



Child Marriage in Washington, D.C.

May 2024

Executive Summary

Child marriage is a real and persistent problem in the United States. Over 300,000 children were married in the United States between 2000 and 2018, and many cases involve an underage girl married to an adult man, not two minors marrying one another. There is abundant research on the harms of child marriage in the United States. In general, girls and young women are already three times more vulnerable to intimate partner violence and being married as a child means you are 50% more likely to drop out of high school, and 31% more likely to live in future poverty.

Moreover, a 2020 national survey found that most Americans have no idea that child marriage still happens in the United States, incorrectly believing that marrying underage is illegal across the country and only a concern in other countries. To their dismay, child marriage remains perfectly legal in 38 states and, shockingly, in our nation's capital.

The law in Washington, D.C. allows 16- and 17-year-olds to marry someone of any age with the permission of just one parent, a loophole that has resulted in some startling cases in the District of Columbia. The process in D.C. allows anyone to walk into a clerk's office and marry a child with just a permission slip from a parent while the child is never questioned about their interest in the marriage. By allowing children to be married with nothing more than one parent's written permission, no oversight to ensure the marriage isn't predatory or that the minor themselves even wants it to happen, and no residency requirement, D.C. has positioned itself as a destination for child marriages.

Washington, D.C. has yet to take up the issue and join the national wave of reforms that began across the river in Virginia back in 2016. This foot dragging has left the District increasingly isolated in the DMV as a dangerous laggard in protecting children from forced marriage and at risk of becoming a regional destination for child exploitation and human trafficking under the guise of marriage as 9 of the 12 states to end child marriage are in the mid-Atlantic and northeastern part of the country.

With 12 states having ended child marriage entirely, and every state from North Carolina to Maine taking action on the issue since 2016, D.C. must take urgent action to end child marriage. The 2022 reform restricting child marriage in Maryland and the 2024 law banning it entirely in Virginia should be a wake-up call for lawmakers that D.C. is now an outlier, endangering not only its own children but those throughout the entire DMV region.

Child Marriage is a Problem in the United States

A 2020 national survey found that most Americans have no idea that child marriage still happens in the United States,¹ incorrectly believing that marrying underage is illegal across the country and only a concern in other countries. While recent reforms have begun to move the U.S. closer to this ideal, the fact is that child marriage remains perfectly legal in 38 states and, shockingly, in our nation's capital.

With 12 states having ended child marriage entirely, and every state from North Carolina to Maine taking action on the issue since 2016, D.C. must take urgent action to end child marriage.

Over 300,000 children married in the United States between 2000 and 2018,² and the majority of cases involve an underage girl married to an adult man, not two minors marrying one another. That number will continue to grow with every year that states fail to take action.

Washington, D.C. has yet to take up the issue and join the national wave of reforms that began across the river in Virginia back in 2016. This foot dragging has left the District increasingly isolated in the DMV as a dangerous laggard in protecting children from forced marriage and at risk of becoming a regional destination for child exploitation and human trafficking under the guise of marriage.

As Neighbors Act on Child Marriage, D.C. Falls Behind

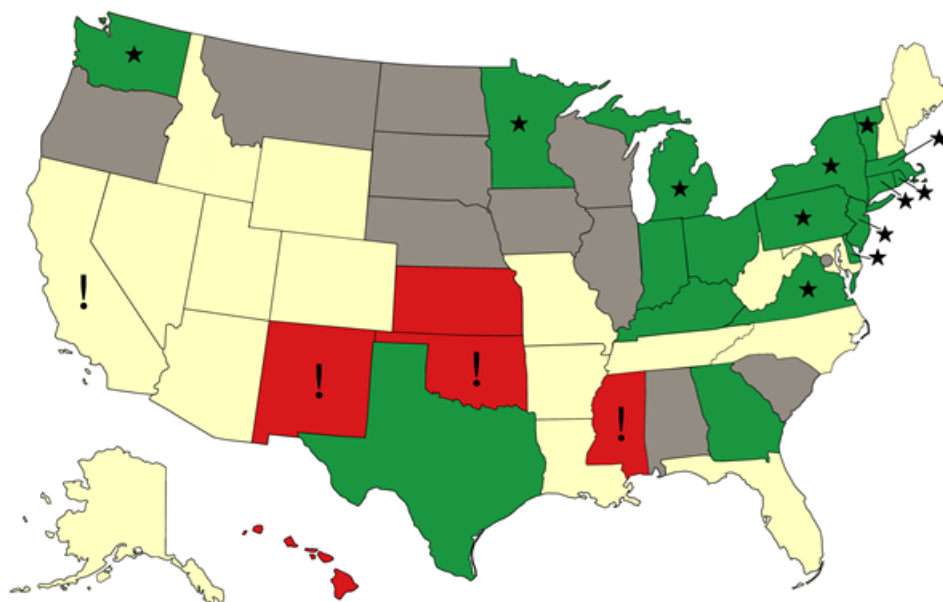
D.C. sits at the heart of what has become a national movement to end child marriage in the U.S. Virginia sparked a wave of reforms in 2016 when it became the first state to limit marriage to legal adults – anyone age 18 or older, and minors 16 or 17-years-old who had been emancipated by a special court proceeding.

The movement spread from there and we have now seen laws passed to limit or end child marriage in 35 states. In 2018, Delaware became the first state to ban child marriage entirely, setting a minimum marriage age of 18 with no exceptions. In subsequent years, 11 more states have followed suit, including Virginia which just this month circled back to its 2016 law to eliminate the emancipation exception and ban child marriage entirely.³ Washington, D.C.'s other regional neighbors have led the way, with 9 of the 12 states to end child marriage located in the mid-Atlantic and

northeastern part of the country. In fact, all of D.C.'s neighbors have taken action to at least limit child marriage – one would have to travel as far south as South Carolina and all the way to Illinois in the West before reaching another state that has yet to pass any law on this issue.

Reforms to Limit or End Child Marriage Since 2016

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- Reforms set age floor of 18, no exceptions
- Reforms limited marriage to legal adults (age 18, or court-emancipated minors)
- Reforms limited child marriage by setting/raising age floors, setting maximum age differences, and/or instituting or strengthening judicial review
- No reforms to existing laws, which allow marriage at age 16 and older
- No reforms to existing laws, which allow marriage below age 16
- No age floor – if statutory criteria are met, there is no limit on how young a child can be married

Exceptions to Minimum Marriage Ages Endanger Children

The laws that allow children to marry in the United States are set at the state level, and in D.C. fall within the District Government's mandate. These laws vary in their exact language but tend to follow a two-part formula:

1. Set an age at which someone can marry without needing "permission". This marriage age is typically set at the age of majority – 18 in most places – and simply permits adults to receive a license to marry without others weighing in.
2. Create exceptions for people under age 18, who can generally marry with parental approval or permission from a judge.

The exceptions allowing minors to marry with someone else's permission typically only apply down to a certain minimum age floor under which no one may be married though in some states there is no age floor at all. In total, four states still lack a minimum marriage age set by statute, a few set it at 15, and the rest set the statutory minimum age under which no minor can marry under any circumstances at 16 or 17.⁴ Additionally shocking, many states allow children to marry individuals with whom intercourse would be considered a crime if it happened outside of marriage given their ages and age difference.⁵

The reforms passed since 2016 have strengthened states' laws across the U.S., though the new laws passed in each state fall on a wide spectrum when it comes to scope and effectiveness. Only 15 states and Washington, D.C. have yet to take any action at all to protect children from this often devastating form of abuse.

The Devastating Impacts of Child Marriage Last a Lifetime

There is abundant research on the harms of child marriage in the United States.⁶ In general, girls and young women are already three times more vulnerable to intimate partner violence and being married as a child means you are 50% more likely to drop out of high school, and 31% more likely to live in future poverty. Studies have also found that women who married underage faced increased medical and mental health problems throughout their lives. Child marriage also doubles down on the negative impacts of teen pregnancy: research shows that teen mothers who marry end up faring far worse on almost all long-term outcomes than teen mothers who delay marriage at least until adulthood.

While there may be rare instances in the past where two mature minors married and things “turned out okay,” that is truly the exception and not the rule and it is not what the data shows us. In the end, genuine couples can afford to wait to begin their “happily ever after” on behalf of those that are facing coercion, abuse, and trafficking. Their chances of success as partners, parents, and people improve dramatically if they do wait to marry. Because underage marriages don’t tend to last, with divorce rates of up to 80% and a quarter of these marriages don’t even last until the child becomes an adult; 23% of children who marry are already separated or divorced by the time they turn 18.

Regardless of a girl’s starting point, research shows that child marriage will stack the odds against her and set her up to be worse off for the rest of her life.

D.C. Law Ignores the Dangers of Child Marriage

The law in Washington, D.C. allows 16- and 17-year-olds to marry someone of any age with the permission of just one parent, a loophole that has resulted in some startling cases in our nation’s capital.

D.C. Code § 46-403

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.

D.C. Code § 46-411

If any person intending to marry and seeking a license therefore 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.

Allowing a child to marry with a parent’s permission may seem inoffensive, but a look just below the surface reveals how dangerous this construction of law is for children in the District.

Relying on parental consent to marry a child ignores the experience of child marriage survivors⁷ and caseworkers across the country who know that the most common perpetrator of forced child marriages are the child's own parents. In some instances, parents may force or pressure a child to marry under a misguided belief that it is in their best interest despite protestations from the child and overwhelming evidence to the contrary. In other cases, the motivations can be far more nefarious including parents who attempt to use marriage to try and cover up statutory rape, "correct" someone's sexual or gender identity, reinforce patriarchal gender-roles, control female sexuality, or in cases of trafficking, accept money for their child's hand in marriage.

Most concerning is not the language present in D.C.'s statute, however, but what's missing from it. Take, for example, the passage denoting who must give their consent for a minor to marry:

"a parent or, if there be neither father nor mother, the guardian, if there be such, shall consent to such proposed marriage"

The statute requires a parent to give consent for their child to marry but makes no mention of the child's own consent. This construction means children themselves are not consenting to marry in D.C. Instead, it's their parent who has the sole power to consent to marriage on their behalf.

With the statute's complete failure to account for a child's autonomy or the idea that the child themselves may not want to marry, it should be no surprise that it also fails to provide any real safeguards to assure children are not forced into marrying a predator.

Other states do this in a variety of ways, and often attempt to use multiple overlapping protections to try and detect and prevent forced child marriages.⁸ Many place a limit on age differences between parties, for example. It is also increasingly common for minors to need a judge's permission to marry, and for the statute to give specific guidance about what conditions must be met in order for the judge to approve a marriage license application involving a child. States may emancipate a minor prior to marriage to ensure they enter marriage with at least some of the legal powers of an adult, provide educational materials about services for people facing domestic violence or survivors of sexual assault. At the very least, many states require marriage license applicants to show proof that they've reached the minimum marriage age and prohibit non-resident minors from marrying to prevent predators from "policy shopping" and going to jurisdictions with more lax laws as a destination for the legal

exploitation of children under the guise of marriage. Requiring parents to give permission in person is also common, rather than just providing what amounts to a written permission slip. Many states that rely on parental permission at least require that both parents consent to a marriage, to ensure that one parent cannot marry off a child without the other protective parents being aware.

The simplest and most straightforward solution to preventing child marriage is to set a minimum marriage age of 18, no exceptions.

The simplest and most straightforward solution to preventing child marriage is to set a minimum marriage age of 18, no exceptions. While they may provide some deterrence and protection, no number of procedural safeguards can entirely protect all children from being forced to marry in places that allow underage marriage.

Unfortunately, DC law does none of these things.

Instead, the process in DC allows anyone to walk into a clerk's office and marry a child with just a permission slip from a parent while the child is never asked what they want.

Adults are Marrying Children in D.C.

The District's law isn't just harmful in theory; we know that adults have taken advantage of this lax statute to marry dozens of children in D.C. Tahirih requested marriage license data from the DC Superior Court and found that there were 41 children married in D.C. between 2012 and 2022.

The same pattern seen in national data also shows up in D.C.: the vast majority of these children married an adult partner. Only four marriages between two minors occurred over the 10-year period, with the rest being between a child and an adult. The data includes one instance of a child being married to an adult more than twice their age, and several cases with age gaps of over a decade.

It's clear that child marriage in the District is not typically between two lovestruck teenagers: these are grown adults taking advantage of D.C.'s weak laws to legally exploit children.

Washington D.C.: A Rising Destination for Child Exploitation

The growing national movement to end child marriage is great news for girls across the United States who, with every passing year, are safer from the harms of child marriages.

For D.C. though, the reforms of neighbors should also be a wakeup call. Not only have D.C.'s own children been left behind and unprotected from forced marriage, D.C. itself has become a regional outlier in its failure to take the issue of child marriage seriously and prioritize the safety and wellbeing of our girls.

Advocates and survivors know all too well that when one jurisdiction acts to limit or end child marriage, determined perpetrators are smart enough to find a place where child marriage is still legal. When Virginia passed a law limiting child marriage to legal adults in 2016, for example, there was an immediate uptick in Virginia-resident minors getting married in neighboring Maryland. Survivors across the country have shared their own experiences of being taken across state lines by a perpetrator seeking out a legal regime friendly to child marriage.⁹

While D.C.'s neighbors, including Virginia and Maryland, move forward and protect their own children, the District sits alone in its inaction. By allowing children

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to be married with nothing more than one parent's written permission, no oversight to ensure the marriage isn't predatory or that the minor themselves even wants it to happen, and no residency requirement, D.C. has positioned itself as a destination for child marriage.

It Is Past Time to End Child Marriage in D.C.

With 12 states having ended child marriage entirely, and every state from North Carolina to Maine taking action on the issue since 2016, D.C. must take urgent action to end child marriage. The 2022 reform restricting child marriage in Maryland and the 2024 law banning it entirely in Virginia should be a wake-up call for lawmakers that

D.C. is now an outlier, endangering not only its own children but those throughout the entire DMV region.

The solution is simple: The DC government should end child marriage by setting a minimum marriage age of 18, no exceptions.

Tahirih welcomes all DC residents and organizations to join the Coalition to End Child Marriage in DC. For more information visit

<https://preventforcedmarriage.org/dc-coalition-to-end-child-marriage/>.¹⁰

¹ David Lawson, Rachel Lynes, Addison Morris, and Susan Schaffnit, "What Does the American Public Know about Child Marriage?" *Plos One* (2020).

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 bill status page for Virginia House Bill 994 in 2024, available at <https://lis.virginia.gov/cgi-bin/legp604.exe?241+sum+HB994>.

⁴ A comprehensive analysis of the types of exceptions that permitted minors to marry across the United States in 2017 can be found in *Falling through the Cracks: How Laws Allow Child Marriage to Happen in Today's America*, available at <https://www.tahirih.org/pubs/falling-through-the-cracks-how-laws-allow-child-marriage-to-happen-in-todays-america/>. A list of statutes across all 50 states and Washington DC, updated annually, can be found in *Understanding State Statutes on Minimum Marriage Age and Exceptions*, available at <https://www.tahirih.org/pubs/understanding-state-statutes-on-minimum-marriage-age-and-exceptions/>.

⁵ Tahirih analyzed the different ages at which sexual acts are a crime in all 50 states and DC, and compared them to the ages at which those jurisdictions allowed children to marry. See *The Alarming Disconnect Between Age-Based Sex Offenses and Minimum Marriage Age*, available at <https://www.tahirih.org/pubs/analysis-of-minimum-marriage-age-laws-and-age-based-sex-offenses-in-the-u-s/>.

⁶ See research compiled in "Child Marriage Poses a Serious Risk to Children," available at <https://www.tahirih.org/pubs/child-marriage-poses-serious-risks-to-children/>.

⁷ See, for example, survivor stories compiled in *Tahirih Justice Center*, "Survivor Story Compilation," available at <https://www.tahirih.org/pubs/child-marriage-in-the-u-s-survivor-story-compilation/>.

⁸ For a detailed comparison of the safeguards used to prevent child marriages across the United States, see *Tahirih Justice Center*, "Appendix B-1: All States and DC, Selected Statutory Provisions That Together Make Forced Child Marriages Harder and Less Likely," (Updated 2023) available at <https://www.tahirih.org/pubs/understanding-state-statutes-on-minimum-marriage-age-and-exceptions/>.

⁹ See, for example, the story of Skyler in *Tahirih Justice Center*, "Survivor Story Compilation," available at <https://www.tahirih.org/pubs/child-marriage-in-the-u-s-survivor-story-compilation/>. She was taken to Maryland for the purpose of child marriage in 2009, one year after a 2008 reform had made it much more difficult to marry a child in her home state of Delaware.

¹⁰ Report prepared by Alex Goyette (Public Policy Manager), Casey Carter Swegman (Director of Public Policy), and Brian Aka (Immigration Law & Public Policy Fellow).