ceremony is to be performed.</p> <p data-bbox="562 880 869 907"><a href="#">La. Child. Code § 1547</a><sup>18</sup></p> <p data-bbox="562 912 1906 1005">Upon application by a minor of the age of sixteen or seventeen, the judge may authorize the marriage when there is a compelling reason why the marriage should take place. The court shall consider the best interest of the minor prospective spouse.</p> <p data-bbox="562 1045 848 1073"><a href="#">La. Child. Code § 1548</a></p> <p data-bbox="562 1078 1591 1105">A. The court shall hear a request for authorization for a minor to marry in chambers.</p> <p data-bbox="562 1127 1898 1187">B. The judge shall require that both the prospective husband and prospective wife be present for the hearing and there shall be a separate in camera interview of the prospective spouses.</p> <p data-bbox="562 1208 1927 1235">C. In determining the best interest of the minor prospective spouse, the court shall consider all of the following:</p> <ol data-bbox="604 1240 1864 1463" style="list-style-type: none"> <li data-bbox="604 1240 1073 1268">(1) Pregnancy of the prospective wife.</li> <li data-bbox="604 1273 1304 1300">(2) If the prospective spouses are already living together.</li> <li data-bbox="604 1305 1864 1365">(3) Housing and living conditions prior to the prospective marriage and where the prospective spouses intend to live after the marriage.</li> <li data-bbox="604 1370 1108 1398">(4) The ages of the prospective spouses.</li> <li data-bbox="604 1403 1318 1430">(5) The age differential between the prospective spouses.</li> <li data-bbox="604 1435 1339 1463">(6) How the prospective spouses came to know each other.</li> </ol>

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		<p>(7) The stated reasons why each of the prospective spouses desires to marry one another.</p> <p>(8) Consent of mother, father, or person having legal custody of the minor.</p> <p>D. The judge may require evidence of proof of residency, educational attainment, juvenile offense history, or criminal history to be produced.</p> <p>E. The judge shall conduct an inquiry to determine if there exists any evidence that the minor is a victim of human trafficking, sexual assault, domestic violence, coercion, duress, or undue influence. In conducting the inquiry, the judge shall ask all of the following questions:</p> <ol style="list-style-type: none"> <li>(1) Whether one prospective spouse is in a position of authority over the other prospective spouse.</li> <li>(2) Previous marriage or marriages of either of the prospective spouses.</li> <li>(3) Residency and length of residency of the prospective spouses.</li> <li>(4) How long the prospective spouses have known each other.</li> <li>(5) Length of relationship between the prospective spouses.</li> <li>(6) Any evidence of kidnaping, sexual assault, or domestic violence between the prospective spouses.</li> <li>(7) Whether one of the prospective spouses was the victim of a sexual offense committed by the other prospective spouse.</li> <li>(8) Evidence of domestic violence, spousal abuse, or sexual offenses committed by either of the prospective spouses upon anyone.</li> <li>(9) Criminal history of the prospective spouses.</li> <li>(10) Whether either prospective husband or wife provided or promised a third party anything of value in exchange for the marriage.</li> <li>(11) Evidence of maturity and self-sufficiency of the prospective spouses through educational attainment or employment.</li> <li>(12) Evidence of at least eight hours of premarital counseling from the prospective spouses.</li> <li>(13) Any history of any medical condition or chemical dependency of either of the prospective spouses.</li> </ol> <p>F. If the judge finds any evidence of human trafficking, sexual assault, domestic violence, coercion, or undue influence, he shall immediately report it to local law enforcement or child protective services, and shall not authorize the marriage.</p> <p><a href="#">La. Child. Code § 1549</a></p> <p>A. The authorization must be in writing but may not give the court’s reasons for granting it.</p> <p>B. A copy of the authorization must be attached to the copy of the marriage certificate given to the parties and the original of the authorization must be presented to the official who issues the marriage license.</p> <p>C. A copy of the authorization must also be filed with the marriage certificate as required by law.</p> <p><a href="#">La. Rev. Stat. Ann. 9:221</a></p> <p>...B. No marriage license for a minor under the age of sixteen shall be issued. No marriage license for a minor of the age of sixteen or seventeen shall be issued where there is an age difference of three years or greater between the persons seeking the marriage license.</p>

State	Age Floor Set by Statute?	State Code Provisions
		<p><a href="#">La. Rev. Stat. Ann. 9:225</a></p> <p>A. An application for a marriage license shall be accompanied by:</p> <ol style="list-style-type: none"> <li>(1) (a) A certified copy of each party's birth certificate as provided by R.S. 9:226.</li> <li style="padding-left: 2em;">(b) If the applicant does not have a birth certificate, the applicant shall obtain an order signed by a judge waiving the requirement pursuant to R.S. 9:228.</li> <li>(2) The written consent for a minor to marry, or the court's authorization for the minor to marry, or both, as required by Chapter 6 of Title XV of the Children's Code [see provisions above].</li> <li>(3) If applicable, the declaration of intent for a covenant marriage, as provided in Part VII of this Chapter.</li> <li>(4) A valid and unexpired driver's license, a government issued identification card, or a valid and unexpired passport from the country of his birth or an unexpired visa accompanied by Form I-94 as issued by the United States.</li> </ol> <p>B. (1) It shall be unlawful for any officer authorized to issue a marriage license in this state to issue a license to any male or female unless both parties first present and file with the officer a certified copy of their original birth certificate.</p> <ol style="list-style-type: none"> <li>(2) A photostatic or photographic reproduction of the certified copy of the birth certificate shall be filed with the officer.</li> </ol>
Maine	16	<p><a href="#">Me. Rev. Stat. tit. 19-A, § 652</a><sup>19</sup></p> <p>... 7. A marriage license may not be issued to persons under 18 years of age without the written consent of their parents, guardians or persons to whom a court has given custody. In the absence of persons qualified to give consent, the judge of probate in the county where each minor resides may grant consent after notice and opportunity for hearing.</p> <p>8. The clerk may not issue a marriage license to a person under 16 years of age.</p>
Maryland	15	<p><a href="#">Md. Fam. Law Code Ann. § 2-301</a></p> <p>(a) Marriage of individual 16 or 17 years old. – An individual 16 or 17 years old may not marry unless:</p> <ol style="list-style-type: none"> <li>(1) The individual has the consent of a parent or guardian and the parent or guardian swears that the individual is at least 16 years old; or</li> <li>(2) If the individual does not have the consent of a parent or guardian, either party to be married gives the clerk a certificate from a licensed physician, licensed physician assistant, or certified nurse practitioner stating that the physician, physician assistant, or nurse practitioner has examined the woman to be married and has found that she is pregnant or has given birth to a child.</li> </ol> <p>(b) Marriage of individual 15 years old. – An individual 15 years old may not marry unless:</p> <ol style="list-style-type: none"> <li>(1) The individual has the consent of a parent or guardian; and</li> <li>(2) Either party to be married gives the clerk a certificate from a licensed physician, licensed physician assistant, or certified nurse practitioner stating that the physician, physician assistant, or nurse practitioner has examined the woman to be married and has found that she is pregnant or has given birth to a child.</li> </ol> <p>(c) Marriage of individual under the age of 15 years. – An individual under the age of 15 may not marry.</p>

State	Age Floor Set by Statute?	State Code Provisions
Massachusetts	<p>No age floor set by statute.</p> <p>If the statutory exceptions are met, a child of any age could be married.<sup>20</sup></p>	<p><a href="#">Mass. Gen. Laws ch. 207, § 7</a>  A magistrate or minister shall not solemnize a marriage if he has reasonable cause to believe that a party to the intended marriage is under eighteen unless the provisions of sections twenty-four and twenty-five [see below] have been satisfied.</p> <p><a href="#">Mass. Gen. Laws ch. 207, § 24</a>  The clerk or registrar shall not, except as provided in the following section, receive a notice of the intention of marriage of a person under eighteen.</p> <p><a href="#">Mass. Gen. Laws ch. 207, § 25</a>  The probate court for the county where, or a district court within the judicial district of which, a minor under the age specified in the preceding section resides may, after hearing, make an order allowing the marriage of such minor, if the parents or surviving parent of such minor, or, if only one such parent resides in the commonwealth, that parent, or, if neither such parent is alive and resident thereof, or if the parent or parents qualified as aforesaid to consent are disqualified as hereinafter provided, a legal guardian with custody of the person of such minor has consented to such order. If a parent has deserted his family, or if found to be incapacitated by reason of mental illness and incapable of consent, or if found unfit under the provisions of section five of chapter two hundred and one to have custody of such minor, it shall not be necessary to obtain his consent to such order. If a parent whose consent would be required if living in the commonwealth lives outside thereof and the address of such parent is known, such notice of the proceedings shall be given him as the probate or district court may order. Said court may also after hearing make such order in the case of a person whose age is alleged to exceed that specified in the preceding section, but who is unable to produce an official record of birth, whereby the reasonable doubt of the clerk or registrar, as exercised under section thirty-five, may be removed. Upon receipt of a certified copy of such order by the clerk or registrar of the town where such minor resides, he shall receive the notice required by law and issue a certificate as in other cases.</p> <p><a href="#">Mass. Gen. Laws ch. 207, § 27</a>  A party to an intended marriage who has been legally adopted shall, in the notice of intention thereof, give the names of his parents by adoption; and the names of his parents may also be added. The consent of a parent by adoption to the marriage of a minor shall be sufficient if the consent of a parent of a minor is required by law as a preliminary to marriage. If the natural parents of a minor have been divorced and the consent of one of them is required by law, preliminary to the marriage of such minor, the consent of the parent having the custody of such minor shall be sufficient.</p> <p><a href="#">Mass. Gen. Laws ch. 207, § 33A</a>  If it appears from the statements made in the written notice of intention of marriage that a party to such intended marriage is under eighteen, the clerk or registrar shall not, except as required under section twenty-five, issue a certificate under section twenty-eight before receiving proof of the age of the parties. Such proof shall be contained in any of the following documents, graded and taking precedence in the order named: (1) an original or certified copy of a record of birth; (2) an original or certified copy of a baptismal record; (3) a</p>

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		<p>passport; (4) a life insurance policy; (5) an employment certificate; (6) a school record; (7) an immigration record; (8) a naturalization record; or (9) a court record. Documentary evidence of a lower grade as aforesaid shall not be received by the clerk or registrar unless he is satisfied that evidence of a higher grade is not readily procurable. If no such documentary proof of age is procurable, the consent of the parent shall be sufficient. If the clerk or registrar has reasonable cause to believe that a party to an intended marriage represented to be eighteen or over, is under such age, he shall, before issuing such certificate, require documentary proof of age as aforesaid.</p> <p><a href="#">Mass. Gen. Laws ch.. 207. § 34</a></p> <p>If it is necessary to give notice in two towns of the intention of marriage of a minor, the clerk or registrar who first takes the consent of the parent or guardian shall take it in duplicate, retaining one copy and delivering the other duly attested by him to the person obtaining the certificate, to be given to the clerk or registrar issuing the second certificate; and no fee shall be charged for such consent or copy.</p>
Michigan	<p>No age floor set by statute.<sup>21</sup></p> <p>If the statutory exceptions are met, a child of any age could be married.</p>	<p><a href="#">Mich. Comp. Laws § 551.51</a></p> <p>A marriage in this state shall not be contracted by a person who is under 16 years of age, and the marriage, if entered into, shall be void. This act shall not prohibit probate judges from exercising their powers to perform marriages as provided by Act No. 180 of the Public Acts of 1897, being sections 551.201 to 551.204 of the Michigan Compiled Laws.</p> <p><a href="#">Mich. Comp. Laws § 551.103</a></p> <p>(1) A person who is 18 years of age or older may contract marriage. A person who is 16 years of age but is less than 18 years of age may contract marriage with the written consent of 1 of the parents of the person or the person's legal guardian, as provided in this section. As proof of age, the person who intends to be married, in addition to the statement of age in the application, when requested by the county clerk, shall submit a birth certificate or other proof of age. The county clerk on the application submitted shall fill out the blank spaces of the license according to the sworn answers of the applicant, taken before the county clerk, or some person duly authorized by law to administer oaths. If it appears from the affidavit that either the applicant for a marriage license or the person whom he or she intends to marry is less than 18 years of age, the county clerk shall require that there first be produced the written consent of 1 of the parents of each of the persons who is less than 18 years of age or of the person's legal guardian, unless the person does not have a living parent or guardian. The consent shall be to the marriage and to the issuing of the license for which the application is submitted. The consent shall be given personally in the presence of the county clerk or be acknowledged before a notary public or other officer authorized to administer oaths. A license shall not be issued by the county clerk until the requirements of this section are complied with. The written consent shall be preserved on file in the office of the county clerk. If the parties are legally entitled to be married, the county clerk shall sign the license and certify the fact that it is properly issued, and the clerk shall make a correct copy of the license in the books of registration.</p>

State	Age Floor Set by Statute?	State Code Provisions
		<p><a href="#">Mich. Comp. Laws § 551.201</a>  . . . (2) The judge of probate may marry, without publicity, persons under marriageable age, as provided in section 3 of Act No. 128 of the Public Acts of 1887, being section 551.103 of the Michigan Compiled Laws [see above], if the application for the license is accompanied by 1 of the following:  (a) A written request of all of the biological or adopting living parents of both parties, and their guardian or guardians if either or both of the parents are dead.  (b) A written request of the parents or guardians of the party under marriageable age if only 1 party to the marriage is under the marriageable age.</p> <p>(3) If the noncustodial parent has been given notice of the request for consent by personal service or registered mail at his or her last known address and the noncustodial parent fails to enter an objection within 5 days after receipt of notice, then the consent shall be required only of a parent to whom custody of a child has been awarded by a court. The consent shall not be required of a parent confined under sentence in a state or federal penal institution or confined in a mental hospital under adjudication of legal incapacity by a court of competent jurisdiction or upon the return of process by the sheriff of the county in which the parent was last known to reside made not less than 5 nor more than 14 days after issuance of the process certifying that after diligent search the parent cannot be found within the county. . . .</p>
Minnesota	18	<p><a href="#">Minn. Stat. Ann. § 517.02</a><sup>22</sup>  A person who has attained the full age of 18 years is capable in law of contracting into a civil marriage, if otherwise competent.</p> <p><a href="#">Minn. Stat. Ann. §517.03</a>  Subd.1(a) The following civil marriages are prohibited:  ...  (4) a civil marriage entered into between persons when both have not attained the full age of 18 years.</p> <p>Subd.1(b)  A civil marriage prohibited under paragraph (a), clause (4), that is recognized by another state or foreign jurisdiction under common law or statute, is void and against the public policy of this state unless neither party was a resident of this state at the time they were married.</p> <p><a href="#">Minn. Stat. Ann. § 517.08</a>  Subd. 1b.Term of license; fee; premarital education.</p> <p>(a) The local registrar shall examine upon oath the parties applying for a license relative to the legality of the contemplated civil marriage. Both parties must present proof of age to the local registrar. If one party is unable to appear in person, the party appearing may complete the absent applicant’s information. The local registrar shall provide a copy of the civil marriage application to the party who is unable to appear, who must verify the accuracy of the appearing party’s information in a notarized statement. The verification statement must be</p>

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		<p>accompanied by a copy of proof of age of the party. The civil marriage license must not be released until the verification statement and proof of age has been received by the local registrar. ...</p> <p>...</p> <p>Subd. 1d. Proof of age. For purposes of this section, proof of the age of a party may be established in the form of:</p> <p>(1) an original or certified copy of a birth certificate or birth record;</p> <p>(2) a driver's license or other identification card issued by a government entity or school; or</p> <p>(3) a school record, immigration record, naturalization record, court record, or other document or record issued by a government entity that contains the date of birth of a party.</p>
Mississippi	<p>No age floor set by statute.</p> <p>If the statutory exceptions are met, a child of any age could be married.</p>	<p><a href="#">Miss. Code Ann. § 93-1-5</a></p> <p>(1) Every male who is at least seventeen (17) years old and every female who is at least fifteen (15) years old shall be capable in law of contracting marriage. However, males and females under the age twenty-one (21) years must furnish the circuit clerk satisfactory evidence of consent to the marriage by the parents or guardians of the parties. It shall be unlawful for the circuit court clerk to issue a marriage license until the following conditions precedent have been complied with:</p> <p>(a) Application for the license is to be made in writing to the clerk of the circuit court of any county in the State of Mississippi. The application shall be sworn to by both applicants and shall include:</p> <p>(i) The names, ages and addresses of the parties applying;</p> <p>(ii) The names and addresses of the parents of the applicants, and, for applicants under the age of twenty-one (21), if no parents, then names and addresses of the guardian or next of kin;</p> <p>(iii) The signatures of witnesses; and</p> <p>(iv) Any other data that may be required by law or the State Board of Health.</p> <p>(b) Proof of age shall be presented to the circuit court clerk in the form of either a birth certificate, baptismal record, armed service discharge, armed service identification card, life insurance policy, insurance certificate, school record, driver's license, or other official document evidencing age. The document substantiating age and date of birth shall be examined by the circuit court clerk before whom application is made, and the circuit court clerk shall retain in his file with the application the document or a certified or photostatic copy of the document.</p> <p>(c) Applicants under the age of twenty-one (21) must submit affidavits showing the age of both applying parties made by either the father, mother, guardian or next of kin of each of the contracting parties and filed with the clerk of the circuit court along with the application.</p> <p>(d) If the male applicant is under seventeen (17) years of age or the female is under fifteen (15) years of age, and satisfactory proof is furnished to the judge of any circuit, chancery or county court that sufficient reasons exist and that the parties desire to be married to each other and that the parents or other person in loco parentis of the person or persons so under age consent to the marriage, then the judge of any such court in the county where either of the parties resides may waive the minimum age requirement and by written instrument authorize the clerk of the court to issue the marriage license to the parties if they are otherwise qualified by law. Authorization shall be a part of the confidential files of the clerk of the court, subject to inspection only by written permission of the judge. . . .</p>

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Missouri	16	<p><a href="#">Mo. Rev. Stat. § 451.090</a></p> <p>1. No recorder shall issue a license authorizing the marriage of any male or female under sixteen years of age nor shall a license be issued authorizing the marriage of any male or female twenty-one years of age or older to a male or female under eighteen years of age.</p> <p>2. No recorder shall issue a license authorizing the marriage of any male or female under the age of eighteen years, except with the consent of his or her custodial parent or guardian, which consent shall be given at the time, in writing, stating the residence of the person giving such consent, signed and sworn to before an officer authorized to administer oaths.</p> <p>3. The recorder shall state in every license whether the parties applying for same, one or either or both of them, are of age, or whether the male is under the age of eighteen years or the female under the age of eighteen years, and if the male is under the age of eighteen years or the female is under the age of eighteen years, the name of the custodial parent or guardian consenting to such marriage. Applicants shall provide proof of age to the recorder in the form of a certified copy of the applicant's birth certificate, passport, or other government-issued identification, which shall then be documented by the recorder.</p>
Montana	16	<p><a href="#">Mont. Code Ann. § 40-1-202</a></p> <p>Except as provided in 40-1-301 [solemnization and registration requirements], when a marriage application has been completed and signed by both parties to a prospective marriage and at least one party has appeared before the clerk of the district court and paid the marriage license fee of \$53, the clerk of the district court shall issue a license to marry and a marriage certificate form upon being furnished:</p> <p>(1) Satisfactory proof that each party to the marriage will have attained 18 years of age at the time the marriage license is effective or will have attained 16 years of age and has obtained judicial approval as provided in 40-1-213; . . .</p> <p><a href="#">Mont. Code Ann. § 40-1-203</a></p> <p>(1) Before a person authorized by law to issue marriage licenses may issue a marriage license, each applicant for a license shall provide a birth certificate or other satisfactory evidence of age and, if the applicant is a minor, the approval required by 40-1-213. . . .</p> <p><a href="#">Mont. Code Ann. § 40-1-213</a></p> <p>(1) The district court may order the clerk of the district court to issue a marriage license and a marriage certificate form to a party 16 or 17 years of age who has no parent capable of consenting to the party's marriage or has the consent of both parents or of the parent having the actual care, parenting authority, and control to the party's marriage, if capable of giving consent, or of the party's guardian. The court must require both parties to participate in a period of marriage counseling involving at least two separate counseling sessions not less than 10 days apart with a designated counselor as a condition of the order for issuance of a marriage license and a marriage certificate form under this section.</p> <p>(2) A marriage license and a marriage certificate form may be issued under this section only if the court finds that the under-aged party is capable of assuming the responsibilities of marriage and the marriage will serve</p>

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		the party's best interests. Pregnancy alone does not establish that the best interests of the party will be served. ...
Nebraska	17	<p><a href="#">Neb. Rev. Stat. § 42-102</a> At the time of the marriage the male must be of the age of seventeen years or upward, and the female of the age of seventeen years or upward. ...</p> <p><a href="#">Neb. Rev. Stat. § 42-104</a> Prior to the solemnization of any marriage in this state, a license for that purpose shall be obtained from a county clerk in the State of Nebraska. ... Each party shall present satisfactory documentary proof of and shall swear or affirm to the application giving: (1) Full name of each applicant and residence; and (2) the place, date, and year of birth of each.</p> <p><a href="#">Neb. Rev. Stat. § 42-105</a> When either party is a minor, no license shall be granted without the written consent under oath of: (1) Either one of the parents of such minor, if the parents are living together; (2) the parent having the legal custody of such minor, if the parents are living separate and apart from each other; (3) the surviving parent, if one of the parents of such minor is deceased; or (4) the guardian, conservator, or person under whose care and government such minor may be, if both parents of such minor are deceased or if such guardian, conservator, or person has the legal and actual custody of such minor. The county clerk shall be justified in issuing the license, without further proof, upon receiving an affidavit setting forth the facts with reference to the conditions above specified and giving consent to the marriage, signed by the person authorized to give written consent under such circumstances.</p> <p><a href="#">Neb. Rev. Stat. § 42-107</a> If the required proof is not given, if it shall appear that either of the parties is legally incompetent to enter into such contract or that there is any impediment in the way, or if either party is a minor and the consent mentioned in section 42-105 shall not be given, the county clerk shall refuse to grant a license.</p> <p><a href="#">Neb. Rev. Stat. § 43-2101</a> All persons under nineteen years of age are declared to be minors, but in case any person marries under the age of nineteen years, his or her minority ends. . . .</p>
Nevada <sup>23</sup>	17	<p><a href="#">Nev. Rev. Stat. § 122.020</a> 1. Except as otherwise provided in subsection 2 and NRS 122.025, two persons, regardless of gender, who are at least 18 years of age, not nearer of kin than second cousins or cousins of the half blood, and not having a spouse living, may be joined in marriage.</p> <p><a href="#">Nev. Rev. Stat. § 122.025</a> 1. A minor who is 17 years of age may marry only if the minor has the consent of:</p>

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		<p>(a) Either parent; or  (b) The minor’s legal guardian,  and the minor also obtains authorization from a district court as provided in this section.</p> <p>2. In extraordinary circumstances, a district court may authorize the marriage of a minor who is 17 years of age if the court finds, by clear and convincing evidence, after an evidentiary hearing in which both parties to the prospective marriage provide sworn testimony, that:</p> <p>(a) Both parties to the prospective marriage are residents of this State;  (b) The marriage will serve the best interests of the minor; and  (c) The minor has the consent required by paragraph (a) or (b) of subsection 1.</p> <p>Pregnancy alone does not establish that the best interests of the minor will be served by marriage, nor may pregnancy be required by a court as a condition necessary for its authorization for the marriage of the minor.</p> <p>3. In determining the best interests of the minor for the purposes of subsection 2, the court shall consider, without limitation:</p> <p>(a) The difference in age between the parties to the prospective marriage;  (b) The need for the marriage to occur before the minor reaches 18 years of age; and  (c) The emotional and intellectual maturity of the minor.</p> <p><a href="#">Nev. Rev. Stat. § 122.040<sup>24</sup></a></p> <p>...5. When the authorization of a district court is required because the marriage involves a minor, the county clerk shall issue the license if that authorization is given to the county clerk in writing. ...</p>
New Hampshire	16	<p><a href="#">N.H. Rev. Stat. § 457:4</a></p> <p>No person below the age of 16 years shall be capable of contracting a valid marriage, and all marriage contracted by such persons shall be null and void.</p> <p><a href="#">N.H. Rev. Stat. § 457:5</a></p> <p>The age of consent shall be in the male and in the female, 18 years. Any marriage contracted by a person below the age of consent, except as hereinafter provided, may in the discretion of the superior court be annulled at the suit of the party who at the time of contracting such marriage was below the age of consent, or at the suit of his or her parent or guardian, unless such party after arriving at such age shall have confirmed the marriage.</p> <p><a href="#">N.H. Rev. Stat. § 457:6</a></p> <p>I. If the marriage of a person resident in this state, or the marriage of a person who is a nonresident in this state who applies for permission to marry a resident in this state, either person being below the age of consent and above the ages specified in RSA 457:4, is desired, the parties desiring to contract such marriage, with the parent or guardian having the custody of such party below such age, if there be such parent or guardian, may apply in writing to the judicial branch family division having jurisdiction in the location in which one of them resides, for permission to contract such marriage.</p>

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		<p>II. The petition shall indicate whether, to the knowledge of the petitioner, the department of health and human services, bureau of child protection services has contracted or been involved with the family of the person under the age of consent.</p> <p>III. As part of the decision making process, the court may conduct an in camera interview of each person under the age of consent, without that person's parent or guardian or the other party to the marriage present.</p> <p>IV. Permission to contract such marriage shall be granted only upon clear and convincing evidence that the marriage is in the best interest of the person or persons below the age of consent.</p> <p>V. No permission shall be granted to persons below the age of consent if both parties are nonresidents.</p> <p><a href="#">N.H. Rev. Stat. § 457:7</a></p> <p>I. Such justice or judge shall at once hear the parties, and, if satisfied that it has been shown by clear and convincing evidence that the marriage is in the best interest of the person or persons below the age of consent, shall grant permission therefor, which shall be filed with the court and shall be reported to the division of vital records. The division shall note the fact of the granting of such permission upon the certificate and upon all copies thereof which are by law required to be kept.</p> <p>II. In no circumstance shall a justice or judge grant permission to marry under this section if sexual contact or sexual penetration between the parties would, but for the solemnization of the proposed marriage, constitute sexual assault, felonious sexual assault, or aggravated felonious sexual assault under RSA 632-A.</p> <p><a href="#">N.H. Rev. Stat. § 457.8</a></p> <p>No town clerk shall issue any certificate for the marriage of any person below the age of consent, and no magistrate or minister of religion shall solemnize the marriage of any such person, if such clerk, magistrate or minister knows or has reasonable cause to believe that such person is below such age, unless permission for such marriage has been given under this subdivision. No magistrate or minister of religion shall solemnize any marriage by proxy.</p> <p><a href="#">N.H. Rev. Stat. § 457:23</a></p> <p>I. No marriage license shall be issued by any town or city clerk until the applicants have each provided for inspection the following documents:</p> <p>(a) Proof of age; ...</p>
New Jersey	18	<p><a href="#">N.J. Stat. § 37:1-6</a></p> <p>A marriage or civil union license shall not be issued to a minor under the age of 18 years.</p>
New Mexico	No age floor set by statute.	<p><a href="#">N.M. Code § 40-1-6</a></p> <p>A. The county clerk shall not issue a marriage license to an unemancipated person sixteen or seventeen years of age, and no person authorized by the laws of this state to solemnize marriages shall knowingly unite in marriage any person sixteen or seventeen years of age, unless the minor first receives the written consent of</p>

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	If the statutory exceptions are met, a child of any age could be married.	<p>each of the minor’s living parents as shown on the minor’s certificate of birth, or the district court has authorized the marriage of such person upon request of a parent or legal guardian of the person for good cause shown, and a certified copy of the judicial authorization is filed with the county clerk.</p> <p>B. The county clerk shall not issue a marriage license to any person under sixteen years of age, and no person authorized by the laws of this state to solemnize marriages shall knowingly unite in marriage any person under sixteen years of age, unless the children’s or family court division of the district court has first authorized the marriage of the person upon request of a parent or legal guardian of the person in settlement of proceedings to compel support and establish parentage, or where an applicant for the marriage license is pregnant, and a certified copy of the judicial authorization is filed with the county clerk.</p>
New York	<p>18</p> <p>(unless a minor age 17 has been emancipated by court order)</p>	<p><a href="#">N.Y. Dom. Rel. Code Article 3, § 15</a></p> <p>1. (a) It shall be the duty of the town or city clerk when an application for a marriage license is made to him or her to require each of the contracting parties to sign and verify a statement or affidavit before such clerk or one of his or her deputies, containing the following information. From party one: Full name, place of residence, social security number, age, occupation, place of birth, name of father, country of birth, maiden name of mother, country of birth, number of marriage. From party two: Full name, place of residence, social security number, age, occupation, place of birth, name of father, country of birth, maiden name of mother, country of birth, number of marriage. Both parties shall also be required to present to the clerk documentary proof of age in the form of an original or certified copy of a birth record, a certification of birth issued by the state department of health, a local registrar of vital statistics or other public officer charged with similar duties by the laws of any other state, territory or country, a baptismal record, a passport, an automobile driver’s license, any government or school issued identification card that contains a photograph of the applicant, a life insurance policy, an employment certificate, a school record, an immigration record, a naturalization record, a court record or any other document or record issued by a governmental entity, showing the date of birth of such parties. . . .</p> <p>2. If it appears from the affidavits and statements so taken, and from the documentary proof of age presented, that the persons for whose marriage the license in question is demanded are legally competent to marry, the said clerk shall issue such license.</p> <p>3. If it shall appear upon an application of the applicants as provided in this section or upon information required by the clerk that either party is at least seventeen years of age but under eighteen years of age, then the town or city clerk before he shall issue a license shall require:</p> <p>(a) The written consent to the marriage from both parents of the minor or minors or such as shall then be living, or if the parents of both are dead, then the written consent of the guardian or guardians of such minor or minors. If one of the parents has been missing and has not been seen or heard from for a period of one year preceding the time of the application for the license, although diligent inquiry has been made to learn the whereabouts of such parent, the town or city clerk may issue a license to such minor upon the sworn statement and consent of the other parent. If the marriage of the parents of such minor has been dissolved by decree of divorce or annulment, the consent of the parent to whom the court which granted</p>

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		<p>the decree has awarded the custody of such minor shall be sufficient. If there is no parent or guardian of the minor or minors living to their knowledge then the town or city clerk shall require the written consent to the marriage of the person under whose care or government the minor or minors may be before a license shall be issued. If a parent of such minor has been adjudicated an incompetent, the town or city clerk may issue a license to such minor upon the production of a certified copy of such judgment so determining and upon the written consent of the other parent. If there is no other parent whose consent is required by this section, then and in such event, the town or city clerk shall require the written consent of the guardian of such minor or of the person under whose care or government the minor may be before a license shall be issued. The parents, guardians, or other persons whose consent it shall be necessary to obtain and file with the town or city clerk before the license shall issue, shall personally appear and acknowledge or execute the same before the town or city clerk, or some other officer authorized to administer oaths and take acknowledgments provided that where such affidavit or acknowledgment is made before an official other than an officer designated in section two hundred ninety-eight of the real property law as authorized to take such affidavit or acknowledgment if a conveyance of real property were being acknowledged or proved, or if a certificate of authentication would be required by section three hundred ten of the real property law to entitle the instrument to be recorded if it were a conveyance of real property, the consent when filed must have attached thereto a certificate of authentication; and</p> <p>(b) The written approval of a justice of the supreme court or of a judge of the family court, having jurisdiction over the town or city in which the application is made, to be attached to or endorsed upon the application, before the license is issued. The application for such approval may be made by either minor party to the proposed marriage and shall be heard by the judge at chambers. The justice of the supreme court or the judge of the family court shall appoint an attorney for the child for each minor party immediately upon the application for approval. The attorney for the child must have received training in domestic violence including a component on forced marriage. All papers and records pertaining to any such application shall be sealed and withheld from inspection, except by order of a court of competent jurisdiction. Before issuing any approval, the justice of the supreme court or the judge of the family court shall:</p> <ul style="list-style-type: none"> <li>(i) Provide notification to each minor party of his or her rights, including but not limited to, rights in relation to termination of the marriage, child and spousal support, domestic violence services and access to public benefits and other services, which notification shall be developed by the office of court administration, in consultation with the office for the prevention of domestic violence;</li> <li>(ii) With respect to each party, including a minor party, conduct a review of related decisions in court proceedings initiated pursuant to article ten of the family court act, and all warrants issued under the family court act, and reports of the statewide computerized registry of orders of protection established and maintained pursuant to section two hundred twenty-one-a of the executive law, and reports of the sex offender registry established and maintained pursuant to section one hundred sixty-eight-b of the correction law; and</li> <li>(iii) Have an in camera interview, separately with each minor party, and make the following written affirmative findings:</li> </ul>

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		<p>A. That it is the minor’s own will that the minor enter into the marriage;  B. That the minor is not being compelled by force, threat, persuasion, fraud, coercion or duress;  and  C. That the marriage will not endanger the mental, emotional or physical safety of the minor.</p> <p>In making such findings, the court shall consider, among other relevant factors, the age difference between the parties intending to be married, whether there is a power imbalance between the parties intending to be married, whether the parties are incapable of consenting to a marriage for want of understanding, whether there is a history of domestic violence between the parties and whether there is a history of domestic violence between a party and either parties’ or legal guardians’ family members. The wishes of the parents or legal guardians of the minor intending to be married shall not be the sole basis for approval under this subdivision.</p> <p>Upon the approval of the justice of the supreme court or the judge of the family court of the application to marry, each minor party shall have all the rights of an adult, including the right to enter into a contract, except for those specific constitutional and statutory age requirements such as, but not limited to, voting, use of alcoholic beverages, and other health or safety statutes relevant to him or her because of his or her age.<sup>25</sup> . . .</p> <p><a href="#">N.Y. Dom. Rel. Code Article 3, § 15-a</a>  Any marriage in which either party is under the age of seventeen years is hereby prohibited. Any town or city clerk who shall knowingly issue a marriage license to any persons, one or both of whom shall be at the time of their contemplated marriage actually under the age of seventeen years, shall be guilty of a misdemeanor and on conviction thereof shall be fined in the sum of one hundred dollars.</p>
North Carolina	14	<p><a href="#">N.C. Gen. Stat. § 51-2</a>  (a) All unmarried persons of 18 years, or older, may lawfully marry, except as hereinafter forbidden.</p> <p>(a1) Persons over 16 years of age and under 18 years of age may marry, and the register of deeds may issue a license for the marriage, only after there shall have been filed with the register of deeds a written consent to the marriage, said consent having been signed by the appropriate person as follows:  (1) By a parent having full or joint legal custody of the underage party; or  (2) By a person, agency, or institution having legal custody or serving as a guardian of the underage party.  Such written consent shall not be required for an emancipated minor if a certificate of emancipation issued pursuant to Article 35 of Chapter 7B of the General Statutes or a certified copy of a final decree or certificate of emancipation from this or any other jurisdiction is filed with the register of deeds.</p> <p>(b) Persons over 14 years of age and under 16 years of age may marry as provided in G.S. 51-2.1.</p> <p>(b1) It shall be unlawful for any person under 14 years of age to marry. . . .</p> <p><a href="#">N.C. Gen. Stat. § 51-2.1</a>  (a) If an unmarried female who is more than 14 years of age, but less than 16 years of age, is pregnant or has given birth to a child and the unmarried female and the putative father of the child, either born or unborn,</p>

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		<p>agree to marry, or if an unmarried male who is more than 14 years of age, but less than 16 years of age, is the putative father of a child, either born or unborn, and the unmarried male and the mother of the child agree to marry, the register of deeds is authorized to issue to the parties a license to marry; and it shall be lawful for them to marry in accordance with the provisions of this Chapter, only after a certified copy of an order issued by a district court authorizing the marriage is filed with the register of deeds. A district court judge may issue an order authorizing a marriage under this section only upon finding as fact and concluding as a matter of law that the underage party is capable of assuming the responsibilities of marriage and the marriage will serve the best interest of the underage party. In determining whether the marriage will serve the best interest of an underage party, the district court shall consider the following:</p> <ol style="list-style-type: none"> <li>(1) The opinion of the parents of the underage party as to whether the marriage serves the best interest of the underage party.</li> <li>(2) The opinion of any person, agency, or institution having legal custody or serving as a guardian of the underage party as to whether the marriage serves the best interest of the underage party.</li> <li>(3) The opinion of the guardian ad litem appointed to represent the best interest of the underage party pursuant to G.S. 51-2.1(b) as to whether the marriage serves the best interest of the underage party.</li> <li>(4) The relationship between the underage party and the parents of the underage party, as well as the relationship between the underage party and any person having legal custody or serving as a guardian of the underage party.</li> <li>(5) Any evidence that it would find useful in making its determination.</li> </ol> <p>There shall be a rebuttable presumption that the marriage will not serve the best interest of the underage party when all living parents of the underage party oppose the marriage. The fact that the female is pregnant, or has given birth to a child, alone does not establish that the best interest of the underage party will be served by the marriage.</p> <p>(b) An underage party seeking an order granting judicial authorization to marry pursuant to this section shall file a civil action in the district court requesting judicial authorization to marry. The clerk shall collect court costs from the underage party in the amount set forth in G.S. 7A-305 for civil actions in district court. Upon the filing of the complaint, summons shall be issued in accordance with G.S. 1A-1, Rule 4, and the underage party shall be appointed a guardian ad litem in accordance with the provisions of G.S. 1A-1, Rule 17. The guardian ad litem appointed shall be an attorney and shall be governed by the provisions of subsection (d) of this section. The underage party shall serve a copy of the summons and complaint, in accordance with G.S. 1A-1, Rule 4, on the father of the underage party; the mother of the underage party; and any person, agency, or institution having legal custody or serving as a guardian of the underage party. The underage party also shall serve a copy of the complaint, either in accordance with G.S. 1A-1, Rule 4, or G.S. 1A-1, Rule 5, on the guardian ad litem appointed pursuant to this section. A party responding to the underage party's complaint shall serve his response within 30 days after service of the summons and complaint upon that person. The underage party may participate in the proceedings before the court on his or her own behalf. At the hearing conducted pursuant to this section, the court shall consider evidence, as provided in subsection (a) of this section, and shall make written findings of fact and conclusions of law.</p>

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		<p>(c) Any party to a proceeding under this section may be represented by counsel, but no party is entitled to appointed counsel, except as provided in this section.</p> <p>(d) The guardian ad litem appointed pursuant to subsection (b) of this section shall represent the best interest of the underage party in all proceedings under this section and also has standing to institute an action under G.S. 51-2(c) [see above]. The appointment shall terminate when the last judicial ruling rendering the authorization granted or denied is entered. Payment of the guardian ad litem shall be governed by G.S. 7A-451(f). The guardian ad litem shall make an investigation to determine the facts, the needs of the underage party, the available resources within the family and community to meet those needs, the impact of the marriage on the underage party, and the ability of the underage party to assume the responsibilities of marriage; facilitate, when appropriate, the settlement of disputed issues; offer evidence and examine witnesses at the hearing; and protect and promote the best interest of the underage party. In fulfilling the guardian ad litem's duties, the guardian ad litem shall assess and consider the emotional development, maturity, intellect, and understanding of the underage party. The guardian ad litem has the authority to obtain any information or reports, whether or not confidential, that the guardian ad litem deems relevant to the case. No privilege other than attorney-client privilege may be invoked to prevent the guardian ad litem and the court from obtaining such information. The confidentiality of the information or reports shall be respected by the guardian ad litem, and no disclosure of any information or reports shall be made to anyone except by order of the court or unless otherwise provided by law.</p> <p>(e) If the last judicial ruling in this proceeding denies the underage party judicial authorization to marry, the underage party shall not seek the authorization of any court again under this section until after one year from the date of the entry of the last judicial ruling rendering the authorization denied.</p> <p>(f) Except as otherwise provided in this section, the rules of evidence in civil cases shall apply to proceedings under this section. All hearings pursuant to this section shall be recorded by stenographic notes or by electronic or mechanical means. Notwithstanding any other provision of law, no appeal of right lies from an order or judgment entered pursuant to this section.</p>
North Dakota	16	<p><a href="#">N.D. Cent. Code § 14-03-02</a> Any unmarried person of the age of eighteen years or more, and not otherwise disqualified, is capable of consenting to and consummating a marriage. If a person is sixteen to eighteen years of age, a marriage license may not be issued without the consent of the parents or guardian, if there are any. A marriage license may not be issued to any person below the age of sixteen, notwithstanding the consent of the parents or guardian of said person.</p> <p><a href="#">N.D. Cent. Code § 14-03-17</a> 1. . . . The recorder, or designated official, also shall require each applicant to submit the following facts upon blanks provided by the county, together with documentary evidence of age: a. An affidavit by each of the applicants showing that each is over the age of eighteen years. In addition, each applicant shall exhibit to the recorder, or designated official, a birth certificate or other satisfactory</p>

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		<p>evidence of age. If either applicant is under the age of eighteen years, the recorder, or designated official, shall require the written consent of:</p> <ol style="list-style-type: none"> <li>(1) Either parent of the minor applicant, if the parents are living together;</li> <li>(2) The parent having the legal custody of the minor applicant, if the parents are not living together;</li> <li>(3) The surviving parent, if one of the parents of the minor applicant is deceased; or</li> <li>(4) The guardian, or person under whose care and government the minor applicant is, if both parents of the minor applicant are deceased, or if a person other than a parent has legal and actual custody of the minor applicant.</li> </ol> <p>b. An affidavit showing whether either or both of the parties have been divorced. If a decree of divorce has been granted to either or both of the parties, a certified copy of the decree must be filed with the application. A license shall not be issued if it contravenes any provisions of the divorce decree.</p> <p>2. All affidavits must be subscribed and sworn to before a person authorized to administer oaths. The recorder, or designated official, shall retain on file all papers and records pertaining to all marriage licenses. Anyone knowingly swearing falsely to the statements contained in any affidavit mentioned in this section is subject to the penalty provided in section 14-03-28. . . .</p> <p><a href="#">N.D. Cent. Code § 14-10-07</a>  A minor, while under the supervision or custody of the juvenile court or the superintendent of the North Dakota youth correctional center, may not marry without the order of the juvenile court or of the superintendent of the North Dakota youth correctional center, as the case may be. Any such marriage made without such order is subject to annulment in a proceeding brought in district court by the state’s attorney or by any person authorized by law to bring such annulment action. A person knowingly aiding, abetting, or encouraging such marriage is guilty of a class A misdemeanor.</p>
Ohio	18  (unless a minor age 17 has been emancipated by court order)	<p><a href="#">Ohio Rev. Code § 3101.01</a>  (A) Except as provided in section 3101.02 of the Revised Code, only male persons of the age of eighteen years, and only female persons of the age of eighteen years, not nearer of kin than second cousins, and not having a husband or wife living, may be joined in marriage. . . .</p> <p><a href="#">Ohio Rev. Code § 3101.02</a>  (A) If both persons to be joined in marriage are the age of seventeen years, they may be joined in marriage only if the juvenile court has filed a consent to the marriage under section 3101.04 of the Revised Code.  (B) If only one person is the age of seventeen years, that person may be joined in marriage only if both of the following apply:  (1) The juvenile court has filed a consent to the marriage under section 3101.04 of the Revised Code.  (2) The other person to be joined in marriage is not more than four years older.</p>

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		<p><a href="#">Ohio Rev. Code § 3101.04</a>  When the juvenile court files a consent to marriage pursuant to the juvenile rules, the probate court may issue a license not earlier than fourteen calendar days after the juvenile court files the consent, notwithstanding either or both the contracting parties for the marital relation are the age of seventeen years. The license shall not issue until section 3101.05 of the Revised Code [see below] has been complied with.</p> <p><a href="#">Ohio Rev. Code § 3101.041</a>  In determining whether to file the consent under section 3101.04 of the Revised Code, the juvenile court shall do all of the following:</p> <p>(A) Consult with any of the following for each party to the intended marriage who is seventeen years of age:</p> <ol style="list-style-type: none"> <li>(1) A parent;</li> <li>(2) A surviving parent;</li> <li>(3) A parent who is designated the residential parent and legal custodian by a court of competent jurisdiction;</li> <li>(4) A guardian;</li> <li>(5) Either of the following who has been awarded permanent custody by a court exercising juvenile jurisdiction: <ol style="list-style-type: none"> <li>(a) An adult person;</li> <li>(b) The department of job and family services or any child welfare organization certified by the department.</li> </ol> </li> </ol> <p>(B) Appoint an attorney as guardian ad litem for each party to the intended marriage who is seventeen years of age;</p> <p>(C) Determine all of the following:</p> <ol style="list-style-type: none"> <li>(1) Each party to the intended marriage who is seventeen years of age has entered the armed services of the United States, has become employed and self-subsisting, or has otherwise become independent from the care and control of the party's parent, guardian, or custodian.</li> <li>(2) For each party to the intended marriage who is seventeen years of age, the decision of that party to marry is free from force or coercion.</li> <li>(3) The intended marriage and the emancipation under section 3101.042 of the Revised Code is in the best interests of each party to the intended marriage who is seventeen years of age.</li> </ol> <p><a href="#">Ohio Rev. Code § 3101.042</a>  When the juvenile court files a consent to marriage pursuant to the juvenile rules, the court shall also issue an order regarding each party to the marriage who is seventeen years of age. The court order shall specify that the party has the capacity of an eighteen-year-old person as described in section 3109.011 of the Revised Code.</p> <p><a href="#">Ohio Rev. Code § 3101.05</a>  (A) The parties to a marriage shall make an application for a marriage license. . . . Each party shall make application and shall state upon oath, the party's name, age, residence, place of birth, occupation, father's</p>

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		<p>name, and mother's maiden name, if known, and the name of the person who is expected to solemnize the marriage. . . . If either applicant is the age of seventeen years, the judge shall require the applicants to state that they received marriage counseling satisfactory to the court. . . . Immediately upon receipt of an application for a marriage license, the court shall place the parties' record in a book kept for that purpose. If the probate judge is satisfied that there is no legal impediment and if one or both of the parties are present, the probate judge shall grant the marriage license. . . .</p> <p>Each person seeking a marriage license shall present documentary proof of age in the form of any one of the following:</p> <ol style="list-style-type: none"> <li>(1) A copy of a birth record;</li> <li>(2) A birth certificate issued by the department of health, a local registrar of vital statistics, or other public office charged with similar duties by the laws of another state, territory, or country;</li> <li>(3) A baptismal record showing the person's date of birth;</li> <li>(4) A passport;</li> <li>(5) A license or permit to operate a motor vehicle as defined under section 4501.01 of the Revised Code;</li> <li>(6) Any government- or school-issued identification card showing the person's date of birth;</li> <li>(7) An immigration record showing the person's date of birth;</li> <li>(8) A naturalization record showing the person's date of birth;</li> <li>(9) A court record or any other document or record issued by a governmental entity showing the person's date of birth.</li> </ol> <p>(B) An applicant for a marriage license who knowingly makes a false statement in an application or affidavit prescribed by this section is guilty of falsification under section 2921.13 of the Revised Code.</p> <p><a href="#">Ohio Rev. Code § 3109.011</a></p> <p>A person granted consent to marry under section 3101.04 of the Revised Code has the capacity of a person of the age of eighteen years or more, as described in section 3109.01 of the Revised Code, except that the person is not a qualified elector for purposes of Chapter 3503 of the Revised Code.</p> <p><a href="#">Ohio Rev. Code § 2151.23</a></p> <p>(A) The juvenile court has exclusive original jurisdiction under the Revised Code as follows: . . . (10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code</p>
Oklahoma	<p>No age floor set by statute.</p> <p>If the statutory exceptions are met, a child of any age could be married.</p>	<p><a href="#">Okla. Stat. Ann. tit. 43, § 3</a></p> <p>A. Any unmarried person who is at least eighteen (18) years of age and not otherwise disqualified is capable of contracting and consenting to marriage . . .</p> <p>B. 1. Except as otherwise provided by this subsection, no person under the age of eighteen (18) years shall enter into the marriage relation, nor shall any license issue therefor, except:</p> <ol style="list-style-type: none"> <li>a. upon the consent and authority expressly given by the parent or guardian of such underage applicant in the presence of the authority issuing such license,</li> </ol>

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		<p>b. upon the written consent of the parent or guardian of such underage applicant executed and acknowledged in person before a judge of the district court or the court clerk of any county within the State of Oklahoma,</p> <p>c. if the parent or guardian resides outside of the State of Oklahoma, upon the written consent of the parent or guardian executed before a judge or clerk of a court of record. The executed foreign consent shall be duly authenticated in the same manner as proof of documents from foreign jurisdictions,</p> <p>d. if the certificate of a duly licensed medical doctor or osteopath, acknowledged in the manner provided by law for the acknowledgment of deeds, and stating that such parent or guardian is unable by reason of health or incapacity to be present in person, is presented to such licensing authority, upon the written consent of the parent or guardian, acknowledged in the same manner as the accompanying medical certificate,</p> <p>e. if the parent or guardian is on active duty with the Armed Forces of the United States, upon the written permission of the parent or guardian, acknowledged in the manner provided by law for acknowledgment of deeds by military personnel authorized to administer oaths. Such permission shall be presented to the licensing authority, accompanied by a certificate executed by a commissioned officer in command of the applicant, to the effect that the parent or guardian is on active duty in the Armed Forces of the United States, or</p> <p>f. upon affidavit of three (3) reputable persons stating that both parents of the minor are deceased, or mentally incompetent, or their whereabouts are unknown to the minor, and that no guardian has theretofore been appointed for the minor. The judge of the district court issuing the license may in his or her discretion consent to the marriage in the same manner as in all cases in which consent may be given by a parent or guardian.</p> <p>2. Every person under the age of sixteen (16) years is expressly forbidden and prohibited from entering into the marriage relation except when authorized by the court:</p> <p>a. in settlement of a suit for seduction or paternity, or</p> <p>b. if the unmarried female is pregnant, or has given birth to an illegitimate child and at least one parent of each minor, or the guardian or custodian of such child, is present before the court and has an opportunity to present evidence in the event such parent, guardian, or custodian objects to the issuance of a marriage license. If they are not present the parent, guardian, or custodian may be given notice of the hearing at the discretion of the court.</p> <p>3. A parent or a guardian of any child under the age of eighteen (18) years who is in the custody of the Department of Human Services or the Department of Juvenile Justice shall not be eligible to consent to the marriage of such minor child as required by the provisions of this subsection.</p> <p>4. Any certificate or written permission required by this subsection shall be retained by the official issuing the marriage license.</p> <p>...</p>

State	Age Floor Set by Statute?	State Code Provisions
		<p><a href="#">Okla Stat. Ann. tit. 43, § 5</a></p> <p>A. Persons desiring to be married in this state shall submit an application in writing signed and sworn to in person before the clerk of the district court by both of the parties setting forth:</p> <ol style="list-style-type: none"> <li>1. The place of residence of each party;</li> <li>2. The full legal name and the age of each party as they appear upon or are calculable from a certified copy of the birth certificate, the current driver license or identification card, the current passport or visa, or any other certificate, license or document issued by or existing pursuant to the laws of any nation or of any state, or political subdivision thereof, accepted as proof of identity and age; ...</li> </ol> <p>C. In the event that one or both of the parties are under legal age, the application shall have been on file in the court clerk's office for a period of not less than seventy-two (72) hours prior to issuance of the marriage license. . . .</p>
Oregon	17	<p><a href="#">Or. Rev. Stat. § 106.010</a></p> <p>Marriage is a civil contract entered into in person by males at least 17 years of age and females at least 17 years of age, who are otherwise capable, and solemnized in accordance with ORS 106.150 [solemnization and witness requirements].</p> <p><a href="#">Or. Rev. Stat. § 106.050</a></p> <p>(1) The county clerk may accept any reasonable proof of the applicant's age satisfactory to the clerk. The clerk may require proof of age by affidavit of some person other than either of the parties seeking the license if the clerk deems it necessary in order to determine the age of an applicant to the clerk's satisfaction.</p> <p>(2) If an applicant for a marriage license is less than 18 years of age, the applicant must file with the county clerk an affidavit of some person other than either of the parties seeking the license showing the facts other than age necessary to be shown under ORS 106.060 [see below] in the particular case, except the consent of the parent or guardian required by ORS 106.060 shall not be part of the affidavit. The affidavit is sufficient authority to the clerk, so far as the facts stated therein, for issuing the license.</p> <p><a href="#">Or. Rev. Stat. § 106.060</a></p> <p>A marriage license shall not be issued without the written consent of the parent or guardian, if any, of an applicant who is less than 18 years of age, nor in any case unless the parties are each of an age, as provided in ORS 106.010 [see above], capable of contracting marriage. If either party under 18 years of age has no parent or guardian resident within this state and either party has resided within the county in which application is made for the six months immediately preceding the application, the license may issue, if otherwise proper, without the consent of the nonresident parent or guardian.</p>
Pennsylvania	18	<p><a href="#">Pa. Cons. Stat. Ann. tit. 23, § 1304</a></p> <p>. . . (b) Minors.–</p> <p>(1) No marriage license may be issued if either of the applicants for a license is under 18 years of age.<sup>26</sup></p>

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Rhode Island	<p>No age floor set by statute.</p> <p>If the statutory exceptions are met, a child of any age could be married.</p>	<p><a href="#">R.I. Gen. Stat. § 15-2-11</a></p> <p>(a) No minor or person under the control of a parent or guardian shall be allowed to give and subscribe to the information provided for in §§ 15-2-1–15-2-10 [vital statistics information, marriage license fee], or shall receive the license provided for in these sections, unless the consent in writing of the parent or guardian, given in the presence of the town or city clerk or any clerk employed in that office, has first been obtained; provided, that proof shall be submitted that the minor has attained the age of sixteen (16) years; and provided, that this information may be given and subscribed to by a minor who has attained the age of sixteen (16) years, residing in this state upon the consent in writing of the director of public welfare of the town or city in which the minor resides, given in the presence of the town or city clerk or any clerk employed in that office.</p> <p>(b) In addition to the requirements in subsection (a) of this section, no license shall be issued to any minor under the age of sixteen (16) years unless and until the following requirements have been complied with, and the town or city clerk is directed in writing to issue the license by the family court:</p> <p>(1) The town or city clerk, upon receiving information provided for in §§ 15-2-1 through 15-2-10 [vital statistics information, marriage license fee], shall immediately transmit a certified copy of the information to the family court. The court shall immediately transmit a copy of the information, together with a written request for a complete investigation of and a report upon the advisability of the issuance of the license, to the department of human services. The department shall within fifteen (15) days after the receipt of the information, the request, and the report file in the court its complete report in writing.</p> <p>(2) The court shall then conduct a hearing in chambers to determine the advisability of the issuance of the license and shall notify the town or city clerk of its determination. The court shall have the power to summon at the hearing any persons that it may deem advisable.</p> <p>(3) The court shall also file the report and a notation of its determination in the office of the clerk of the court, but any papers filed at the office of the clerk shall not be matters of public record and may be examined only upon the written authorization of the court.</p> <p>(4) During the pendency of the proceedings, the court shall exercise the authority of a guardian in respect to the minor or minors involved.</p> <p><a href="#">R.I. Gen. Stat. § 14-1-5.</a></p> <p>The [family] court shall, as set forth in this chapter, have exclusive original jurisdiction in proceedings: . . . (4) Relating to child marriages, as prescribed by § 15-2-11 [see above].</p>
South Carolina	16	<p><a href="#">S.C. Code § 20-1-100</a></p> <p>Any person under the age of sixteen is not capable of entering into a valid marriage, and all marriages hereinafter entered into by such persons are void ab initio. A common-law marriage hereinafter entered into by a person under the age of sixteen is void ab initio.</p> <p><a href="#">S.C. Code § 20-1-250</a></p> <p>A marriage license must not be issued when either applicant is under the age of sixteen. When either applicant is between the ages of sixteen to eighteen and that applicant resides with father, mother, other relative, or guardian, the probate judge or other officer authorized to issue marriage licenses shall not issue a license for</p>

State	Age Floor Set by Statute?	State Code Provisions
		<p>the marriage until furnished with a sworn affidavit signed by the father, mother, other relative, or guardian giving consent to the marriage.</p> <p><a href="#">S.C. Code § 20-1-260</a><sup>27</sup></p> <p>The probate judge or any other officer authorized by law to issue marriage licenses shall not issue any license to any applicant under the age of eighteen years until he has filed a birth certificate, or a hospital or baptismal certificate which has been issued and dated within one year after birth, or a certified copy thereof, showing that he is of lawful age, which shall be filed in the records of his office with the application for such license. Provided, when an original birth, baptismal or hospital certificate is presented a copy of it shall be made and the original returned to the applicant. If the applicant shall certify in writing to the probate judge or such officer that he, after diligent effort, is unable to obtain a birth certificate or a hospital or baptismal certificate, the applicant shall then be required to have his parents, legal guardian or person with whom he resides execute an affidavit before any person authorized by law to administer an oath and under seal, which affidavit shall contain such information as will establish the age of the applicant. Provided, further, that upon the request of the applicant, any original birth, baptismal or hospital certificate presently on file with the court may be copied and the original returned to the applicant.</p> <p>Persons applying for marriage licenses in lieu of furnishing birth certificates or hospital or baptismal certificates may present the following: military service identification card; selective service identification card; passports and visas.</p>
South Dakota	16	<p><a href="#">S.D. Codified Laws § 25-1-9</a></p> <p>Any unmarried applicant for a marriage license who is eighteen years old or older, and who is not otherwise disqualified, is capable of consenting to and consummating a marriage. If either applicant for a marriage license is between the age of sixteen and eighteen, that applicant shall submit to the register of deeds a notarized statement of consent to marry from one parent or legal guardian of the applicant.</p> <p><a href="#">S.D. Codified Laws § 25-1-10.1</a></p> <p>To obtain a marriage license, each applicant shall sign the application in person in the presence of the register of deeds or in the presence of a person duly appointed by the register to act in the register's behalf. Each applicant shall provide proof of age prior to issuance of the marriage license. Proof of age may be satisfied by providing a certified copy of a birth certificate or any photographic identification which includes the applicant's name and date of birth. No person may use a power of attorney to obtain a marriage license.</p> <p><a href="#">S.D. Codified Laws § 25-1-13</a></p> <p>If either party is a minor, no marriage license shall be granted unless the written consent of the parent or guardian, duly acknowledged by the parent or guardian, or proved to be genuine, is filed in the office of the county register of deeds prior to issuing the license, and a memorandum of the facts shall be entered in the marriage record book with the other records of the marriage license.</p>

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Tennessee <sup>28</sup>	17	<p><a href="#">Tenn. Code Ann. § 36-3-104</a>  (a)(1) No county clerk or deputy clerk shall issue a marriage license until the applicants make an application in writing, stating the names, ages, addresses and social security numbers of both the proposed male and female contracting parties and the names and addresses of the parents, guardian or next of kin of both parties. The application shall be sworn to by both applicants. . . .</p> <p><a href="#">Tenn. Code Ann. § 36-3-105</a>  (a) It is unlawful for any county clerk or deputy clerk in this state to issue a marriage license to any person where:  (1) Either of the contracting parties is under seventeen years of age; or  (2) One (1) of the contracting parties is at least seventeen (17) years of age but less than eighteen (18) years of age and the other contracting party is at least four (4) years older than the minor contracting party.  (b) Any marriage contracted in violation of subsection (a) may be annulled upon proper proceedings therefor by such person or any interested person acting in the person’s behalf.</p> <p><a href="#">Tenn. Code Ann. § 36-3-106</a>  (a) When either applicant is under eighteen (18) years of age, the parents, guardian, next of kin or party having custody of the applicant shall join in the application, under oath, stating that the applicant is seventeen (17) years of age or over and that the applicant has such person’s consent to marry.  (b) If the applicant is in the legal custody of any public or private agency or is in the legal custody of any person other than a parent, next of kin or guardian, then such person or the duly authorized representative of such agency shall join in the application with the parent, guardian or next of kin stating, under oath, that the applicant is seventeen (17) years of age but less than eighteen (18) years of age and that the applicant has such person’s consent to marry. This subsection (b) does not apply to applicants who are in the legal custody of the department of mental health and substance abuse services or the department of intellectual and developmental disabilities.  (c) The parents, guardian, next of kin, other person having custody of the applicant, or duly authorized representative of a public or private agency having legal custody of the applicant shall join in the application either by personal appearance before the county clerk or deputy county clerk, or by submitting a sworn and notarized affidavit.  (d) The consent of the applicant’s parents, guardian, next of kin, other person having custody of the applicant, or duly authorized representative of a public or private agency having legal custody of the applicant is not required if the applicant is emancipated at the time of the application.  (e) Marriage shall remove the disabilities of minority. A minor emancipated by marriage shall be considered to have all the rights and responsibilities of an adult, except for specific constitutional or statutory age requirements, including voting, the use of alcoholic beverages, and other health and safety regulations relevant to the minor because of the minor’s age.</p>

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		<p>(f) A minor shall be advised of the rights and responsibilities of parties to a marriage and of emancipated minors. The minor shall be provided with a fact sheet on these rights and responsibilities to be developed by the administrative office of the courts. The fact sheet shall include referral information for legal aid agencies in this state and national hotlines for domestic violence and sexual assault.</p> <p>(g) As used in this section, “parent” or “parents” means a person or persons listed as a parent on the child’s birth certificate or who have been adjudicated to be the legal parent of the child by a court of competent jurisdiction.</p>
Texas <sup>29</sup>	<p>18</p> <p>(unless a minor age 16-17 has been emancipated by court order)<sup>30</sup></p>	<p><a href="#">Tex. Fam. Code. §. 2.003</a></p> <p>(a) A person under 18 years of age may not marry unless the person has been granted by this state or another state a court order removing the disabilities of minority of the person for general purposes.</p> <p>(b) In addition to the other requirements provided by this chapter, a person under 18 years of age applying for a license must provide to the county clerk:</p> <p>(1) A court order granted by this state under Chapter 31<sup>31</sup> removing the disabilities of minority of the person for general purposes; or</p> <p>(2) If the person is a nonresident minor, a certified copy of an order removing the disabilities of minority of the person for general purposes filed with this state under Section 31.007.</p> <p style="text-align: center;">. . .</p> <p><a href="#">Tex. Fam. Code § 2.006</a></p> <p>(a) If an applicant who is 18 years of age or older is unable to appear personally before the county clerk to apply for a marriage license, any adult person or the other applicant may apply on behalf of the absent applicant.</p> <p>(b) The person applying on behalf of an absent applicant shall provide to the clerk:</p> <p>(1) Notwithstanding Section 132.001, Civil Practice and Remedies Code, the notarized affidavit of the absent applicant as provided by this subchapter; and</p> <p>(2) Proof of the identity and age of the absent applicant under Section 2.005(b).<sup>32</sup></p> <p style="text-align: center;">. . .</p> <p><a href="#">Tex. Fam. Code § 2.009</a></p> <p>(a) Except as provided by Subsections (b) and (d), the county clerk may not issue a license if either applicant:</p> <p>(1) Fails to provide the information required by this subchapter;</p> <p>(2) Fails to submit proof of age and identity;</p> <p>(3) Is under 18 years of age and has not presented:</p> <p>(A) A court order granted by this state under Chapter 31 removing the disabilities of minority of the applicant for general purposes; or</p> <p>(B) If the applicant is a nonresident minor, a certified copy of an order removing the disabilities of minority of the applicant for general purposes filed with this state under Section 31.007; . . .</p>

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		<p><a href="#">Tex. Fam. Code § 2.101</a>  A county clerk may not issue a marriage license if either applicant is under 18 years of age, unless each underage applicant shows that the applicant has been granted by this state or another state a court order removing the disabilities of minority of the applicant for general purposes.</p>
Utah	16	<p><a href="#">Utah Code § 30-1-2</a>  (1) The following marriages are prohibited and declared void:  (a) when there is a spouse living, from whom the individual marrying has not been divorced;  (b) except as provided in Subsection (2), when an applicant is under 18 years old; and  (c) between a divorced individual and any individual other than the one from whom the divorce was secured until the divorce decree becomes absolute, and, if an appeal is taken, until after the affirmance of the decree.  (2) A marriage of an individual under 18 years old is not void if the individual:  (a) is 16 or 17 years old and obtains consent from a parent<sup>33</sup> or guardian and juvenile court authorization in accordance with Section 30-1-9; or  (b) lawfully marries before May 14, 2019.</p> <p><a href="#">Utah Code § 30-1-4</a>  A marriage solemnized in any other country, state, or territory, if valid where solemnized, is valid in this state, unless it is a marriage:  (1) that would be prohibited and declared void in this state, under Subsection 30-1-2(1)(a); ...</p> <p><a href="#">Utah Code § 30-1-9</a>  (1) For purposes of this section, “minor” means an individual that is 16 or 17 years old.  (2)(a) If at the time of applying for a license the applicant is a minor, and not before the minor is married<sup>34</sup>, a license may not be issued without the signed consent of the minor’s parent or guardian given in person to the clerk; except that:  (i) if the parents of the minor are divorced, consent shall be given by the parent having legal custody of the minor as evidenced by an oath of affirmation to the clerk;  (ii) if the parents of the minor are divorced and have been awarded joint custody of the minor, consent shall be given by the parent having physical custody of the minor the majority of the time as evidenced by an oath of affirmation to the clerk; or  (iii) if the minor is not in the custody of a parent, the legal guardian shall provide the consent and provide proof of guardianship by court order as well as an oath of affirmation.  (b) The minor and the parent or guardian of the minor shall obtain a written authorization to marry from:  (i) a judge of the court exercising juvenile jurisdiction in the county where either party to the marriage resides; or  (ii) a court commissioner as permitted by rule of the Judicial Council.</p>

State	Age Floor Set by Statute?	State Code Provisions
		<p>(3)(a) Before issuing written authorization for a minor to marry, the judge or court commissioner shall determine:</p> <ul style="list-style-type: none"> <li>(i) that the minor is entering into the marriage voluntarily; and</li> <li>(ii) the marriage is in the best interests of the minor under the circumstances.</li> </ul> <p>(b) The judge or court commissioner shall require that both parties to the marriage complete premarital counseling, except the requirement for premarital counseling may be waived if premarital counseling is not reasonably available.</p> <p>(c) The judge or court commissioner may require:</p> <ul style="list-style-type: none"> <li>(i) that the minor continue to attend school, unless excused under Section 53G-6-204 [exempting certain minors from attending school]; and</li> <li>(ii) any other conditions that the court deems reasonable under the circumstances.</li> </ul> <p>(d) The judge or court commissioner may not issue a written authorization to the minor if the age difference between both parties to the marriage is more than seven years.</p> <p>(4) (a) The determination required in Subsection (3) shall be made on the record.  (b) Any inquiry conducted by the judge or commissioner may be conducted in chambers.</p>
Vermont	16	<p><a href="#">Vt. Stat. tit. 18, § 5142</a></p> <p>The following persons are not authorized to marry, and a town clerk shall not knowingly issue a civil marriage license, when:</p> <ul style="list-style-type: none"> <li>(1) either party is a person who has not attained majority, unless the town clerk has received in writing the consent of one of the parents of the minor, if there is a parent competent to act, or of the guardian of the minor;</li> <li>(2) either party is under 16 years of age; ...</li> </ul>
Virginia	18  (unless a minor age 16-17 has been emancipated by court order) <sup>35</sup>	<p><i>Provisions on Marriage-Age:</i></p> <p><a href="#">Va. Code § 20-45.1</a></p> <p>. . . C. All marriages solemnized on or after July 1, 2016, when either or both of the parties were, at the time of the solemnization, under the age of 18 and have not been emancipated as required by §20-48 shall be void from the time they shall be so declared by a decree of divorce or nullity. Notwithstanding the foregoing, this section shall not apply to a lawful marriage entered in another state or country prior to the parties being domiciled in the Commonwealth.</p> <p><a href="#">Va. Code § 20-48</a></p> <p>The minimum age at which persons may marry shall be 18, unless a minor has been emancipated by court order. Upon application for a marriage license, an emancipated minor shall provide a certified copy of the order of emancipation.</p>

State	Age Floor Set by Statute?	State Code Provisions
		<p><i>Provisions on Emancipation, Including Based on Intent to Marry:</i></p> <p><a href="#">Va. Code § 16.1-331</a>  Any minor who has reached his sixteenth birthday and is residing in this Commonwealth, or any parent or guardian of such minor, may petition the juvenile and domestic relations district court for the county or city in which either the minor or his parents or guardian resides for a determination that the minor named in the petition be emancipated. The petition shall contain, in addition to the information required by § 16.1-262 [biographic information, eligibility, and custody status], the gender of the minor and, if the petitioner is not the minor, the name of the petitioner and the relationship of the petitioner to the minor. If the petition is based on the minor's desire to enter into a valid marriage, the petition shall also include the name, age, date of birth, if known, and residence of the intended spouse. The petitioner shall also attach copies of any criminal records of each individual intending to be married. The petitioner shall also attach copies of any protective order issued between the individuals to be married.</p> <p><a href="#">Va. Code § 16.1-332</a>  If deemed appropriate the court may (i) require the local department of social services or any other agency or person to investigate the allegations in the petition and file a report of that investigation with the court, (ii) appoint counsel for the minor's parents or guardian, or (iii) make any other orders regarding the matter which the court deems appropriate. In any case pursuant to this article the court shall appoint counsel for the minor to serve as guardian ad litem.</p> <p><a href="#">Va. Code § 16.1-333</a>  The court may enter an order declaring the minor emancipated if, after a hearing, it is found that: (i) the minor has entered into a valid marriage, whether or not that marriage has been terminated by dissolution; (ii) the minor is on active duty with any of the armed forces of the United States of America; (iii) the minor willingly lives separate and apart from his parents or guardian, with the consent or acquiescence of the parents or guardian, and that the minor is or is capable of supporting himself and competently managing his own financial affairs; or (iv) the minor desires to enter into a valid marriage and the requirements of § 16.1-333.1 [see below] are met.</p> <p><a href="#">Va. Code § 16.1-333.1</a>  The court may enter an order declaring such a minor who desires to get married emancipated if, after a hearing where both individuals intending to marry are present, the court makes written findings that:</p> <ol style="list-style-type: none"> <li>1. It is the minor's own will that the minor enter into marriage, and the minor is not being compelled against the minor's will by force, threats, persuasions, menace, or duress;</li> <li>2. The individuals to be married are mature enough to make such a decision to marry;</li> <li>3. The marriage will not endanger the safety of the minor. In making this finding, the court shall consider <ol style="list-style-type: none"> <li>(i) the age difference between the parties intending to be married;</li> </ol> </li> </ol>

State	Age Floor Set by Statute?	State Code Provisions
		<p>(ii) whether either individual to be married has a criminal record containing any conviction of an act of violence, as defined in § 19.2-297.1 [listing crimes considered an “act of violence” for purposes of three-strikes rule], or any conviction of a barrier crime as defined in § 19.2-392.02 [crimes that may bar employment or volunteer work with a business or organization that provides care to children or the elderly or disabled]; and</p> <p>(iii) Any history of violence between the parties to be married; and</p> <p>4. It is in the best interests of the minor petitioning for an order of emancipation that such order be entered. Neither a past or current pregnancy of either individual to be married or between the individuals to be married nor the wishes of the parents or legal guardians of the minor desiring to be married shall be sufficient evidence to establish that the best interests of the minor would be served by entering the order of emancipation.<sup>36</sup></p>
Washington	<p>No age floor set by statute.</p> <p>If the statutory exceptions are met, a child of any age could be married.</p>	<p><a href="#">Wash. Rev. Code § 26.04.010</a></p> <p>(1) Marriage is a civil contract between two persons who have each attained the age of eighteen years, and who are otherwise capable.</p> <p>(2) Every marriage entered into in which either person has not attained the age of seventeen years is void except where this section has been waived by a superior court judge of the county in which one of the parties resides on a showing of necessity. . . .</p> <p><a href="#">Wash. Rev. Code § 26.04.210</a></p> <p>(1) The county auditor, before a marriage license is issued, upon the payment of a license fee as fixed in RCW 36.18.010 shall require each applicant therefor to make and file in the auditor’s office upon blanks to be provided by the county for that purpose, an affidavit showing that if an applicant is afflicted with any contagious sexually transmitted disease, the condition is known to both applicants, and that the applicants are the age of eighteen years or over. If the consent in writing is obtained of the father, mother, or legal guardian of the person for whom the license is required, the license may be granted in cases where the female has attained the age of seventeen years or the male has attained the age of seventeen years. Such affidavit may be subscribed and sworn to before any person authorized to administer oaths. . . .</p>
West Virginia	<p>No age floor set by statute.</p> <p>If the statutory exceptions are met, a child of any age could be married.</p>	<p><a href="#">W. Va. Code § 48-2-301</a></p> <p>(a) The age of consent for marriage for both the male and the female is eighteen years of age. A person under the age of eighteen lacks the capacity to contract a marriage without the consent required by this section.</p> <p>(b) The clerk of the county commission may issue a marriage license to an applicant who is under the age of eighteen but sixteen years of age or older if the clerk obtains a valid written consent from the applicant’s parents or legal guardian.</p> <p>(c) Upon order of a circuit judge, the clerk of the county commission may issue a marriage license to an applicant who is under the age of sixteen, if the clerk obtains a valid written consent from the applicant’s parents or legal guardian. A circuit judge of the county in which the application for a marriage license is filed</p>

State	Age Floor Set by Statute?	State Code Provisions
		<p>may order the clerk of the county commission to issue a license to an applicant under the age of sixteen if, in the court's discretion, the issuance of a license is in the best interest of the applicant and if consent is given by the parents or guardian.</p> <p>(d) A consent to marry must be duly acknowledged before an officer authorized to acknowledge a deed. If the parents are living together at the time the application for a marriage license is made and the consent is given, the signatures of both parents or the applicant's legal guardian is required. If one parent is dead, the signature of the surviving parent or the applicant's legal guardian is required. If both parents are dead, the signature of the applicant's legal guardian is required. If the parents of the applicant are living separate and apart, the signature of the parent having custody of the applicant or the applicant's legal guardian is required. . . .</p> <p><a href="#">W. Va. Code § 48-2-103</a></p> <p>(a) Except as otherwise provided in subsection(b) of this section, if either or both of the applicants for a marriage license is under eighteen years of age, the clerk of the county commission may not issue a marriage license until two full days elapse after the day the license application is filed.</p> <p>(b) In case of an emergency or extraordinary circumstances, as shown by affidavit or other proof, a circuit judge of the county in which an application for a marriage license will be filed may order the clerk of the county commission to issue a license at any time before the expiration of the waiting period prescribed in subsection (a) of this section. The clerk of the county commission shall attach a certified copy of the judge's order to the application and issue the marriage license in accordance with the order. If the judge or judges of the county in which the application will be filed are absent or incapacitated, the order may be made and directed to the clerk of the county commission of the county by a circuit judge in any adjoining judicial circuit, or a special judge appointed by the Supreme Court of Appeals.</p> <p><a href="#">W. Va. Code § 48-2-106</a></p> <p>(a) At the time of the execution of the application, the clerk or the person administering the oath to the applicants shall require evidence of the age of each of the applicants. Evidence of age may be as follows:</p> <ol style="list-style-type: none"> <li>(1) A certified copy of a birth certificate or a duplicate certificate produced by any means that accurately reproduces the original;</li> <li>(2) A voter's registration certificate;</li> <li>(3) An operator's or chauffeur's license;</li> <li>(4) The affidavit of both parents or the legal guardian of the applicant; or</li> <li>(5) Other good and sufficient evidence.</li> </ol> <p>(b) If an affidavit is relied upon as evidence of the age of an applicant, and if one parent is dead, the affidavit of the surviving parent or of the guardian of the applicant is sufficient. If both parents are dead, the affidavit of the guardian of the applicant is sufficient. If the parents of the applicant live separate and apart, the affidavit of the parent having custody of the applicant is sufficient.</p>
Wisconsin <sup>37</sup>	16	<p><a href="#">Wis. Stat. Ann. § 765.02</a></p> <p>(1) Every person who has attained the age of 18 years may marry if otherwise competent.</p>

State	Age Floor Set by Statute?	State Code Provisions
		<p>(2) If a person is between the age of 16 and 18 years, a marriage license may be issued with the written consent of the person's parents, guardian, custodian under s. 767.225 (1) [temporary custody order] or 767.41 [custody order], or parent having the actual care, custody and control of the person. The written consent must be given before the county clerk under oath, or certified in writing and verified by affidavit or affirmation before a notary public or other official authorized to take affidavits. The written consent shall be filed with the county clerk at the time of application for a marriage license. If there is no guardian, parent or custodian or if the custodian is an agency or department, the written consent may be given, after notice to any agency or department appointed as custodian and hearing proper cause shown, by the court having probate jurisdiction.</p> <p><a href="#">Wis. Stat. Ann. § 765.09</a></p> <p>(3) (a) Each applicant for a marriage license shall present satisfactory, documentary proof of identification and residence and shall swear to or affirm the application before the clerk who is to issue the marriage license or the person authorized to accept marriage license applications in the county and state where the party resides. ...</p> <p>(b) Each applicant for a marriage license shall exhibit to the clerk a certified copy of a birth record, ... If any applicable birth record ...is unobtainable, other satisfactory documentary proof of the requisite facts therein may be presented in lieu of the birth certificate...</p>
Wyoming	<p>No age floor set by statute.</p> <p>If the statutory exceptions are met, a child of any age could be married.</p>	<p><a href="#">Wyo. Stat. § 20-1-101</a> Marriage is a civil contract. . . to which the consent of the parties capable of contracting is essential.</p> <p><a href="#">Wyo. Stat. § 20-1-102</a></p> <p>(a) At the time of marriage the parties shall be at least sixteen (16) years of age except as otherwise provided.</p> <p>(b) All marriages involving a person under sixteen (16) years of age are prohibited and voidable, unless before contracting the marriage a judge of a court of record in Wyoming approves the marriage and authorizes the county clerk to issue a license therefor.</p> <p>(c) When either party is a minor, no license shall be granted without the verbal consent, if present, and written consent, if absent, of the father, mother, guardian or person having the care and control of the minor. Written consent shall be proved by the testimony of at least one (1) competent witness.</p> <p><a href="#">Wyo. Stat. § 20-1-103</a></p> <p>(a) Before solemnization of any marriage in this state, a marriage license shall be obtained from a Wyoming county clerk.</p> <p>(b) Application for a marriage license shall be made by one (1) of the parties to the marriage before the license is issued. Upon receipt of an application, the county clerk shall ascertain by the testimony of a competent witness and the applicant, the names, the social security numbers of the parties who have valid social security numbers, residences and ages of the parties and whether there is any legal impediment to the</p>

State	Age Floor Set by Statute?	State Code Provisions
		<p>parties entering into the marriage contract according to the laws of the state of their residence. The clerk shall enter the facts ascertained in a book kept by him for that purpose, except for the social security numbers which shall be provided to the state office of vital records and not made a part of the county public record. He may issue a license to marry and shall date the license on the date of issuance except as otherwise provided.</p> <p>(c) Unless there is an order to waive the requirements of this section by a judge of a court of record in the county pursuant to W.S. 20-1-105 [see below], the clerk shall refuse to issue a license if:</p> <ul style="list-style-type: none"> <li>(i) Either of the parties is legally incompetent to enter into a marriage contract according to the law of this state; or</li> <li>(ii) There is any legal impediment; or</li> <li>(iii) Either party is a minor and the consent of a parent or guardian has not been given. . . .</li> </ul> <p><a href="#">Wyo. Stat. § 20-1-105</a></p> <p>(a) If any county clerk refuses to issue a license to marry, or in case of circumstances arising which would necessitate the waiver of any one (1) or more of the requirements of W.S. 20-1-102 [see above] and 20-1-103(b) and (c) [see above], either applicant for the license may apply to the district court of the county for the issuance of a license without compliance with one (1) or more of those requirements. If the judge finds that a license should be issued, or such circumstances exist that it is proper that any one (1) or more of the requirements should be waived, the judge may order in writing the issuance of the license. Upon the order of the judge being filed with the county clerk, the county clerk shall issue the license at the time specified in the order. No fee or court costs shall be charged or taxed for the order.</p> <p>(b) If either party is under sixteen (16) years of age, the parents or guardians may apply to any judge of a court of record in the county of residence of the minor for an order authorizing the marriage and directing the issuance of a marriage license. If the judge believes it advisable, he shall enter an order authorizing the marriage and directing the county clerk to issue a license. Upon filing of a certified copy of the order with the county clerk, the county clerk shall issue a license and endorse thereon the fact of the issuance of the order. No person authorized to perform marriage ceremonies in Wyoming shall perform any marriage ceremony if either party is under the age specified by this subsection unless the license contains the endorsement.</p> <p>(c) Before issuing the order provided by this section the judge may require affidavits or other proof of the competency of the parties or of any other facts necessitating or making the order advisable. The order may be in substantially the following form:  I ....., the undersigned ....., a judge of the .... court, a court of record in and for .... county, Wyoming, hereby order that a marriage license may issue to .... of .... (address) and .... of .... (address) on the .... day of .... (year) Date:  .....</p>

## Endnotes

<sup>1</sup> Originally compiled by the Tahirih Justice Center ([tahirih.org](http://tahirih.org)) with pro bono assistance from Hogan Lovells US, LLP in November 2016; last updated August 1, 2020.

<sup>2</sup> This chart focuses on statutory requirements specifically for the issuance of marriage licenses to minors. Statutes that address whether marriages involving minors are “voidable,” whether marriage automatically emancipates a minor, whether penalties apply to individuals (such as clerks or religious officiants) who do not follow statutory requirements for marriages involving minors, or other related provisions, are generally outside the scope of this chart. Also outside the scope of this chart are statutes of general application to all marriage license applicants.

For a detailed, comparative analysis of provisions in all 50 states and DC that can leave children more vulnerable to forced marriage and the harms of early marriage, or help keep them safe, please see Tahirih’s report, *Falling Through the Cracks: How Laws Allow Child Marriage to Happen in Today’s America* (August 2017; with appendices updated August 2020). Tahirih’s report, a factsheet on the harmful impacts of child marriage, a compilation of 20 survivors’ stories, and other key resources are available at [tahirih.org/childmarriage](http://tahirih.org/childmarriage). For more information about the national legislative landscape or about how a particular state’s marriage-related laws or proposed reforms may impact children, contact the Tahirih Justice Center at [policy@tahirih.org](mailto:policy@tahirih.org).

<sup>3</sup> Thirteen states (Alaska, California, Hawaii, Kansas, Massachusetts, Michigan, New Mexico, North Carolina, Oklahoma, Rhode Island, Washington State, West Virginia, Wyoming) require judicial approval for all parties under age 16; depending on the state, there may be no age floor, or an age floor of either 14 (Alaska, North Carolina) or 15 (Hawaii, Kansas). Mississippi has no age floor and requires judicial approval for males under age 17, but for females, only if they are under age 15. Maryland has an age floor of 15 and allows 15-year-olds to be married with no judge involved, based only on proof of pregnancy/childbirth and parental consent.

<sup>4</sup> Marriage license data obtained from several states, for example, reveals that judges have approved marriages of young children to much older adults. See, e.g., statistics and examples cited in June Leffler, “[As Child Marriages Drop, Hundreds Still Marry in Kentucky Each Year](#)” (*Kentucky Center for Investigative Reporting*, August 29, 2017); Anjali Tsui, Dan Nolan and Chris Amico, “[Child Marriage in America: By the Numbers](#)” (*PBS Frontline*, July 6, 2017); and Nicholas Kristof, “[11 Years Old, A Mom, and Pushed to Marry Her Rapist in Florida](#)” (*New York Times* Op-Ed, May 26, 2017) and [An American 13-Year-Old, Pregnant, and Married to her Rapist](#) (*New York Times* Op-Ed, June 1, 2018).

<sup>5</sup> This number does not include South Carolina, though a new law relating to marriage-age has been enacted there. On May 13, 2019, South Carolina’s governor signed [SB 196](#) into law, effective upon signature, to clarify that South Carolina has a firm minimum marriage age of 16. The legislation responded to investigative reporting that confirmed that judicial interpretations of prior minimum marriage age statutes had been inconsistent, and that some probate judges were granting marriage licenses in case of pregnancy notwithstanding the fact that a girl was younger than age 16. See Lauren Sausser, “[In SC, pregnant girls as young as 12 can marry. There’ve been 7,000 child brides in 20 years](#)” (*The Post and Courier*, June 21, 2018).

As interpreted by the South Carolina Office of the Attorney General, legislative reforms back in 1997 had *already* instituted age 16 as the minimum marriage age (see S.C. Office of the Attorney General, 1997 WL 665423 (S.C.A.G. Sept. 2, 1997), available at <http://www.scag.gov/archives/category/opinions/1997opinions>). However, the 1997 reforms did not harmonize all statutory provisions related to marriage age, such as a pregnancy exception to age 18 that was set forth in Section 20-1-300 of the 1976 Code. By definitively repealing Section 20-1-300, South Carolina has now made clear that there is a firm age floor of 16, regardless of pregnancy. But because the new law simply underscores what was already the legislature’s intent in enacting earlier reforms, South Carolina is not included in the tally of 25 states that have *moved* since 2016 to end or limit child marriage.

<sup>6</sup> This compilation reflects all minimum marriage-age reform bills that had become law by August 1, 2020. States that have made legislative reforms to end or limit child marriage, in order of effective dates, are: Virginia (July 1, 2016); New York (July 20, 2017); Texas (September 1, 2017); Connecticut (October 1, 2017); Delaware (May 9, 2018); Tennessee (May 21, 2018); New Jersey (June 22, 2018); Florida (July 1, 2018); Kentucky (July 14, 2018); Arizona (August 3, 2018); Missouri (August 28, 2018); New Hampshire (January 1, 2019); California (January 1, 2019); Ohio (April 8, 2019); Utah (May 14, 2019); Georgia (July 1, 2019); Arkansas (July 24, 2019); Louisiana (August 1, 2019); Colorado (August 2, 2019); Nevada (October 1, 2019); Maine (June 16, 2020); Indiana (July 1, 2020); Idaho (July 1, 2020); Pennsylvania (July 7, 2020); and Minnesota (August 1, 2020).

Alabama is the only state that has arguably *regressed* in its approach to child marriage over this time period. [SB 69](#), a bill signed into law on May 31, 2019 and effective August 29, 2019, abolished across the board the requirement that marriage licenses be issued by probate judges. Previously, a probate judge was at least nominally involved in the process of granting a marriage license for the marriage of a minor, required to verify the consent of both the minor’s parents/guardians. Now the parental consent requirement can be satisfied by one parent or guardian simply filing an affidavit with the court.

<sup>7</sup> The 17 states where all minors must obtain judicial approval before they can marry are: California, Colorado, Connecticut, Georgia, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Montana, Nevada, New Hampshire, New York, Ohio, Texas, Utah, and Virginia.

In other states, judges may be involved only if minors are younger than a certain age threshold, or in certain circumstances.

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Many states require judges, when they are involved, to consider the minors' best interests: Alaska, Arizona, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Montana, Nevada, New Hampshire, North Carolina, Ohio, Utah, Virginia, and West Virginia. In some of these states, however, judges are involved only in a small minority of cases.

<sup>8</sup> As noted above, recent legislative reforms in Alabama abolished the requirement that probate judges be involved in marriage license issuance. Of further note, while Alabama requires parental consent for 16- and 17-year-olds, a minor does not actually reach the age of majority until age 19, meaning that minors age 18 may consent to marry independent of parental consent. [Ala. Code §26-1-1\(a\)](#) sets forth age 19 as the age of majority, but [Ala. Code §26-1-1\(f\)](#) makes clear that “Notwithstanding subsection (a), an unemancipated minor who is 18 years old and of sound mind, notwithstanding his or her minority, may enter into a binding contract as may be exercised by an individual of full legal age [and may not] by reason of his or her minority...rescind, avoid, or repudiate the contract or rescind, avoid, or repudiate any exercise of a right or privilege under the contract.”

<sup>9</sup> This emancipation exception is likely to apply only in a small minority of cases. For reference, however, see the criteria and process for emancipation in Arizona as detailed at [ARS §12-2451](#) et seq. including a “best interests” inquiry outlined at [§12-2453](#).

<sup>10</sup> Colorado also recognizes common law marriage, but per [Colo. Rev. Stat. § 14-2-109.5](#), the state does not recognize a common-law marriage if either party entered it under age 18. Likewise, Colorado also permits licenses to be issued for marriages to be solemnized by proxy, but per [Colo. Rev. Stat. § 14-2-109](#), both parties to the marriage must be age 18 or older.

<sup>11</sup> Recent reforms to Colorado's minimum marriage age laws and exceptions also strengthened proof-of-age and proof-of-identity requirements for marriage license applications in [Colo. Rev. Stat. § 14-2-105](#); made appropriations for court-appointed counsel; and clarified certain rights of married minors in a new section [Colo. Rev. Stat. § 14-2-109.3](#). The rights of a married minor include the right to establish a separate domicile, the right to file legal motions and petitions on one's own behalf, the right to enter into enforceable contracts, and the right to consent to and make decisions concerning one's own medical care. New section [§ 14-2-109.3](#) became effective immediately upon the signing of the bill on May 31, 2019.

<sup>12</sup> All parties applying for a marriage license, under the law prevailing before recent legislative amendments, were also required to submit social security numbers, or if a person did not have a social security number, another form of identification. They were also required to submit statements specifying whether the parties completed a premarital preparation course and whether they accessed information contained in a handbook on the rights and responsibilities of parties to a marriage. Prior law also conditioned the right to a waiver of a 3-day waiting period between the issuance and effective date of a marriage license on whether the parties had completed a premarital preparation course, among other terms regarding possible waivers of that waiting period. The newly enacted law on minimum marriage age recodified and slightly rephrased this section of the law and these requirements, but did not substantively alter them.

<sup>13</sup> Legislative reforms in Idaho setting an age floor of 16 for marriage ([House Bill 466](#)) were signed into law on March 24, 2020 and became effective July 1, 2020.

<sup>14</sup> Legislative reforms to the minimum marriage age and exceptions in Indiana were introduced as HB 1418 (with an age-17 floor) but passed as [HB 1006](#) (with an age-16 floor). They were signed into law on March 18, 2020, and became effective July 1, 2020. Other conforming and related amendments were also made to Indiana Code in conjunction with these 2020 minimum marriage-age reforms:

- [Ind. Code § 31-34-20-6](#) and [Ind. Code § 31-37-19-27](#) had already set forth two other circumstances under which a juvenile court may emancipate a minor. These were strengthened by appointing the minor an attorney, and by making clear that any such emancipated minor must still obtain judicial approval to marry per Ind. Code § 31-11-1-4.
- [Ind. Code § 31-9-2-133.1](#) had already defined a “victim of human or sexual trafficking” (for the purposes of providing victim services) to include a child who is recruited, harbored, transported or engaged in “marriage, unless authorized by a court.” This section was amended to cross-reference the newly strengthened process for a minor to obtain judicial approval to marry.

<sup>15</sup> Kansas also recognizes common law marriage, but per [Kan. Stat. Ann. § 23-2502](#), the state does not recognize a common-law marriage if either party entered it under age 18.

<sup>16</sup> This provision is what emancipates the minor alongside granting the minor permission to marry. The maturity and capacity for self-sufficiency of the minor is vetted as a core element of this judicial approval process; see new Section 402.205 at (1)(e)(1) and (2), above, regarding proof of stable housing/employment and completion of high school education.

<sup>17</sup> Amendments made to La. Rev. Stat. Ann. 9:253 and 9:255 also require data to be collected on marriages involving a minor and to include them in an “annual state of marriage report.”

<sup>18</sup> Recent reforms to Louisiana's minimum marriage age laws and exceptions at La. Child. Code §§ 1547 and 1548 refer only to “the judge.” However, given that the judicial approval requirement sits in the Children's Code and that, prior to recent reforms, the “juvenile court” was expressly charged with conducting such proceedings, it is assumed that “juvenile court” judges will continue to preside over them.

<sup>19</sup> Legislative reforms in Maine setting an age floor of 16 for marriage ([LD 545](#)) were passed on June 14, 2019 and [became law without the governor's signature on January 12, 2020](#), but did not actually become effective until June 16, 2020. The public-access online version of Maine's Revised Statutes is only current through October 1, 2019 (see <http://legislature.maine.gov/statutes/>), and so the hyperlink in this chart is to the bill text showing amendments to prior law. Another Maine bill ([LD 998](#)) [became law without the governor's](#)

Compiled by the Tahiri Justice Center (August 2020)

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[signature on June 5, 2019](#) that required the division of vital statistics of the Maine Dept. of Health and Human Services to compile data on the “incidence of marriage of minors in the State” and report it no later than December 4, 2019 to the Joint Standing Committee on Judiciary. Such data could support future efforts to enact stronger legislative reforms.

<sup>20</sup> While Massachusetts does not prescribe an age floor by statute, case law indicates a male should be at least 14 years old and a female should be at least 12 years old. See *Parton v. Hervey*, 67 Mass. (1 Gray) 119 (1854). For more on this question, please see “Child Brides,” in *Massachusetts Law Updates*, the official blog of the Massachusetts trial court law libraries, available at <https://blog.mass.gov/masslawlib/legal-topics/child-brides/>.

<sup>21</sup> There are varying interpretations among counties as to what exactly the restrictions and requirements are to marry under age 18. Section 551.51 states that marriages of minors under age 16 must not be contracted and are void. Yet a plain reading of Section 551.201 indicates that the age floor of 16 can be set aside by a probate judge. Some counties convey this understanding on their websites. [Allegan](#), [Hillsdale](#), [Marquette](#), [Menominee](#), and [Midland](#), for example, state that minors under 16 who want to marry must go to a probate court. Others do not. The counties of [Kent](#) and [Oakland](#), for example, simply state that those who are 16 or 17 years old need parental consent. In any event, Michigan state marriage license data since 2000 that advocates have obtained, as well as recent media investigations into case stories, has revealed that some parties under age 16 were married over that period, reinforcing Tahirih’s statutory interpretation that there is no age floor. See Heather Walker, “[I do’ at 14: Michigan’s secret child marriages](#)” (Target 8, WoodTV.com, September 25, 2018).

<sup>22</sup> Legislative reforms in Minnesota raising the age floor to 18 for marriage ([HF 745](#)) were signed into law on May 12, 2020 and became effective August 1, 2020. However, the public-access online version of Minnesota’s Revised Statutes is only current through 2019 (see <https://www.revisor.mn.gov/statutes/>), and so the hyperlinks here are to the bill text showing amendments to prior law.

<sup>23</sup> Recent reforms to Nevada’s minimum marriage age laws and exceptions included, at Section 5.3 of the reform bill ([AB 139](#)), a requirement that each county clerk compile a report on each marriage license issued from October 1, 2019 forward for a marriage involving a 17-year-old, which must include the ages of the parties.

<sup>24</sup> Recent reforms struck prior Section 122.040(5) and (6), amended prior Section 122.040(7) to be a new Section 122.040(5), and renumbered provisions thereafter. Conforming amendments made to other code sections are not included here.

<sup>25</sup> This provision is what emancipates the minor alongside granting the minor permission to marry.

<sup>26</sup> The passage of [HB 360](#), the Pennsylvania bill that carried this reform, was enabled and expedited during the COVID-19 pandemic because an amendment was added to it as Pa. Cons. Stat. Ann. tit. 23, [§1306\(b\)](#) that would waive the requirement that both applicants for a marriage license must appear in person. Instead, if courts are closed to the public due to a declared emergency, applicants are permitted to “forward an affidavit” attesting to all the required information; moreover, as a matter of practice, Pennsylvania courts are encouraging online marriage license applications and conducting interviews by videoconference. See Lancaster County website at <https://www.co.lancaster.pa.us/278/Marriage-Licenses> (accessed August 10, 2020). Such “virtual” applications, while perhaps practical in a pandemic, may make it more likely that forced child marriages will slip by undetected. Visual cues indicating abuse or coercion can be more easily missed, and documentary “proof of age” can be more easily falsified, when parties do not appear in person and original documents cannot be closely examined.

Many other states have also moved to some form of virtual marriage license applications. This raises the most serious concerns in states in which the minimum marriage age is lower than 18 and there is no judicial oversight of marriages involving minors. The disruption of normal support networks like schools can further ratchet up risks that victims could be isolated from any help for many months; and [escalating abuse related to the current crisis](#) can trap “child brides” for many years, including because of forced pregnancies. The Tahirih Justice Center therefore urges all states to limit any virtual application procedures to ensure they are used only when it can be reliably verified that both applicants for a marriage license are *adults age 18 or older*.

<sup>27</sup> Documentary proof of age is also required of all applicants between the ages of 18 and 25. See [S.C. Code § 20-1-270](#).

<sup>28</sup> Legislative amendments enacted in 2018 also established, at [Tenn. Code Ann. § 36-3-108](#), a new civil cause of action and up to \$250,000 in damages for forced marriages, and clarified that forced marriages are void and unenforceable.

<sup>29</sup> Legislative amendments made in 2017 to the minimum marriage age in Texas were accompanied by additional amendments to address concerns about forced marriages of children: “forcing or coercing a child to enter into a marriage” was added to the definition of “child abuse” and thus to the mandate of Child Protective Services to investigate (see [Tex. Fam. Code §261.001\(1\)\(M\)](#)), and also added to the definition of “family violence” on which basis a family violence protective order could be issued (see [Tex. Fam. Code §71.004\(2\)](#)).

<sup>30</sup> In Texas, the minimum age to petition to emancipate is 16. The 2017 legislative reforms, however, do not expressly prohibit the marriage in Texas of a minor younger than age 16 who was judicially emancipated in another state.

<sup>31</sup> Texas’ [Family Code Chapter 31](#) governing the process and criteria for a minor to be emancipated pre-dated recent legislative amendments to the state’s minimum marriage age, and were not affected by them. In order to be eligible to emancipate, a minor must be 17 years of age, or at least 16 years of age and living separate and apart from the minor’s parents or guardian.

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and must be self-supporting and managing the minor's own financial affairs. The court must appoint an attorney to represent the interest of the minor at the hearing, and must find that emancipation is in the best interest of the minor. Thus, minors in Texas who wish to marry do not petition a court for permission to marry as such. Instead, they petition a court to determine that they meet the criteria for emancipation and therefore can be granted the legal rights of an adult, including (but not limited to) the right to marry.

<sup>32</sup> Under [§2.005](#) of the Texas Family Code, all applicants for a marriage license are required to provide documentary proof of identity and age, and the statute sets forth an extensive list of 19 types of documents that can establish identity and age. Knowingly providing false proof of identity or age is a misdemeanor.

<sup>33</sup> If a parent or guardian knowingly consents or allows a minor to enter a marriage prohibited by law in Utah, it is a third-degree felony. See [Utah Code § 30-1-9.1](#). It is also a third-degree felony to knowingly solemnize the marriage of an individual 16 or 17 years old without the written authorization of a juvenile court, or to impersonate or forge the name of a parent or guardian of a minor to obtain a license for the minor to marry. See [Utah Code § 30-1-13](#), [§ 30-1-14](#), and [§ 30-1-15](#). A clerk who knowingly issues a license for a prohibited marriage is guilty of a misdemeanor. See [Utah Code § 30-1-16](#).

<sup>34</sup> This appears to be a typo in the legislation as codified, and should likely read “and not before married,” i.e., “and if the minor has not been married before.”

<sup>35</sup> In Virginia, the minimum age to petition to emancipate is 16. The 2016 legislative reforms, however, do not expressly prohibit the marriage in Virginia of a minor younger than age 16 who was judicially emancipated in another state.

<sup>36</sup> Further provisions at [Va. Code § 16.1-334](#) enumerate a list of 16 specific legal effects of emancipation on minors, as follows:

1. The minor may consent to medical, dental, or psychiatric care, without parental consent, knowledge, or liability;
2. The minor may enter into a binding contract or execute a will;
3. The minor may sue and be sued in his own name;
4. The minor shall be entitled to his own earnings and shall be free of control by his parents or guardian;
5. The minor may establish his own residence;
6. The minor may buy and sell real property;
7. The minor may not thereafter be the subject of a petition under this chapter as abused, neglected, abandoned, in need of services, in need of supervision, or in violation of a juvenile curfew ordinance enacted by a local governing body;
8. The minor may enroll in any school or college, without parental consent;
9. The minor may secure a driver's license under [§ 46.2-334](#) or [§ 46.2-335](#) without parental consent;
10. The parents of the minor shall no longer be the guardians of the minor;
11. The parents of a minor shall be relieved of any obligations respecting his school attendance under Article 1 ([§ 22.1-254](#) et seq.) of Chapter 14 of Title 22.1;
12. The parents shall be relieved of all obligation to support the minor;
13. The minor shall be emancipated for the purposes of parental liability for his acts;
14. The minor may execute releases in his own name;
15. The minor may not have a guardian ad litem appointed for him pursuant to any statute solely because he is under age eighteen; and
16. The minor may marry without parental, judicial, or other consent.

<sup>37</sup> Wisconsin aims to prevent residents from going to another jurisdiction to marry in an attempt to circumvent home-state restrictions on marriage. By statute, any such marriage, even if valid in the place it was solemnized, will be considered void in Wisconsin. See [Wis. Stat. Ann. §765.04](#). Other states having such provisions specifically related to attempts to evade marriage-age restrictions are Georgia ([Ga. Code Ann. § 19-3-43](#)), Indiana ([Ind. Code § 31-11-8-6](#)), Kentucky ([Ky. Rev. Stat. §402.020](#)), Minnesota ([Minn. Stat. Ann. §517.03 Subd.1\(b\)](#)) and Virginia ([Va. Code § 20-45.1](#)).