

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 Subsequent research has filled in gaps and found even more children married – over 300,000 estimated between 2000 and 2018.²

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.³

In response, twenty-seven 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.

Six of those states have completely ended child marriage by setting the minimum marriage age at 18 without exceptions. Six more have effectively limited marriage to legal adults by setting an age floor of 18, with a limited exception for court-emancipated minors who are empowered with the legal rights of an adult prior to marriage.⁴

States that have entirely ended child marriage:

State	Age Requirements <u>Before</u> Reform	Age Requirements <u>After Reform</u> ⁵	Effective
New York	Pre-2017: Age floor of 14; age 16-17 required parental consent; age 14-15 required parental consent and judicial approval Post-2017: Age floor of 17 and required emancipation prior to marriage.	Minimum age raised to 18, no exceptions	2021
Rhode Island	No age floor; age 16-17 required parental consent; under age 16 required judicial approval	Minimum age set at 18, no exceptions	2021
Minnesota	Age floor of 16; age 16-17 required parental consent and judicial approval	Minimum age raised to 18, no exceptions	2020

State	Age Requirements <u>Before</u> Reform	Age Requirements <u>After</u> Reform ⁵	Effective
Pennsylvania	No age floor; for age 16-17, only parental consent required; under age 16 required judicial approval, 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 required parental consent; under age 16 required judicial approval, with little to no guidance for judges' decisions	Minimum age set at 18, no exceptions	2018

Timeline of reforms limiting, but not ending, child marriage:

State	Age Requirements <u>After</u> Reform	Effective
North Carolina	Age floor raised to 16; parties' age difference limited to 4 years and eliminated pregnancy exception	2021
Utah	Requires proof of age for all minors seeking a marriage license	2021
Idaho	Age floor set at 16; parties' age difference limited to less than 3 years	2020
Indiana	Age floor raised to 16 and parties age difference limited to 4 years; minor must be court-emancipated prior to marriage; attorney must be appointed to minor; if emancipating to marry, additional criteria apply (e.g., judge must interview privately, 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
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 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

State	Age Requirements <u>After</u> Reform	Effective
Georgia	Age floor raised to 17 and parties age difference limited to 4 years; minor must be court-emancipated prior to marriage; 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; parties' age difference limited to 3 years; 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;	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 prior to marriage; 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 prior to marriage; judge must interview the minor privately and may appoint the minor an attorney ; 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 and marriage license; minor receives rights/resources sheet	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

State	Age Requirements <u>After</u> Reform	Effective
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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¹ Stats are from *PBS Frontline*, "Child Marriage in America: By the Numbers," (July 6, 2017).

² Data compiled by *International Center for Research on Women*, "Child Marriage in North Carolina: New Evidence and Policy Recommendations," (August 2020) and *Unchained At Last*, "United States' Child Marriage Problem," (April 2021).

³ 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).

⁴ 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, Kentucky, Ohio, Georgia, and Indiana.

⁵ 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.