



Making Progress, But Still Falling Short

The Movement to End Child Marriage in America
Updated November 1, 2022

Table of Contents

OVERVIEW	3
-----------------	----------

BIRTH AND GROWTH OF THE U.S. MOVEMENT TO END CHILD MARRIAGE	4
Progress and Reflections from 2022	6
Slowed Momentum	7
Building Power Over Time	7
Creative Advocacy	8
Incremental Progress	8

NOTABLE SHIFTS IN CHILD MARRIAGE LAWS	9
Protective Practices Are Increasing	9
Harmful Practices Are Decreasing	9
Map of Reforms Since 2016	10

A DEEPER AND BROADER AGENDA FOR LEGISLATIVE ADVOCACY	11
Survivor Advocates Show the Way	12
Call to Action	13
At the Federal Level	13
For States + DC That Have Not Passed Any Reform	13
For States That Have Passed a Reform	14

Overview

In August 2017, the Tahirih Justice Center (Tahirih) released the first comprehensive analysis of marriage-age provisions in all 50 states and Washington, DC that leave children more vulnerable to forced and early marriage. That report, [*Falling through the Cracks: How Laws Allow Child Marriage to Happen in Today's America*](#), provides state lawmakers and advocates in the United States with the information they need to pass laws that more effectively protect children.

Since then, significant progress has been made. But while 30 U.S. states have enacted legislation to end or limit child marriage in recent years, some of the states with the most lax laws have yet to take any action. In addition, many newly enacted laws do not go far enough, and will need to be strengthened in future legislative sessions.

At a Glance:

- **Only 7 states set the age floor at 18 – no exceptions:** Delaware, New Jersey, Pennsylvania, Minnesota, Rhode Island, New York, and Massachusetts
- **6 more states limit marriage to legal adults** by providing exceptions only for emancipated minors: Virginia, Texas, Kentucky, Ohio, Georgia, and Indiana
- 16 states require all minors to get judicial approval before they can marry
- In 13 states and Washington, DC, clerks alone – without judges – can issue marriage licenses for all minors
- **8 states do not set any age floor** by statute, and 2 states set an age floor younger than 16
- 4 states permit pregnancy to lower the minimum marriage age

A compilation, comparative analysis, and “scorecards” of every state’s law can be found at Tahirih.org/childmarriage.

Birth and Growth of the U.S. Movement to End Child Marriage

At the start of Tahirih's national campaign to end child marriage,¹ data gathered by Tahirih and other advocates indicated that tens of thousands of children had been married in recent years across the U.S. In response, after a 2016 campaign led by Tahirih, Virginia became the first state to limit marriage licenses to legal adults – individuals age 18 or older, with a limited exception for 16 and 17 year old who have been emancipated by a special court hearing prior to being issued a marriage license. Similar reforms followed in Texas, New York, Kentucky, Ohio, Georgia, and Indiana, all of which limited exceptions to emancipated minors and established meaningful safeguards against forced marriages of children.

A critical milestone was reached in 2018 when Delaware and New Jersey became the first states to ban all marriage under age 18, without exception.² In May 2020, Pennsylvania and Minnesota became the third and fourth states to enact a “brightline” minimum marriage age of 18, followed by Rhode Island and New York in 2021 and Massachusetts in 2022. New York's 2021 legislative victory marks a particularly meaningful milestone, as the state passed its brightline law just four years after reforms that, while significant, fell short of ending all marriage under age 18. New York's swift incremental progress towards completely ending child marriage shows what is possible in other states that have made meaningful progress, but fallen short of ending child marriage.³

Timeline of Legislative Reforms:

- 2016: Virginia
- 2017: Connecticut, New York, Texas
- 2018: Arizona, Delaware, Florida, Kentucky, Missouri, New Jersey, and Tennessee
- 2019: Arkansas, California, Colorado, Georgia, Louisiana, Nevada, New Hampshire, Ohio, and Utah
- 2020: Idaho, Indiana, Maine, Minnesota and Pennsylvania
- 2021: Utah, Rhode Island, New York, and North Carolina
- 2022: Maryland, Massachusetts, and Alaska

In total, 30 states have strengthened their marriage-age laws since 2016.⁴ Over that same short period many more states have considered reform bills, and many of those bills have cleared major legislative hurdles, even if they have not yet made it all the way to final passage.

These achievements are all the more remarkable considering that in some states, thousands of bills can be introduced in an intense, 40- to 60-day legislative session, all competing for attention and time in committee hearings, or for space on the agenda for a floor vote. These dynamics were exacerbated by the pandemic which interrupted 2020 legislative sessions and caused serious logistical hurdles throughout 2021, limiting the bandwidth of legislators to take on this and other critical issues while addressing pressing concerns such as pandemic relief, police reforms, and voting rights.

Public education has played a critical role in every legislative campaign. Many legislators and advocates simply have no idea that their states' laws are so lax, or that child marriage really happens in America. They often have not considered the stunning inconsistencies between marriage-age laws and statutory-rape laws,⁵ for example, or the cruel irony of permitting a girl to be married before she has attained the rights and access to resources an adult would have to protect themselves from domestic violence.

The startling revelation in 2017 that over 200,000 children under age 18 were married in the United States between 2000 and 2015,⁶ documented through state marriage license data, drove home the need for states to snap into action. The overwhelming majority of minors who were married were girls, most married adult men, and many times, those men were significantly older. Subsequent research into the scope of child marriage in the U.S. has filled gaps in previous efforts and revealed an even more startling picture – estimating over 300,000 marriages between 2000 and 2018.⁷

Increasing media coverage has called attention to the horrific experiences of former “child brides” who were abused and exploited under the guise of marriage.⁸ Mounting U.S.-based research, amassed and amplified by Tahirih and other advocates, has provided further evidence of how child marriage drastically undermines girls' health, safety, and welfare. Survivors are increasingly stepping forward as advocates and movement-leaders, inspiring and driving changes in the laws.⁹

The resulting burst of bipartisan legislative activity makes clear that most state lawmakers appreciate the acute concerns raised by permitting children to be married.¹⁰ More and more states are adopting provisions that better protect children from forced and early marriage, including: setting floors of age 16 or higher; requiring all minors to obtain judicial approvals; setting more detailed substantive criteria; vetting not only the maturity and capacity of the minor but also the intended spouse and marriage for abuse or coercion; clarifying what a “best interests” inquiry should

entail; sending cases to specialized judges; appointing counsel; ensuring that minors are emancipated before marriage; and/or informing minors of their rights and resources available to protect them in case of abuse.

Despite broad recognition of the problem, however, most states have not pursued the simple, straightforward, and powerful solution that Tahirih and other advocates, including survivors, have repeatedly urged: to set age 18, no exceptions, as the minimum legal marriage age.¹¹

Progress and Reflections from 2022

SLOWED MOMENTUM

Last year, we reflected on the fact that momentum in the campaign to end child marriage in the United States had slowed significantly compared to early years. This pattern continued into 2022, when once again only three states passed laws addressing child marriage: Maryland; Massachusetts; and Alaska.

The slowed momentum may be a natural consequence of the campaign's early successes – in just 8 years reforms have swept the country, passing in 60% of states. At this point the states most amenable to reform have likely already acted in one form or another, leaving only states that have already resisted change for nearly a decade. This reality does not mean success is out of reach, simply that advocates must continue learning from past successes and adapting to new challenges.

BUILDING POWER OVER TIME

All three of the states that passed a reform in 2022 resulted from multiple years of campaigning. Maryland had introduced a bill every session since 2016, Massachusetts since 2017, and Alaska multiple times since 2018. In each state, legislative sponsors, survivors, and advocates built power and support over a multi-year campaign before passing any legislation.

In Maryland, a key legislative sponsor who began the campaign as a freshman Delegate built power as she advanced in her own career. By 2022 she was the chair of a powerful committee and was able to leverage this position to negotiate with other legislators from a position of influence. Faced with a clear message that gold-standard legislation (age 18, no exceptions) would not be supported by key in-state advocates and their legislative allies, the campaign neutralized opponents through thoughtful, consultative compromise, ultimately campaigning for seven years to find the balance between legislation that was as protective as possible, and possible to enact.

Advocates must also be judicious about where and how they attempt to apply this power. In 2022 a number of states that appeared poised to pass strong legislation saw legislators water bills down or abandon the issue entirely, after facing personal attacks or being exposed to infighting within coalitions. It is critical to the success of this movement that advocates remain strategic and pragmatic as we engage in the day-to-day collective struggle of strengthening laws in service of the ultimate goal of ending child marriage in the U.S.

CREATIVE ADOVCACY

In Massachusetts, bills became mired in the same committee each year despite a steady drumbeat of support from legislative champions and an active coalition of advocates in the state. In 2022 they broke through, thanks to a shift in strategy that saw provisions to end child marriage tacked onto the state's budget rather than stand-alone legislation. The unconventional maneuver worked, and this year Massachusetts became the 7th state to end child marriage.

Legislators in Alaska had tried a few different formulations of child marriage bills since 2018, but each effort had failed. In 2022 no child marriage bills were introduced, but an unrelated bill was amended during floor debate to address the issue. Led by a survivor with ties to the state, advocates quickly rallied to support and improve the unexpected legislation and succeeded in seeing it passed, with a commitment to revisit the issue and push to end child marriage entirely in future sessions.

INCREMENTAL PROGRESS

Moving forward advocates have three strategies at their disposal, all of which can be pursued simultaneously.

First, continue pushing in the many states that have introduced but never passed legislation. There are still a large number of states where legislators have expressed interest in addressing child marriage but have not yet succeeded. States that have seemed stymied in years past may make unexpected progress in 2023, just as Maryland, Massachusetts, and Alaska did this year. Between the persistence of advocates, creativity of legislative champions, and natural shakeups that occur after every election, any state could be poised for a breakthrough next session.

Advocates can also take up the issue in states that have yet to make a serious push for reform. These are likely to be multi-year campaigns, starting with education and building strong local coalitions over time, and may require principled compromise.¹² If it becomes clear that ending child marriage entirely is not politically feasible in the short term, any compromise must be rooted in survivor-led advocacy and the

research showing what measures are most effective at reducing rates of child marriage.¹³

Finally, as the momentum of new states passing reforms slows, this may be an opportune time to revisit those states that made incremental progress early on. New York provided a proof of concept for this model, passing a compromise bill in 2017 before finally ending child marriage entirely in 2021 thanks to the continuous work of survivor advocates in that state and passionate legislators. Advocates elsewhere are already at work trying to replicate this success, which will hopefully bear new fruit in 2023.

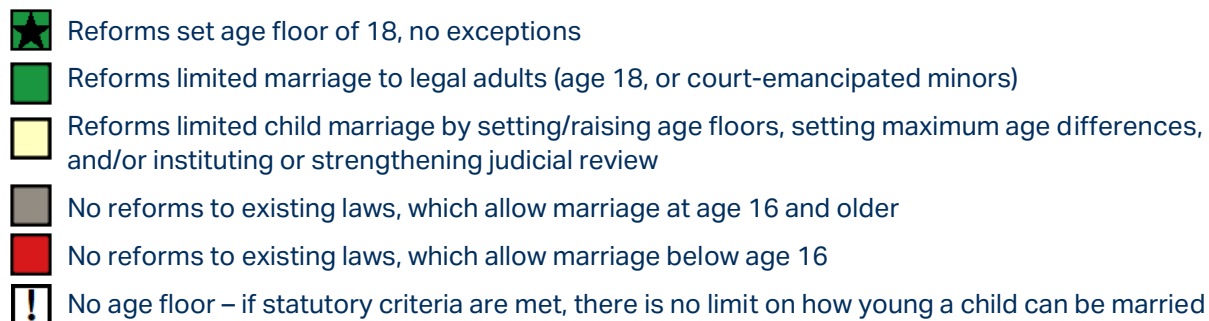
Notable Shifts in Child Marriage Laws

Protective Practices Are Increasing

Protective Measures	Laws in 2015	Laws in November, 2022
Age floor of 18, no exceptions	0	7
Floor of "legal adulthood"	0	13
Age floor of 17	2	9
Age floor of 16	12	25
Maximum age difference between a minor and intended spouse	0	12
All unemancipated minors must get judicial approval to marry	8	16
Minors are appointed counsel for judicial hearings	2	8
Waiting period is required before issuing a minor a marriage license	2	7
Judges approving underage marriages must consider the minor's best interests	17	21
Parental consent does not prove a marriage is in the minor's best interests	0	4
Pregnancy does not prove a marriage is in the minor's best interests	6	11
Judges must consider the minor's maturity/capacity	6	16
Judges must consider whether the marriage is voluntary	6	15
Judges must consider criminal records, protection orders, and/or a history of abuse	2	6
Minors are given information on the rights, responsibilities, and resources available to parties to a marriage and/or emancipated minors, and to victims of domestic violence	0	5

Harmful Practices Are Decreasing:

Harmful Measures	Laws in 2015	Laws in November, 2022
No age floor	28	8
Low age floor, below age 16	9	2
Different exceptions based on gender, leaving girls more vulnerable	5	1
Pregnancy exception can drop the legal age to marry	10	4
Older minors can marry with only parental consent	41	26
Judges receive little or no guidance	29	12
Judges need not specialize in family law or juvenile matters	30	21



A Deeper and Broader Agenda for Legislative Advocacy

The progress made in changing the state laws that govern the issuance of marriage licenses has been hugely impactful. However, additional state and federal legislative reform is needed to prevent the life-long harms that can be caused by child and forced marriage.

For example, child marriages sometimes take place through religious or cultural ceremonies solemnized without a license. Marriages of U.S. children have also happened overseas, after the child has been taken (at times forcibly or through deception) to another country to be married. Changing the minimum legal age at which an individual can be civilly married in a U.S. state will not prevent these kinds of cases. Additionally, such reforms do not protect children born overseas who are brought to the U.S. as spouses and fiancés of adult U.S. citizens by the thousands.¹⁴

Minimum marriage age reforms also only address child marriage - marriage under the age of majority. Such reforms do not help adults who are forced or coerced into marriage against their will.¹⁵

Ensuring that civil protection orders are accessible to anyone facing a forced marriage could make a critical difference for both children and adults, in all these scenarios. The U.K., in fact, has a special “forced marriage protection order” created by statute in 2008. U.K. courts issued more than 1,800 such orders in the first decade of their existence.¹⁶

Civil protection orders take into account the unique dynamics often present in forced marriage cases. The perpetrators of a forced marriage are commonly a victim’s parents or other family members. Many victims, especially minors, are understandably reticent to press criminal charges, but are more willing to consider civil legal options.¹⁷ Yet to date, Texas is the only U.S. state that specifically makes forced marriage a basis for a civil protection order, and it is limited to the forced marriage of a child.¹⁸ One other state to take a novel civil approach to forced marriage is Tennessee. Legislative amendments enacted in 2018 alongside marriage-age reforms established a new civil cause of action and up to \$250,000 in damages for anyone who, at any age, was forced into a marriage.¹⁹

There is also a role for federal leadership to end child marriage in the U.S. Although the division of authority outlined in the Constitution leaves most family law matters to

the states, Congress should enact legislation to incentivize states to strengthen their marriage-age laws.²⁰

Previously, we have also called on Congress to clarify that federal funding to serve victims of domestic violence, dating violence, sexual assault, stalking and human trafficking encompasses victims of forced marriage and to eliminate the “marriage defense” in the federal statutory rape law.²¹ Through the 2022 reauthorization of the Violence Against Women Act (VAWA) we achieved these two momentous goals. The law also mandates that the Attorney General’s office will study and report on the disconnect between states’ laws on minimum age of marriage laws and statutory rape.

Federal agencies like the Departments of Justice and Health and Human Services should also foster reforms by leveraging their power to convene key state stakeholders, and by using their platform to report on state laws and trends, elevating best practices and calling out worst offenders.

The federal government is also uniquely empowered to legislate with respect to immigration. A recent report by majority staff to the Senate Homeland Security and Government Affairs Committee analyzed U.S. Citizenship and Immigration Services records and found that more than 8,500 children under age 18 had sponsored or been sponsored on marriage-based visas from FY 2007 to FY 2017.²² Reforms to immigration laws and policies are clearly needed to address this problem, but they must be thoughtfully crafted to avoid unintentionally harming victims of child marriage rather than helping them.²³

Any federal immigration law reforms must be pursued in conjunction with state family law reforms. This is important not only to recognize that children from both multi-generational American and recent immigrant families are impacted by child marriage, but also because the problem often originates at the state level, in the wide-open loopholes that facilitate child marriage in the U.S. putting minors here and abroad at risk.

Survivor Advocates Show the Way

Courageous and passionate survivor advocates are driving marriage-age reforms across the United States. Woven through their painful personal stories have been many common threads – perpetrating parents, predatory older men, threshold vulnerabilities like poverty and family instability, repeated system-failures to protect them, and a lack of self-help options to protect themselves. These stories have inspired not only general change, but also specific safeguards incorporated in reform legislation.

It is striking, and appropriate, that many laws untouched for decades have been replaced in a single legislative session in some states. But the fast pace of these reforms also has a downside, inclining towards lowest-common-denominator approaches that can garner broad consensus. And in states where only surface-level reforms have been enacted, it is equally striking that despite new laws, old tragedies could just as easily repeat themselves.

In the next phase of this historic movement, legislators must carefully examine their laws and legislative proposals through survivors' eyes and experiences.

Call to Action

This is an exciting and pivotal moment in the national movement, but there is more work to do to end child marriage in the U.S.

We call on every state to set an age floor for marriage of 18 without exception. For states where incremental progress is the only strategic way forward in the short term, an age floor of 16 should be the firm minimum, and those minors should be court emancipated prior to marriage. For those states that already have, or newly enact, judicial approval alternatives to a minimum marriage age of 18, we expect to see more robust vetting and safeguards built into those proceedings. Finally, we recommend a more holistic approach taken to the problem – to address the needs of already-married girls, and of girls and women who face forced marriages that are religious or cultural rather than legal, or who are taken abroad for marriages that happen under the laws of a foreign country rather than a U.S. state.

To achieve this the following work is needed at the federal level as well as across all 50 states and Washington DC:

AT THE FEDERAL LEVEL

Enact thoughtful, bipartisan reforms: to marriage-based immigration laws that currently permit children to sponsor/be sponsored on fiancé(e)/spouse visas;; to leverage the federal government's power to convene key actors and promote model approaches in order to drive and guide reforms at the state level.

FOR THE 20 STATES AND DC THAT HAVE NOT YET PASSED ANY REFORM

All 20 states, plus Washington DC, urgently need to enact bills to end marriage before age 18. Among these, the highest priorities are:

- the states with the highest numbers of children married in recent years, as revealed by marriage license data²⁴
- the 8 states that have no age floor
- the 2 states that have a low age floor (below age 16)
- the 4 states that maintain an exception that lowers the age floor in case of pregnancy
- the states and DC in which a judge is never involved
- the states in which judges are involved only superficially
- *any state that has a toxic combination of the above factors, which puts girls at heightened risk*

Alongside or following marriage-age reforms, these jurisdictions also need to:

- strike any “marriage defense” that shields perpetrators from prosecution for statutory rape
- consider civil options for individuals at risk or survivors of forced marriage, like ensuring access to protection orders or providing for compensatory damages

FOR THE 30 STATES THAT HAVE PASSED A REFORM

The 7 states who have ended child marriage (Delaware, New Jersey, Pennsylvania, Minnesota, Rhode Island, New York, and Massachusetts) must:

- strike any “marriage defense” that shields perpetrators from prosecution for statutory rape
- consider civil options for individuals at risk or survivors of forced marriages, like ensuring access to protection orders or providing for compensatory damages

The 6 states that have limited marriage to legal adults (Virginia, Texas, Kentucky, Ohio, Georgia, and Indiana), as well as the 17 states whose reforms stopped short of setting the floor at “legal adulthood” must:

- strike any “marriage defense” that shields perpetrators from prosecution for statutory rape
- consider civil options for individuals at risk or survivors of forced marriages, like ensuring access to protection orders or providing for compensatory damages
- closely monitor marriage license data post-reforms to identify gaps in implementation or the shortcomings of existing safeguards

- strengthen laws to close gaps and shortcomings – with the ultimate goal of setting the age of majority, without exception, as the minimum marriage age in every state²⁵

These transformative shifts will broadcast a powerful message to survivors, individuals at risk, and to the world: the United States takes seriously its role in the global movement to end forced and child marriage.

¹ The tallies reflected in this policy brief are up-to-the-minute as of November 1, 2022, and may differ from Tahirih's *Child Marriage in the U.S.: Survivor Story Compilation* released on January 10, 2020, and from other Tahirih materials at tahirih.org/childmarriage or www.preventforcedmarriage.org with earlier publication dates. All counts include the laws of all 50 states plus Washington, DC. Counts do not include laws of U.S. territories.

The tallies do 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 tallies of the 27 states that have *moved* since 2016 to end or limit child marriage.

² In 2018, American Samoa also raised the minimum marriage age for girls to age 18; the law already set age 18 as the minimum for boys. *See* "Governor Signs Marriage Age Bill into Law," *Talane'i* (September 11, 2018); Fili Sagapolutele, "Bill Raising The Marriage Age for Girls Is Signed into Law," *Samoa News* (September 12, 2018). On January 18, 2020 the governor of the U.S. Virgin Islands signed Bill #33-0109, which sets age 18 as the minimum marriage age for all, into law; previously, the minimum was age 14 for girls and age 16 for boys. In 2020, Puerto Rico's Ley 55-2020 overhauled the territory's civil

code, and included a minimum marriage age of 18. This does not end child marriage in the territory, however, as the age of majority is 21.

³ New York is the first U.S. state to show that such incremental progress toward a brightline prohibition on child marriage is possible, but the promise of an incremental approach to reform has also been borne out by the state-by-state campaign to end child marriage in Mexico. As in the United States, minimum marriage age must be handled by state governments in Mexico and many states in Mexico took an incremental approach to ending child marriage, as New York has done. Prior to 2008 all Mexican states allowed child marriage. Starting in 2008, 14 Mexican states passed laws setting or raising their minimum marriage age to 16, but falling short of the “18, no exceptions” gold standard. By 2018, 13 of these 14 states had amended their laws to completely end child marriage and a total of 30 out of Mexico’s 32 states had completely ended marriage under age 18. *See* Cristine Bellés-Obrerero and María Lombardi, “[Will You Marry Me, Later? Age-of-Marriage Laws and Child Marriage in Mexico](#),” *Collaborative Research Center Transregio 224* (November, 2020).

⁴ Alabama is the only state that has recently *regressed* in its approach to child marriage. [SB 69](#), a bill signed into law on May 31, 2019, abolished across the board, for parties of all ages, 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, to verify the consent of both parents or guardians of the minor. As of the new law’s effective date on August 29, 2019, the parental consent requirement can be satisfied by one parent or guardian simply filing an affidavit with the court.

⁵ For more on the disconnect between contradictions between statutory rape laws and marriage age laws across the United States, *see* “[The Alarming Disconnect Between Age-Based Sex Offenses and Minimum Marriage Age](#),” *Tahirih Justice Center* (August, 2020).

⁶ Anjali Tsui, Dan Nolan, and Chris Amico, “[Child Marriage in America: By the Numbers](#),” *Frontline*, (July 6, 2017).

⁷ Data compiled in “[Child Marriage in North Carolina: New Evidence and Policy Recommendations](#),” *International Center for Research on Women* (August 2020) and “[United States’ Child Marriage Problem](#),” *Unchained at Last* (April 2021).

⁸ *See, e.g.*, “[Child Brides Call on U.S. States to End ‘Legal Rape’](#),” *Reuters* (October 24, 2018); “[Grown Men Are Exploiting Loopholes in State Laws to Marry Children](#),” *Huffington Post* (August 30, 2017).

⁹ For more information the survivor-advocates leading the campaign to end child marriage, *see* “[Child Marriage in the U.S.: Survivor Story Compilation](#),” *Tahirih Justice Center* (2020).

¹⁰ That said, some states do not yet appear ready to acknowledge the seriousness or urgency of the problem, despite appeals directly from survivors of child marriage as well as by leading advocacy

organizations. Some bills have languished post-introduction, without a committee hearing or vote, and in other states, bills favorably reported out of committee have been defeated in floor votes.

¹¹ More specifically, Tahirih has urged that the age of marriage be set at the age of majority – either age 18 or *higher* in states where the age of majority is higher, as in Alabama and Nebraska where the age of majority is 19 or Mississippi where it is 21.

¹² Previous versions of this report included a section called “Comparing Compromises,” which weighed the relative efficacy of differently formulated compromise laws. In 2022 Tahirih pulled data to evaluate the impact of new laws in many more states that passed compromise legislation. This information has been broken out into a report of its own, set for publication by January 2023. It will be available online at tahirih.org/childmarriage.

¹³ See “Comparing Compromises: Varying Impacts of Laws that Limit, But Do Not End Child Marriage” available at <https://www.tahirih.org/news/new-reports-new-data-on-child-marriage-shows-the-time-to-act-is-now/>.

¹⁴ See “How the U.S. Immigration System Encourages Child Marriages” available at <https://www.hsgac.senate.gov/imo/media/doc/Child%20Marriage%20staff%20report%201%209%202019%20EMBARGOED.pdf> and the data provided by U.S. Citizenship and Immigration Services referenced in the report is available at <https://www.hsgac.senate.gov/imo/media/doc/USCISdatareport011019.pdf>.

¹⁵ Of note, about 33% of the clients of Tahirih’s Forced Marriage Initiative were minors at time of initial contact. The rest have been adults, though some sought help to leave a marriage into which they had been forced while under the age of 18 and many reach out to Tahirih after turning 18, but regarding a forced marriage that has been planned since before they were an adult.

¹⁶ See “Family Court Tables,” Table 18, “Applications and disposals of Forced Marriage Protection Orders made in the High Court and county courts, England and Wales, annually 2009 - 2018 and quarterly Q4 2008 - Q4 2018,” available at <https://www.gov.uk/government/statistics/family-court-statistics-quarterly-october-to-december-2018>.

¹⁷ See “[National Consultation: Should Forced Marriage Be A Crime in the United States?](#)” (Tahirih Justice Center, 2016). This report reflected on discussions on criminal approaches to forced marriage that Tahirih convened in 2016 among 30 participants, including survivors. While 9 U.S. states have criminal statutes specifically on forced marriage, to Tahirih’s knowledge, no recent prosecutions have been brought under those statutes. Instead, when charges have been brought for a forced marriage, it is because the facts satisfy the elements of another crime, such as rape, abduction, or child endangerment. Prosecutors may, in fact, prefer to bring charges under such other statutes, which do not require proof of the perpetrator’s intent to force someone into a marriage against their will. See “Criminal Laws Addressing Forced Marriage in the United States,” available at <https://preventforcedmarriage.org/forced-marriage-resource-toolkit-for-service-providers/>.

¹⁸ Tahirih successfully advocated for these protection order reforms alongside marriage-age reforms enacted in 2017. See [Tex. Fam. Code §261.001\(1\)\(M\)](#) (adding “forcing or coercing a child to enter into a marriage” to the definition of child abuse) and [Tex. Fam. Code §71.004\(2\)](#) (adding forced marriage of a child to the bases for family violence protection orders). In Texas, any adult can petition for a family violence protection order to protect any child. Some other states have protection order statutes for domestic violence or stalking that are expansive enough to encompass a threatened forced marriage, but in many states, minors are not able to petition for civil protection orders on their own behalf. See Lisa V. Martin, “[Restraining Forced Marriage](#),” *Nevada Law Journal*: Vol. 18: Iss. 3, Article 8 (2018).

¹⁹ See [Tenn. Code Ann. § 36-3-108](#). This section also clarified that forced marriages are void and unenforceable.

²⁰ Mexico provides a powerful example of the role a federal government can play in incentivizing states to end child marriage. While the power to legislate on minimum marriage ages sits with state governments in Mexico – just as it does in the United States – the national government there played an important role in encouraging change. Between 2008 and 2014 a movement to end child marriage had limited success in Mexican states, having pushed only two states to end all marriage under 18 while several others limited child marriage by increasing or setting age floors at 16, but not 18. In December of 2014 the national Congress passed a measure naming marriage under age 18 as a violation of children’s rights. See “[Ley General de los Derechos de Niñas, Niños, y Adolescentes](#).” By 2018, 30 of 32 states had ended all marriage under age 18 (Bellés-Obrerero and María Lombardi, *supra* note 3).

²¹ The federal statute on “sexual abuse of a minor or ward” (18 U.S.C. § 2243) currently includes a defense that shields a perpetrator from prosecution if the parties are married. A person who engages in a sex act with a minor between ages 12 and 16, and who is 4 or more years older than the minor, is otherwise subject to fine and/or imprisonment of up to 15 years.

²² “How the U.S. Immigration System Encourages Child Marriages,” *supra* note 18.

²³ For example, abused immigrant spouses of U.S. citizens or lawful permanent residents are eligible to petition under the Violence Against Women Act (VAWA) for special humanitarian protections that enable them to leave abusive marriages without losing their pathway to permanent legal status. If an abused immigrant spouse’s marriage is rendered invalid for immigration purposes because she was under age 18 when she married, then she could be foreclosed from VAWA eligibility.

²⁴ See *supra*, n. 6 This article was based on available data at the time, but noted that some states do not separately track or publicly report the numbers of minors married. Subsequent efforts to obtain marriage license data by the Tahirih Justice Center in Georgia (on file with Tahirih) and the International Center for Research on Women in North Carolina (International Center for Research on Women, *supra* note 7) have revealed thousands of minors were married in recent years.

²⁵ For further specific guidance about the kinds of elements that, working together, can better protect children from forced marriages and other harm, please see the extensive resources available at tahirih.org/childmarriage.