



TAHIRIH
JUSTICE
CENTER®

EXECUTIVE SUMMARY

Falling Through the Cracks: How Laws Allow Child Marriage to Happen in Today's America

Child marriage is a real and persistent problem in the United States. According to *PBS Frontline*, well over 200,000 children under age 18 were married in America between 2000 and 2015. The majority of them were girls, and the majority married adult men. Mounting U.S.-specific research shows that child marriages can result in devastating consequences and put young people at great risk of lifelong harm.

Many are surprised to learn that state laws allow children to marry in today's America. Currently, most states' laws set the minimum age of marriage at 18 but allow for exceptions to the rule, such as parental consent, that can drop the true minimum marriage age much lower in practice. In fact, half of U.S. states do not set any bottom line age "floor" whatsoever, meaning that as long as exceptions are met, a child of any age could be married.

While the status quo is alarming, a growing movement to end child marriage in the United States is making progress. In 2016, after a legislative campaign led by the Tahirih Justice Center, Virginia became the first state in the nation to limit marriage to adults age 18 or older, with a narrow exception only for court-emancipated minors who have been given the full legal rights of adults. In June 2017, Texas and New York also signed bipartisan bills into law that limit marriage to legal adults and establish meaningful safeguards against forced marriage.

These reforms are just the beginning. Lax laws around the country still allow for thousands of children to be married and must be changed. This report provides state lawmakers and advocates in the United States with the information they need to pass laws that more effectively

protect children from the harms of child marriage.

Tahirih's analysis of relevant laws across all 50 U.S. states and Washington, DC, combined with our experience serving hundreds of girls and young women facing forced marriages, reveals that the most simple, straightforward, and powerful solution is to set the minimum marriage age at 18, without exceptions. In states where this is not immediately possible, alternative reforms must legally empower those permitted to marry to advocate for themselves and safeguard them against forced marriage and other harm.

Tahirih is committed to ending child marriage in America. We urge advocates and lawmakers across the country to critically examine how state laws put children at risk and join us in this historic movement.

at a glance:

HOW DO STATE LAWS ON MINIMUM MARRIAGE AGE COMPARE?

In October 2017

- **25 states** do not set any age floor by statute
- **3 states** (Virginia, Texas, and New York, in order of enactment) limit marriage to legal adults
- In **8 states and Washington, DC**, clerks alone – without judges – can approve marriages of all minors
- **Only 17 states** require judges to consider the minors' best interests
- **9 states** expressly permit pregnancy to lower the minimum marriage age

LEARN MORE

A full copy of the report, *Falling Through the Cracks: How Laws Allow Child Marriage to Happen in Today's America*, and other resources can be found at tahirih.org/childmarriagepolicy.

To get involved in the Tahirih Justice Center's national campaign to end child marriage, please email policy@tahirih.org.

If you are facing or fleeing a forced marriage or know someone who is, please visit preventforcedmarriage.org to get help.