

What are states doing to address child marriage?

Prior to 2015, the public and policymakers had no idea what the nature and scope of America’s child marriage problem really was. At that time, investigative reporters and advocates serving child marriage survivors began to pull and analyze state marriage license records, leading to the startling realization that well over 200,000 minors (children under age 18) were married from 2000-2015 alone.¹

The overwhelming majority were girls, most married adult men, and many times, those men were significantly older. Increasing media coverage over the last few years has called attention to the horrific experiences of many former “child brides” who were abused and exploited under the guise of marriage.²

In response, **twenty-five U.S. states** have strengthened their minimum marriage-age laws since 2016, and more bills are pending or will be introduced in upcoming legislative sessions.

Eleven of those states have effectively ended child marriage – either by setting the minimum marriage age at 18, without exception, or by banning marriage licenses to minors unless they have been court-emancipated³.

New laws have been enacted in Minnesota, Pennsylvania, Delaware and New Jersey which entirely ban marriage licenses to parties under age 18:

State	Marriage-Age Requirements <u>Before</u> Reform	Marriage-Age Requirements <u>After</u> Reform	Effective:
Minnesota	Age floor of 16; age 16-17 required parental consent and judicial approval	Minimum age raised ⁴ to 18, no exceptions	2020
Pennsylvania	No age floor; for age 16-17, only parental consent required; under age 16, judicial approval required, with little to no guidance for judges’ decisions	Minimum age set at 18, no exceptions	2020
Delaware	No age floor; judicial approval required for all minors, based on several criteria	Minimum age set at 18, no exceptions	2018
New Jersey	No age floor; for age 16-17, only parental consent required; under age 16, judicial approval required, with little to no guidance for judges’ decisions	Minimum age set at 18, no exceptions	2018

Other states that have recently enacted new marriage-age laws are:

State	Marriage-Age Requirements <u>After</u> Reform	Effective:
Idaho	Age floor set at 16; parties’ age difference limited to less than 3 years	2020
Indiana	Age floor raised to 16 and other party cannot be more than 4 years older; minor must be court-emancipated; attorney must be appointed to minor and judge must interview privately; court must consider several factors (e.g., judge must find minor is not being coerced and examine criminal record/protective order history of intended spouse); “best interest” inquiry; 15-day waiting period between emancipation and marriage license	2020
Maine	Age floor set at 16	2020

¹ Stats are from *PBS Frontline*, “Child Marriage in America: By the Numbers” (July 6, 2017).

² 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).

³ A petition for emancipation seeks a court order granting a mature and self-sufficient minor the legal rights and status of an adult. States that have enacted new laws with a limited exception permitting court-emancipated minors to marry are Virginia, Texas, New York, Kentucky, Ohio, Georgia, and Indiana.

⁴ As used in these charts, “set” refers to states that previously had *no age floor* (no lower limit to how young a child could be married, if the statutory criteria for an exception were met), and that through legislative reforms, instituted a firm age floor for the first time. “Raised” refers to states that previously had a lower age floor, and that through legislative reforms, instituted a new, higher age floor.

State	Marriage-Age Requirements <u>After</u> Reform	Effective:
Arkansas	Age floor set at 16 (in case of pregnancy); girls now subject to the same rules at the same ages as boys (previously, exceptions were gender-differentiated); judicial approval only for age 16	2019
California	No age floor; exception based on judicial approval; reforms improved judicial approval process, including by requiring private interviews with both a Family Court Services officer and the judge	2019
Colorado	Age floor set at 16; judicial approval now required; guardian ad litem appointed for the minor to investigate “best interests” and to file a report with the court addressing several factors, including independent ability of the minor to manage the minor’s own financial, personal, educational, and affairs; certain rights of married minors clarified	2019
Georgia	Age floor raised to 17 and other party cannot be more than 4 years older; minor must be court-emancipated; attorney must be appointed to minor; if emancipating to marry, additional criteria apply (e.g. judge must find minor is not being coerced and examine criminal record/protective order history of intended spouse); “best interests” inquiry; 15-day waiting period between emancipation order and marriage license; minor must complete premarital education and receive rights/resources factsheet	2019
Louisiana	Age floor set at 16; age 16-17 now requires judicial approval; judge must consider several factors including whether parties are mature and self-sufficient and whether there is evidence of coercion or violence; parties’ age difference limited to 3 years	2019
Nevada	Age floor set at 17; age 17 now requires judicial approval; judge must consider factors including maturity of minor and age differences of parties, must be “extraordinary circumstances” and “clear and convincing evidence” including that marriage is in the minor’s best interests	2019
New Hampshire	Age floor raised to 16; judicial approval required; improved judicial approval process, including by requiring “clear and convincing evidence” that marriage is in the minor’s best interests	2019
Ohio	Age floor set at 17; parties’ age difference limited to 4 years; minor must be court-emancipated; attorney must be appointed to minor; court must consider several factors including whether there is coercion; 14-day waiting period between emancipation order and marriage license	2019
Utah	Age floor raised to 16; parties’ age difference limited to 7 years; age 16-17 now requires judicial approval; court must find that the marriage is voluntary and in the best interest of the minor; allows court to make other orders (e.g. continuing schooling, getting premarital counseling)	2019
Arizona	Age floor set at 16; parties’ age difference limited to 3 years	2018
Florida	Age floor set at 17; parties’ age difference limited to 2 years	2018
Kentucky	Age floor set at 17 and other party cannot be more than 4 years older; minor must be court-emancipated; judge may appoint the minor an attorney and must interview the minor privately; court must consider several factors (e.g., judge must find minor is not being coerced and examine criminal record/protective order history of intended spouses); “best interests” inquiry; 15-day waiting period between emancipation order and marriage license; minor must receive rights/resources factsheet	2018
Missouri	Age floor set at 16; no one age 21 or older can marry a minor	2018
Tennessee	Age floor set at 17; parties’ age difference limited to 4 years; minor must receive rights/resources factsheet	2018
Connecticut	Age floor set at 16; age 16-17 now requires judicial approval; judge must consider factors including whether there is coercion	2017
New York	Age floor raised to 17; minor must be court-emancipated; attorney must be appointed to minor and judge must interview privately; judge must consider several factors to vet the intended marriage including whether there is coercion or a history of violence or power imbalance between the parties; minor must receive rights/resources info	2017
Texas	Minor must be court-emancipated (eligible at age 16); attorney appointed to minor; “best interests” inquiry	2017
Virginia	Minor must be court-emancipated (eligible at age 16); attorney appointed to minor; if emancipating to marry, several specific criteria apply (e.g., judge must find minor is not being coerced and examine criminal record/protective order history of intended spouse); “best interests” inquiry	2016

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