

A NATIONAL OVERVIEW OF CHILD MARRIAGE DATA AND LAW

A COMPREHENSIVE REPORT ON CHILD MARRIAGE IN THE UNITED STATES



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CHILD USA is the leading nonprofit interdisciplinary think tank fighting for the civil rights of children. Our mission is to employ in-depth legal analysis and cutting-edge social science research to protect children, prevent future abuse and neglect, and bring justice to survivors.

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I. INTRODUCTION: AN OVERVIEW OF CHILD MARRIAGE¹

A. THE GLOBAL PREVALENCE OF CHILD MARRIAGE

The global rates of child marriage are high. While victims are predominantly female, a significant number are male. According to UNICEF, twelve million girls are married before their eighteenth birthday every year.² Around the world, approximately 640 million women and girls alive today were married before they turned eighteen.³ For males, a study analyzing data from eighty-two countries found that about one in thirty boys is married as a child.⁴ UNICEF estimates that 115 million boys and men alive today were married before they turned eighteen.⁵ **This brings the present-day, worldwide total number of child brides and grooms to about 755 million, 85 percent of whom are girls and 15 percent of whom are boys.**

¹ CHILD USA considers “child marriage” to be a form of “forced marriage,” as minors are legally incapable of providing consent. CHILD USA defines “child marriage” as a formal marriage or informal union where one or both parties is under the age of eighteen.

This definition is in keeping with both United States and international law. See U.S. DEP’T OF STATE ET AL., UNITED STATES GLOBAL STRATEGY TO EMPOWER ADOLESCENT GIRLS 5 (2016) (defining “child, early and forced marriage (CEFM)” as “a formal marriage or informal union where one or both parties is under the age of 18”); *Child and forced marriage, including in humanitarian settings*, UNITED NATIONS OFF. OF THE HIGH COMM’R FOR HUMAN RIGHTS, <https://www.ohchr.org/en/issues/women/wrgs/pages/childmarriage.aspx> (last visited Nov. 20, 2023) (defining “child marriage” as “any marriage where at least one of the parties is under 18 years of age” and “forced marriage” as “a marriage in which one and/or both parties have not personally expressed their full and free consent to the union”).

² *Child marriage*, UNICEF (May 2022), <https://data.unicef.org/topic/child-protection/child-marriage/>; Helen Wylie, *10 million additional girls at risk of child marriage due to COVID-19*, UNICEF (Mar. 7, 2021), <https://www.unicef.org/press-releases/10-million-additional-girls-risk-child-marriage-due-covid-19> [hereinafter UNICEF Press Release]; Helen Wylie, *Fast Facts: 10 facts illustrating why we must #EndChildMarriage*, UNICEF (February 11, 2019), <https://www.unicef.org/eca/press-releases/fast-facts-10-facts-illustrating-why-we-must-endchildmarriage> [hereinafter *Fast Facts*].

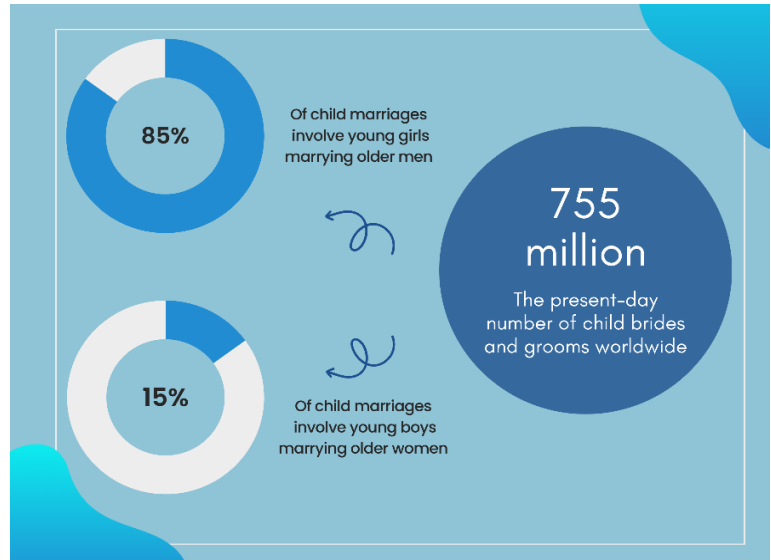
³ United Nations Children’s Fund, *Is an End to Child Marriage within Reach? Latest trends and future prospects. 2023 update*, UNICEF (2023), available at https://www.unicefusa.org/sites/default/files/2023-05/Is_an_End_to_Child_Marriage_Within_Reach.pdf [hereinafter UNICEF 2023 Update].

⁴ Colleen Murray Gastón, Christina Misunas & Claudia Cappa, *Child marriage among boys: a global overview of available data*, 14 VULNERABLE CHILD. & YOUTH STUDIES 219, 221 (2019), <https://www.tandfonline.com/doi/full/10.1080/17450128.2019.1566584>.

⁵ *Child marriage*, *supra* note 2.

Based on these current rates, it will take another 300 years to fully eliminate child marriage.⁶

Various factors contribute to the high prevalence of child marriage across the globe. The most persistent drivers include gender inequality,⁷ poverty,⁸



social norms and religious traditions,⁹ and national insecurity.¹⁰ As to national insecurity in

⁶ UNICEF 2023 Update, *supra* note 3 at 5.

⁷ Many cultures operating within patriarchal systems place a large emphasis on controlling female sexuality and virginity. *Why it happens*, GIRLS NOT BRIDES, <https://www.girlsnotbrides.org/why-does-it-happen/> (last visited Nov. 20, 2023). Often, this is because some societies value girls who are virgins more highly than those who are not. *Id.* As a result, girls may be denied access to sexual health care and information, and in some cases, may even be criminally prosecuted for engaging in sex outside of marriage. *Id.* Additionally, “in many places, girls who have relationships or become pregnant outside of marriage are shamed for bringing dishonor on their family, or even stopped from going to school.” *Id.* Many parents and families believe early marriage is an avenue to avoid such consequences. *Id.* Sadly, some girls are even forced to marry their rapists “to spare their families the stigma associated with unmarried pregnancy.” *Child marriage – Frequently Asked Questions*, UNITED NATIONS POPULATION FUND (Feb. 2022), <https://www.unfpa.org/child-marriage-frequently-asked-questions#why%20does%20child%20marriage%20happen>.

⁸ In several parts of the world, marriage is an economic transaction that can improve a destitute family’s situation. In fact, “nearly 40% of girls in the world’s poorest countries are married as children, twice the global average.” *Why it happens*, *supra* note 7. In many impoverished countries, marrying girls off is seen as a financial solution to secure the future of both the family and the girls themselves. *Child marriage – Frequently Asked Questions*, *supra* note 7. This is due, in part, to the gender inequality discussed in note 7; families view an investment in their son’s education as more valuable than an investment in their daughter’s education. As a result, families struggling economically may marry off a young daughter to avoid the cost of her education or simply to “ease the financial load of caring for a child.” Brianna Lee, *Child Marriage*, COUNCIL ON FOREIGN RELATIONS (Dec. 18, 2013), <https://www.cfr.org/child-marriage/#/> [hereinafter CFR Report]. Many times, families who cannot afford to properly care for their daughters see marriage as a way to provide for their daughter’s future by entrusting the husband or husband’s family with her care. *Child marriage – Frequently Asked Questions*, *supra* note 7. Marriage is also used as a means to repay debts, manage disputes, and form social, political, and economic alliances. *Why it happens*, *supra* note 7.

In some communities, dowries or bride prices also play a role. Because a younger bride is often viewed as more valuable, the dowry for a younger girl is typically smaller. In cases where the bride’s family pays the dowry, this creates an incentive for the parents to enter their daughter into marriage at a younger age. CFR Report, *supra* note 7. In countries where the groom’s family pays the dowry, a girl’s parents may marry her off to secure an additional source of income. *Child marriage – Frequently Asked Questions*, *supra* note 7.

⁹ In many communities, child marriage is viewed as widely accepted or even normal because it is a custom that has been practiced for many generations or is embedded within their religious beliefs. CFR Report, *supra* note 8; *Why it happens*, *supra* note 7. Often, these traditions entail parents and elders selecting spouses for the community’s girls

particular, “every ten-fold increase in conflict deaths is associated with a 7 percent rise in the prevalence of child marriage,” while “a 10 percent deviation” in the levels of rainfall due to climate change “is associated with a 1 percent increase in levels of child marriage.”¹¹ Additionally, the COVID-19 pandemic significantly affected occurrences of child marriage worldwide, causing an additional 10 million girls to be at risk of child marriage by 2030.¹²

B. THE PREVALENCE OF CHILD MARRIAGE IN THE UNITED STATES

at the age of their menstruation. CFR Report, *supra* note 8; *Why it happens*, *supra* note 7. For many cultures, this is a way to keep the girls within the community as free domestic help. CFR Report, *supra* note 8.

¹⁰ National insecurity is synonymous with “state fragility” and may include a state’s “loss of physical control of its territory or a monopoly on the legitimate use of force; the erosion of legitimate authority to make collective decisions; an inability to provide reasonable public services;” and/or the “inability to interact with states as a full member of the international community.” THE FUND FOR PEACE, *What Does State Fragility Mean?*, FRAGILE STATES INDEX, <https://fragilestatesindex.org/frequently-asked-questions/what-does-state-fragility-mean/> (last visited Nov. 21, 2023).

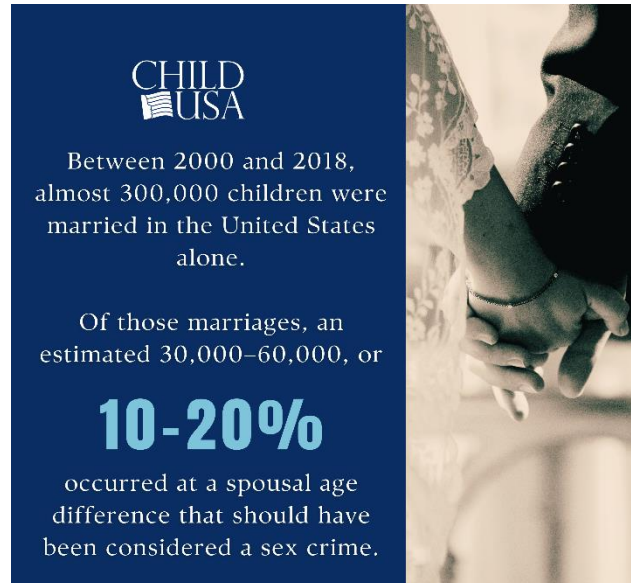
Child marriage rates typically increase in countries afflicted by humanitarian crises such as war, generalized violence, or natural disasters. CFR Report, *supra* note 8; *Why it happens*, *supra* note 7. Such instability can greatly affect the availability of critical resources like food, which leads many families to marry off their daughters for the financial reasons discussed in note 8. Conflict and unrest may also result in a community’s displacement, which can cause the breakdown of “social networks and protection systems, making girls more vulnerable to child marriage.” *Id.* Displacement can also persuade girls to marry “men who promise to reunite them with family members who have already migrated or been displaced.” *Id.* In areas experiencing extreme violence, parents may also “view marriage as a way to protect their daughters from sexual violence.” *Child marriage – Frequently Asked Questions*, *supra* note 7. *See Why it happens*, *supra* note 7. Additionally, child marriage is sometimes weaponized in conflicts as a method of disguising human rights violations such as sexual abuse and human trafficking. *Why it happens*, *supra* note 7.

¹¹ UNICEF 2023 Update, *supra* note 3 at 19.

¹² The COVID-19 pandemic has significantly affected the lives of young girls across the globe. The virus required school closings and travel restrictions in many countries, exacerbating the difficulties many girls already face in accessing “health care, social services and community support that protect them from child marriage.” UNICEF Press Release, *supra* note 2; *see also Child marriage has more than doubled during the COVID-19 pandemic with numbers set to increase*, World Vision warns, WORLD VISION (May 20, 2021), <https://www.wvi.org/newsroom/it-takes-world/child-marriage-has-more-doubled-during-covid-19-pandemic-numbers-set> [hereinafter World Vision COVID-19 Press Release]; Nelsy Affoum & Isabel Santagostina Recavarren, *Child marriage: the unspoken consequences of COVID-19*, WORLD BANK (Oct. 9, 2020), <https://blogs.worldbank.org/developmenttalk/child-marriage-unspoken-consequence-covid-19>.

Indeed, school closings may result in some girls never returning to the classroom, as they were pushed towards marriage because school was no longer an available alternative. Claudia Cappa et al., *COVID-19: A threat to progress against child marriage*, UNICEF 1, 6 (Mar. 2021), <https://data.unicef.org/wp-content/uploads/2021/03/UNICEF-report--COVID-19--A-threat-to-progress-against-child-marriage-1.pdf>. This in turn promotes the gender inequality that bolsters child marriage. UNICEF Press Release, *supra* note 2. These pandemic-created conditions “generated the largest increase in child marriages in 25 years.” World Vision COVID-19 Press Release; Cappa et al., at 16.

Child marriage is more of a problem in the United States than most Americans know. It is a pervasive issue with devastating domestic consequences. Between 2000 and 2018, almost **300,000 children were married in the United States alone.**¹³ Of those marriages, an estimated 30,000–60,000, or 10–20 percent, occurred “at an age or spousal age difference that should have been considered a sex crime.”¹⁴ A 2021 study analyzing marriage certificate data from all fifty states found that approximately 86 percent of these underage marriages involved girls and 14 percent involved boys.¹⁵ While the general public often assumes that child marriage is an issue that is limited to third-world countries, the practice is widespread across the United States today.



C. NEGATIVE CONSEQUENCES OF CHILD MARRIAGE

Child marriage triggers severe adverse effects for its victims, their offspring, and society as a whole. The consequences of child marriage include slower economic and social development, increased risk of violence, serious health issues, and even death. Society bears the economic burden of these devastating outcomes.

1. *Debilitating Illness and Death*

¹³ Page Cassidy & Tyehimba Turner, *The Fight Continues to End Child Marriage in the U.S.*, UNICEF (Aug. 25, 2021), <https://www.unicefusa.org/stories/ending-child-marriage-us-fight-continues/38893>.

¹⁴ *United States' Child Marriage Problem*, UNCHAINED AT LAST (Apr. 2021), <https://www.unchainedatlast.org/united-states-child-marriage-problem-study-findings-april-2021/>.

¹⁵ *Id.*

In many communities that practice child marriage, the risk of death spikes for child brides because there is an expectation that they will quickly produce offspring.¹⁶ In fact, the worldwide leading causes of death for girls between the ages of fifteen and nineteen are complications from pregnancy and childbirth.¹⁷ Tragically, girls aged fifteen to nineteen are “twice as likely to die in childbirth as mothers aged twenty and older.”¹⁸

Child mothers also face heightened risks of suffering serious health conditions such as obstetric fistula, a debilitating condition that can cause incontinence in the mother and the death of the baby within the first week of its life.¹⁹ Adolescent mothers are also more susceptible to “eclampsia, puerperal endometritis, and systemic infections.”²⁰ Mothers with eclampsia can experience seizures or coma. If untreated, endometritis has a fatality rate of 17 percent for mothers, and, in a small number of cases, can cause complications such as sepsis or necrotizing fasciitis.²¹ As for systemic infection, it is one of the top five causes of maternal deaths worldwide. Systemic infection after delivery poses an increased risk of postpartum depression and can negatively impact breastfeeding and the development of a bond between the mother and baby.²²

¹⁶ CFR Report, *supra* note 8.

¹⁷ Navideh Noori et al., *The Effect of Adolescent Pregnancy on Child Mortality in 46 Low- and Middle-Income Countries*, 7 BMJ GLOBAL HEALTH (2022), <https://gh.bmj.com/content/7/5/e007681.info>.

¹⁸ CFR Report, *supra* note 8.

¹⁹ Dana Kirkegaard, *New Moms, No Matter What*, FRIENDS OF UNFPA, <https://www.friendsofunfpa.org/new-moms-no-matter-what/> (last visited Nov. 21, 2023).

²⁰ *Adolescent pregnancy*, WORLD HEALTH ORG. (Sept. 15, 2022), <https://www.who.int/en/news-room/fact-sheets/detail/adolescent-pregnancy>.

²¹ Michael Taylor & Leela Sharath Pillarisetty, *Endometritis*, NATIONAL LIBRARY OF MEDICINE (May 8, 2022), <https://www.ncbi.nlm.nih.gov/books/NBK553124/>.

²² Marina Boushra & Omar Rahman, *Postpartum Infection*, NATIONAL LIBRARY OF MEDICINE (July 12, 2022), <https://www.ncbi.nlm.nih.gov/books/NBK560804/>.

Moreover, sexually transmitted infections and diseases pose a significant threat to child brides.²³ Many of the risk factors for contracting HIV occur at higher rates in child marriages than in adult marriages, such as “early sexual onset, unsafe sex, age-disparate relationships, low educational attainment, limited access to information and services, social isolation, and experience of intimate partner violence.”²⁴ In fact, child brides who are married under the age of fifteen are **“almost 50% more likely to have experienced either physical or sexual intimate partner violence”** than girls who are married after they reach eighteen.²⁵ Studies in the United States show that American victims of child marriage are acutely vulnerable to higher rates of psychiatric disorders²⁶ as well as physical, emotional, or verbal abuse.²⁷

2. Health Effects on the Offspring of Child Brides

Life-threatening health effects also plague infants and children born out of child marriages. Stillbirths and newborn deaths are higher among offspring of child mothers than among offspring of mothers between the ages of twenty and twenty-nine.²⁸ Additionally, teenage mothers have a higher risk of giving birth prematurely or to babies with a low birth weight.²⁹

²³ *Child marriage – Frequently Asked Questions*, *supra* note 7.

²⁴ Suzanne Petroni et al., *Understanding the Relationship Between HIV and Child Marriage: Conclusions From an Expert Consultation*, 64 J. ADOLESCENT HEALTH 694, 695 (2019), <https://www.jahonline.org/action/showPdf?pii=S1054-139X%2819%2930109-0>.

²⁵ *Gender-based violence and child marriage*, GIRLS NOT BRIDES, <https://www.girlsnotbrides.org/learning-resources/child-marriage-and-health/gender-based-violence-and-child-marriage/> (last visited Nov. 17, 2023).

²⁶ *Child Marriage in the United States: A Serious Problem With a Simple First-Step Solution*, TAHIRIH JUSTICE CENTER (Oct. 23, 2017), <https://www.tahirih.org/wp-content/uploads/2016/11/Tahirih-Child-Marriage-Background-2.pdf>.

²⁷ *United States’ Child Marriage Problem*, *supra* note 14.

²⁸ Gordon C. S. Smith & Jill P. Pell, *Teenage pregnancy and risk of adverse perinatal outcomes associated with first and second births: population based retrospective cohort study*, 323 B.M.J. 476, 479 (2001). See also Sarah Neal et al., *The impact of young maternal age at birth on neonatal mortality: Evidence from 45 low and middle income countries*, 13 PLOS ONE 1, 4 (2018) available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0195731>.

²⁹ Medline Plus, *Teenage Pregnancy*, NATIONAL LIBRARY OF MEDICINE (April 30, 2018), <https://medlineplus.gov/teenagepregnancy.html#:~:text=Teen%20pregnancies%20carry%20extra%20health.and%20a%20low%20birth%20weight>.

Premature birth often means the baby’s organs have not yet fully developed, which may result in an array of health complications such as breathing problems, cerebral palsy, vision and hearing problems, and developmental delays.³⁰ Babies born with a low birth weight have an increased risk for negative health effects both in the short and long-term.³¹ Immediate health problems may include infections, hypoglycemia, and jaundice.³² In the long-term, low birth weight babies may experience delayed motor and social development, learning disabilities, heart disease, high blood pressure, and diabetes.³³

3. Social and Economic Costs

Child marriage also results in developmental consequences that bear social and economic costs. For instance, victims of child marriage face increased educational obstacles that impact the rest of their lives.³⁴ In some nations, “there is evidence of almost a binary option of either going to school or getting married early.”³⁵ Girls in the United States who marry before the age of nineteen are 50 percent more likely to drop out of high school and four times less likely to graduate from college.³⁶ As a result, girls who enter marriage at a young age are significantly less likely to receive education and the countless, life-changing benefits that follow, including

³⁰ MedlinePlus, *Premature Babies*, NATIONAL LIBRARY OF MEDICINE (May 26, 2015), <https://medlineplus.gov/prematurebabies.html>.

³¹ MedlinePlus, *Birth Weight*, NATIONAL LIBRARY OF MEDICINE (Sept. 20, 2022), <https://medlineplus.gov/birthweight.html>.

³² *Id.*

³³ *Id.*

³⁴ Megan Arthur et al., *Child Marriage Laws around the World: Minimum Marriage Age, Legal Exceptions, and Gender Disparities*, 39 J. WOMEN POLIT. POLICY 51, 54 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6382347/>.

³⁵ Quentin Wodon et al., *Economic Impacts of Child Marriage: Global Synthesis Report*, THE WORLD BANK & THE INT’L CTR. FOR RSCH. ON WOMEN 1, 53 (2017), <https://www.icrw.org/wp-content/uploads/2017/06/EICM-Global-Conference-Edition-June-27-FINAL.pdf>.

³⁶ M. Steinhaus & L. Thompson, *No Exceptions: A Synthesis of Evidence on the Prevalence and Impact of Child and Early Marriage in the United States and How This Compares to Existing Global Evidence*, INTERNATIONAL CENTER FOR RESEARCH ON WOMEN (2020), https://www.icrw.org/wp-content/uploads/2020/08/child-marriage-in-the-US-prevalence-impact_8-2020_ICRW.pdf.

fewer childbirths, increased lifetime earnings, improved household income, reduced likelihood of experiencing intimate partner violence, and increased decision-making ability.³⁷ The absence of these benefits makes it nearly impossible for child brides to achieve their full potential. Considering “education is one of the most powerful drivers of gender equality,”³⁸ this diminished educational attainment for girls further entrenches discriminatory gender norms.

There is also a significant economic impact: reduced female earnings, combined with the increased fertility³⁹ and population growth resulting from child marriage, has a ripple effect that impacts the global economy and the “intergenerational transmission of poverty.”⁴⁰ Research shows that **“if child marriage had ended in 2015, the global economy could have saved \$566 billion by 2030.”**⁴¹ In the United States, between 70 percent and 80 percent of marriages involving a child end in divorce, and child marriage followed by divorce can double the likelihood that child mothers will descend into



³⁷ Quentin Wodon & Suzanne Petroni, *The Rippling Economic Impacts of Child Marriage*, THE WORLD BANK (June 27, 2017), <http://blogs.worldbank.org/education/rippling-economic-impacts-child-marriage>.

³⁸ *Girls' Education and Child Marriage*, GIRLS NOT BRIDES (Sept. 15, 2022), <https://www.girlsnotbrides.org/learning-resources/resource-centre/girls-education-and-child-marriage/> (citing Rachel Marcus, *Education and gender norm change*, ALIGN (Aug. 2018), https://www.alignplatform.org/sites/default/files/2018-12/align_education_thematic_guide_-_formatted_v4.pdf).

³⁹ Wodon et al., *supra* note 35, at 3. “[O]n average across 15 countries, a girl marrying at 13 will have 26 percent more children over her lifetime than if she had married at 18 or later. If a girl marries at 17, she would still have on average 17 percent more children versus marrying at 18 or later.” *Id.*

⁴⁰ Wodon & Petroni, *supra* note 37.

⁴¹ Ellen Travers, *Costs of child marriage: what does the World Bank research say?*, GIRLS NOT BRIDES (July 6, 2017), <https://www.girlsnotbrides.org/costs-child-marriage-world-bank-research-say/>.

poverty.⁴² Consequently, in addition to being a dire social issue, child marriage is a profoundly economic issue, carrying “tremendous intergenerational and societal costs.”⁴³

D. A BRIEF SUMMARY OF INTERNATIONAL CHILD MARRIAGE LAW

The international community has condemned child marriage, with the United Nations (“UN”) actively trying to limit its occurrence worldwide. In 1979 and 1989, the UN passed two international treaties that were foundational in establishing child marriage as a violation of human rights: The Convention on the Elimination of Discrimination against Women (“CEDAW”)⁴⁴ and the Convention on the Rights of the Child (“CRC”),⁴⁵ respectively. The CRC—considered one of the most universally endorsed and ratified treaties in history—defined all humans under the age of eighteen as children.⁴⁶ Together, these conventions internationally denounce the practice of child marriage and identify a child’s right not to be married before age 18.⁴⁷

In 2015, the UN Sustainable Development Goals (“SDGs”)—a set of goals considered to be “the crowning achievement of the development agenda”—went further and highlighted child marriage as a threat to global development.⁴⁸ The SDGs incorporated the primary aims of the CRC and the CEDAW, and called for eliminating “all harmful practices, such as child, early and

⁴² *Falling Through the Cracks: How Laws Allow Child Marriage to Happen in Today’s America*, TAHIRIH JUSTICE CENTER 1, 3 (Aug. 2017), <https://www.tahirih.org/wp-content/uploads/2017/08/TahirihChildMarriageReport-1.pdf> [hereinafter *Falling Through the Cracks*].

⁴³ *Id.*

⁴⁴ UNITED NATIONS, CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (1979) [hereinafter CEDAW], available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

⁴⁵ UNITED NATIONS, CONVENTION ON THE RIGHTS OF THE CHILD (1989) [hereinafter CRC], available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

⁴⁶ *Child marriage – Frequently Asked Questions*, *supra* note 7.

⁴⁷ See CEDAW, *supra* note 44, at Article 16; CRC, *supra* note 45, at Article 1.

⁴⁸ Rangita de Silva de Alwis, MAKING LAWS, BREAKING SILENCE: CASE STUDIES FROM THE FIELD 43, 44 (Rangita de Silva de Alwis ed., 2018), available at https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=3080&context=faculty_scholarship.

forced marriage and female genital mutilation.”⁴⁹ This call to action is ongoing; in 2014, 2016, 2018, and 2020, the UN General Assembly passed four separate resolutions calling for UN Member States to strengthen and accelerate action to address child, early, and forced marriage.⁵⁰ Despite international efforts to end child marriage, cultural and religious exemptions to child marriage laws facilitate its continuation. Many countries and U.S. states allow exceptions to minimum marital ages when there is parental consent, court authorization, or customary or religious laws that take precedence over national law.⁵¹

Religion is often raised as a reason to allow child marriages, even though the UN Population Fund asserts that “there are no major religious traditions that require child marriage,” and it “does not warrant protection as a cultural or religious practice.”⁵² Nevertheless, in some countries, religious affiliation acts as an exception to the national age requirements for marriage. For example, in the Philippines, the national minimum age to marry is twenty-one, but exceptions exist for Muslim boys, who can marry at fifteen, and Muslim girls, who can marry at puberty.⁵³ Religious and cultural exemptions to marital age of consent laws like this are common across the globe.⁵⁴ In the United States, the First Amendment recognizes an absolute right to religious belief that need not be tied to a major organized religious denomination.⁵⁵ Therefore, religious exemptions for child marriage can be applicable across many sects. At least

⁴⁹ Goal 5: Achieve gender equality and empower all women and girls, UNITED NATIONS, <https://www.un.org/sustainabledevelopment/gender-equality/> (last visited Nov. 21, 2023).

⁵⁰ Zoe Birchall, *UN General Assembly adopts 4th Resolution on child, early and forced marriage*, GIRLS NOT BRIDES (Dec. 9, 2020), <https://www.girlsnotbrides.org/articles/un-general-assembly-adopts-4th-resolution-child-early-and-forced-marriage/>; G.A. Res. 73/153 (Dec. 17, 2018); G.A. Res. 71/175 (Dec. 19, 2016); G.A. Res. 69/156 (Dec. 18, 2014).

⁵¹ *The law and child marriage*, GIRLS NOT BRIDES, <https://www.girlsnotbrides.org/child-marriage-law/> (last visited Nov. 17, 2023).

⁵² *Child marriage – Frequently Asked Questions*, *supra* note 7.

⁵³ Aleksandra Sandstrom & Angelina E. Theodorou, *Many countries allow child marriage*, PEW RSCH. CTR. (Sept. 12, 2016), <https://www.pewresearch.org/fact-tank/2016/09/12/many-countries-allow-child-marriage/>.

⁵⁴ Arthur et al., *supra* note 34, at 52.

⁵⁵ *Cantwell v. State of Connecticut*, 310 U.S. 296 (1940).

117 nations allow children to marry through these and other kinds of non-religious legal loopholes.⁵⁶

E. CHILD MARRIAGE LAW IN THE UNITED STATES

Marriage law belongs to the States first and foremost, though it is subject to constitutional restrictions. For example, the right to same-sex marriage under *Obergefell v. Hodges*⁵⁷ and the right to interracial marriage under *Loving v. Virginia*.⁵⁸ Despite the persistent occurrence of child marriage in the United States, the American government consistently fails to take federal action to confront the problem. On the international level, the United States Congress declined to ratify the two UN conventions that form the bedrock of the international community's progress in eradicating child marriage. While the United States signed the CRC, it is the only country that has yet to ratify it, preserving its status as a "Signatory" instead of a "State Party" to the Convention.⁵⁹ The United States also stands alone as the only country in the Western hemisphere, and the only industrialized democracy, that has not ratified the CEDAW.⁶⁰ By refusing to ratify, the United States withholds its consent to be bound by these conventions, and thus avoids being held accountable to the international community for any violations. On the national level, there is no federal law banning child marriage; as a result, marriage is governed by the States under the federalist legal structure.

⁵⁶ Sandstrom & Theodorou, *supra* note 53; GIRLS NOT BRIDES, <https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/atlas/> (last visited Nov. 17, 2023).

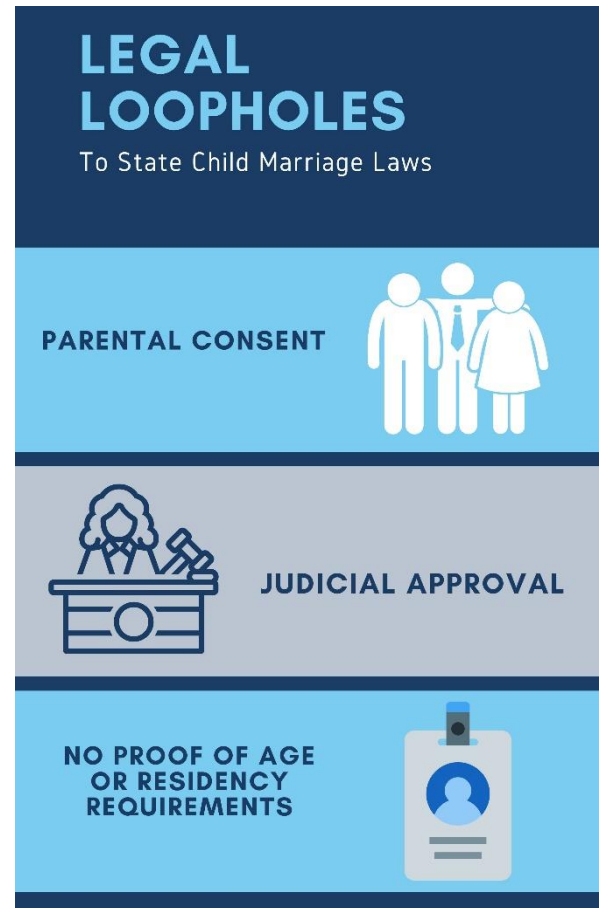
⁵⁷ 576 U.S. 644 (2105).

⁵⁸ 388 U.S. 1 (1967).

⁵⁹ *Status of Ratification Interactive Dashboard: Convention on the Rights of the Child*, OFF. OF THE UNITED NATIONS HIGH COMM'R FOR HUMAN RIGHTS, <https://indicators.ohchr.org/> (last visited Nov. 17, 2023).

⁶⁰ *Id.*

State autonomy over the issue of child marriage means that the United States lacks national consensus regarding proper and effective child marriage laws. This decentralized system creates a legal framework in which certain states strongly protect against child marriage while others maintain lax laws that facilitate the practice. For instance, state laws vary widely on the legal minimum age for marriage. Massachusetts, Michigan, Minnesota, New York, and Rhode Island have banned child marriage by establishing a minimum marriage age of eighteen and requiring official proof of age to obtain marriage licenses,⁶¹ while states with more lenient laws—such as California, Mississippi, New Mexico, Oklahoma, and Washington—have no legally enforced minimum age for marriage.⁶² This disparity produces “destination” states for child marriage.⁶³ Missouri has historically been one such destination, with evidence of individuals crossing state lines to marry fifteen-year-old brides; some have traveled to Missouri from as far away as Oregon, Idaho, Utah, and Florida.⁶⁴



In the absence of a federal prohibition against child marriage, most state laws still offer avenues through which child marriage persists. Indeed, state child marriage laws are fraught with legal loopholes; while many states set the age floor for marriage at eighteen, there are

⁶¹See *infra* 50 States & U.S. Territories Ranking: Laws Preventing Child Marriage.

⁶² *Id.*

⁶³ Kaia Hubbard, *Child Marriage Is Not Uncommon in the U.S., but States Are Taking Action*, U.S. NEWS (Sept. 1, 2021, 11:39 AM), <https://www.usnews.com/news/best-states/articles/2021-09-01/north-carolina-joins-growing-number-of-states-to-limit-child-marriage>.

⁶⁴ Daniele Selby, *Why Missouri Is a 'Destination Wedding Spot' for 15-Year-Olds*, GLOBAL CITIZEN (Mar. 12, 2018), <https://www.globalcitizen.org/en/content/child-marriage-missouri-us-statutory-rape/>.

many exceptions to this rule that “can in effect drop the true minimum marriage age much lower.”⁶⁵ Common loopholes include parental consent, judicial approval, and lack of official proof of age and residency requirements.⁶⁶

1. Parental Consent and Judicial Approval

Two of the most pervasive exceptions to the marriage age floor are parental consent and judicial approval. The majority of states facilitate marriages for children aged sixteen to eighteen “based on parental consent alone.”⁶⁷ Parental consent exceptions “pose one of the greatest concerns with respect to forced marriages, since parental consent can so easily equal parental coercion.”⁶⁸ Yet, consent by at least one parent is often enough to acquire a marriage license for a child.⁶⁹

Even when parental consent alone is not enough to authorize a child marriage, it often drives the outcome in judicial approval processes instead of the minor’s own wishes.⁷⁰ Assigning judges the responsibility for approving adolescent marriages can indeed be problematic. In many states, judicial approval is required only in cases involving minors younger than sixteen years old.⁷¹ While the judicial approval process in these cases may be quite rigorous, the “fact that a judge is only involved for certain younger children weakens the state’s minimum marriage age

⁶⁵ *Understanding State Statutes on Minimum Marriage Age and Exceptions*, TAHIRIH JUST. CTR. 1, 1 (Aug. 26, 2021), <https://www.tahirih.org/wp-content/uploads/2021/09/August-2021-State-Statutory-Compilation-1.pdf> [hereinafter State Statute Compilation].

⁶⁶ See Appendix A: *All States and D.C., Analysis of State Laws on Minimum Marriage Age and Exceptions Permitting Marriage Under Age 18*, TAHIRIH JUST. CTR. (Aug. 26, 2021), <https://www.tahirih.org/wp-content/uploads/2021/09/August-2021-50-State-Appendices-with-Detailed-Scorecards-on-Features-of-States-Minimum-Marriage-Age-Laws-1.pdf> [hereinafter State Scorecards].

⁶⁷ State Statute Compilation, *supra* note 65, at 1.

⁶⁸ *Falling Through the Cracks*, *supra* note 42, at 10; see Cassidy & Turner, *supra* note 13.

⁶⁹ *Falling Through the Cracks*, *supra* note 42, at 11.

⁷⁰ *Id.*

⁷¹ *Id.* at 12.

laws as a whole.”⁷² For instance, if a state’s age floor is codified at eighteen, but judicial scrutiny is only triggered for marriages involving fifteen-year-olds, then most marriages for sixteen and seventeen-year-olds will be approved quite easily. Thus, the only age floor that is actually enforced is set at fifteen.⁷³

Further, some states assign minor marriage petitions to judges in generalist courts who “cannot be expected to be attuned to coercive control or other dynamics of family and intimate partner violence.”⁷⁴ This is because generalist judges often lack the experience, training, and resources needed to conduct sufficiently diligent inquiries that are necessary to properly evaluate child marriage cases or detect forced marriage.⁷⁵ Sometimes, judges even treat pregnancy as proof that marriage would be in the child’s best interests.⁷⁶ Unfortunately, pregnancy in these cases often indicates that the child was abused by the intended spouse or is being forced into the marriage by their parents.⁷⁷

Due to inattentiveness, inexperience, or being motivated by factors other than the child’s well-being, parental and judicial consent to child marriage can place children in grave danger.

2. Proof of Age and Residency Requirements

Age floors can also be easily circumvented in states that lack proof of age requirements for marriage. Marriage license data shows that impermissibly young children have been married in

⁷² *Id.* at 13.

⁷³ *See id.* Eight states and three United States territories do not impose an age floor: California, Michigan, Mississippi, New Mexico, Oklahoma, Washington, West Virginia, Wyoming, Guam, the Northern Mariana Islands, and Puerto Rico. *See infra* 50 States & U.S. Territories Ranking: Laws Preventing Child Marriage. This means that “if the statutory exceptions are met, a judge could conceivably approve the marriage of a child of any age.” *Falling Through the Cracks*, *supra* note 42, at 13.

⁷⁴ *Falling Through the Cracks*, *supra* note 42, at 14.

⁷⁵ *Id.*

⁷⁶ *Id.* at 11.

⁷⁷ *Id.*

states where they were not required to prove their age with official documents.⁷⁸ In fact, **only twenty-two states strictly require official proof of age for all marriage applicants.**⁷⁹ Additionally, state laws that lack residency requirements allow individuals to sidestep their own state's strong age protections simply by crossing into a state with lax ones.

In the absence of a national minimum marriage age, which could be constitutionally challenging, many states can issue a child of *any age* a marriage license as long as its own state law exceptions are met.⁸⁰ As a result, state laws that (1) set marriage age floors at eighteen-years-old *with no exceptions*; and (2) require *all* marriage license applicants to provide official proof of their age, *regardless of how old they appear*, would most effectively prevent child marriage in the United States. CHILD USA also hopes to remove judicial discretion entirely from marriage laws, so no child under age 18 is accidentally married in the United States. However, in those states where judicial discretion still exists for marriage approval, trauma-informed judicial training is a necessary step to better educate judges about the negative and life-long consequences of child marriage.

⁷⁸ *Falling Through the Cracks*, *supra* note 42, at 9.

⁷⁹ See *infra* 50 States & U.S. Territories Ranking: Laws Preventing Child Marriage.

⁸⁰ State Statute Compilation, *supra* note 65, at 1. Unofficial marriages are another avenue through which child marriage persists in the United States. These unofficial marriages take several forms, including conjugal cohabitation, marriage by adoption, and marriage by contract. Conjugal cohabitation occurs when the marital parties reside together but never obtain a marriage license through the state, much like a common law marriage. Marriage by adoption occurs when an elder spouse adopts the younger in order to gain legal rights and protections and still avoid laws prohibiting child marriage. Finally, marriage by contract occurs when a parent contracts on behalf of their underage child and promises that the child will wed the other party once they reach the “age of majority.” Some of these unofficial marriages are never registered, and others are registered once a child reaches the legal age. Still, even when the union exists outside the legal bounds of marriage, children endure the harms inflicted by the practice.

II. STATE-BY-STATE OVERVIEW OF CHILD MARRIAGE LAWS

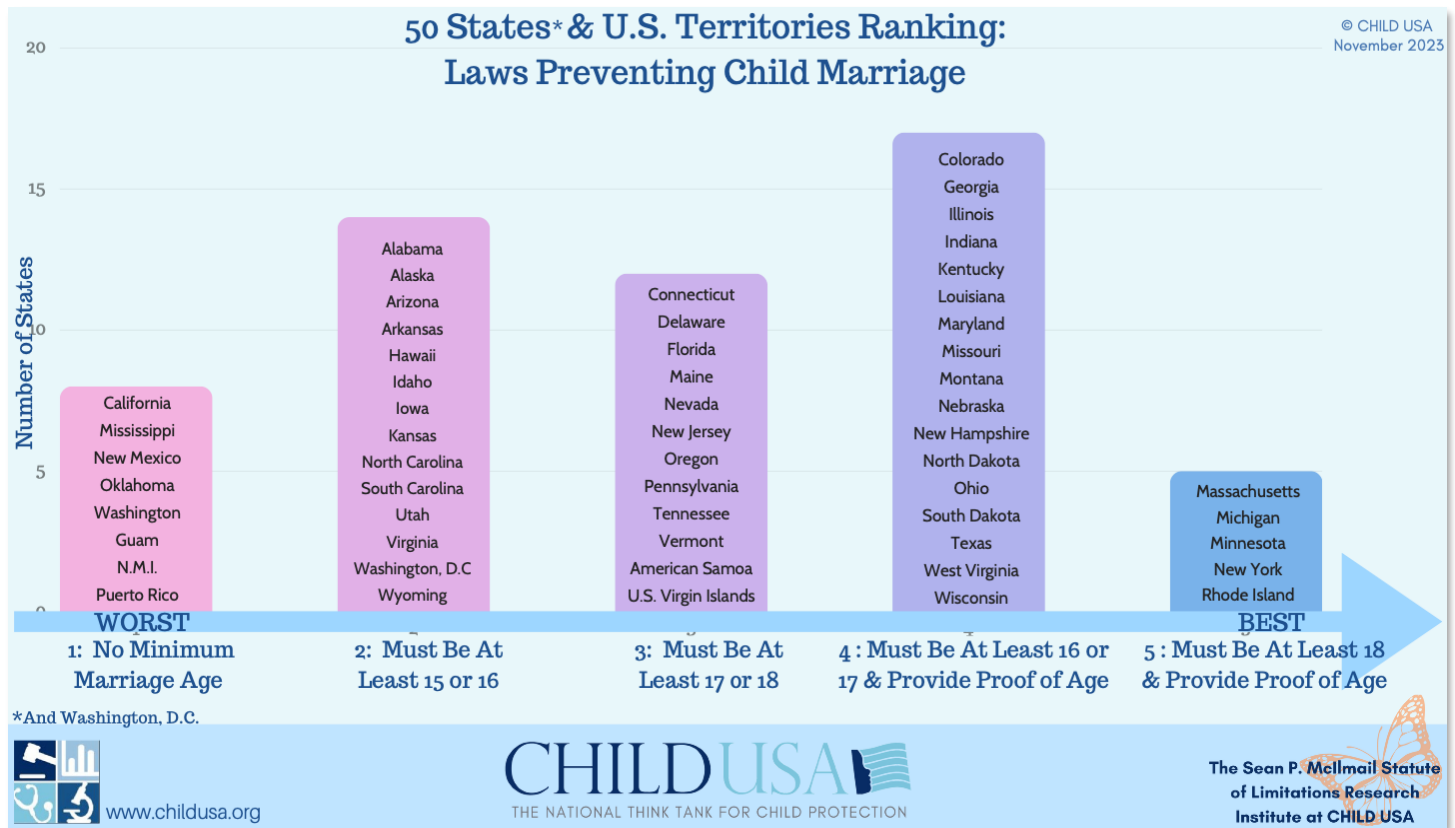
A. U.S. CHILD MARRIAGE AT A GLANCE

As discussed further below, the laws regulating child marriage in the United States vary widely from state to state. Some are very restrictive regarding underage marriage, while others are regrettably lax. In the charts below, the States, Washington, D.C., and United States territories are grouped based on the most important characteristics in the creation of strong marriage laws—a strict minimum marriage age of eighteen, enforced by a requirement that all applicants—regardless of age—provide official proof of their age⁸¹ before they can receive a marriage license. The groupings are given a ranking between one and five—one representing the states and territories with the least effective laws for preventing child marriage, and five representing the states and territories with the most effective laws for preventing child marriage.⁸² Importantly, these rankings do not reflect the *rate* of child marriage in each state, but rather *the strength of the law* in each state or territory to deter child marriage.⁸³

⁸¹ This Report and its rankings do not consider Social Security Numbers to be official proof of age, as they are not on their face indicative of age.

⁸² Due to the intricacies of each state's laws, the states in the same grouping may not all have equally effective laws in prohibiting/limiting child marriage. This ranking is simply a tool to provide a *general* picture of how the states' marriage laws compare to one another.

⁸³ For example, Florida and Delaware are both ranked as a 3 on this graph despite having vastly different rates of child marriage in their states (between 2000 and 2018, Florida reached 17,274 child marriages, while Delaware only realized 219). *United States' Child Marriage Problem*, *supra* note 14. Nevertheless, the strength of their laws preventing child marriage are substantially similar; while they both impose relatively strict marriage age floors—Florida at seventeen-years-old with parental consent and Delaware at eighteen-years-old—neither state requires its marriage applicants to provide official proof of age prior to obtaining a marriage license.



B. HISTORICAL OVERVIEW OF STATE LAWS

Alabama

Since 2000, Alabama has had the ninth-highest number of total child marriages in the nation and the eighth-highest number of child marriages per capita.⁸⁴ Between 2000 and 2018, Alabama sanctioned approximately 9,166 child marriages, including the marriage of a fourteen-year-old girl to a seventy-four-year-old man.⁸⁵ Of those 9,166 child marriages, approximately 7% met the definition of sex crimes under existing law.⁸⁶ While Alabama raised the minimum marriage age from fourteen to sixteen in 2003, child marriages still account for almost 5% of all marriages in the state.⁸⁷ As of 2003, a child under sixteen cannot enter into a marriage under any circumstances.⁸⁸ Sixteen and seventeen-year-old minors are

⁸⁴ See *United States' Child Marriage Problem*, *supra* note 14.

⁸⁵ *Id.*; Christopher Harress, *Child marriage is still legal in Alabama, but on the decline*, ALABAMA.COM (Apr. 2, 2019, 4:08 PM), https://www.al.com/news/index.ssf/2017/08/child_marriage_is_still_legal.html

⁸⁶ *United States' Child Marriage Problem*, *supra* note 14.

⁸⁷ Harress, *supra* note 84; David McClendon and Aleksandra Sandstrom, *Child Marriage is rare in the U.S., though this varies by state*, PEW RSCH. CTR. (Nov. 1, 2016), <http://www.pewresearch.org/fact-tank/2016/11/01/child-marriage-is-rare-in-the-u-s-though-this-varies-by-state/>.

⁸⁸ ALA. CODE § 30-1-4 (West 2022).

permitted to marry in Alabama with the consent of a parent or guardian.⁸⁹ However, Alabama marriage clerks do not always require official proof of age, and clerks may also issue marriage licenses to minors from out of state.⁹⁰ Since 2019, the requirement that marriage licenses be issued by probate judges has been abolished for parties of all ages; prior to this date, a probate judge was at least nominally involved in granting marriage licenses for the marriage of a minor, to certify the consent of the minor's parents or guardians.⁹¹ Overall, on a scale of 1–5, where 1 is the worst and 5 is the best,⁹² Alabama ranks as a 2.

Alaska

Prior to 2022, Alaska set the minimum age of marriage at fourteen with judicial approval and permitted a child to marry at age sixteen or seventeen with parental consent.⁹³ In 2022, Alaska removed a judge's ability to grant fourteen-year-old children marriage licenses by raising the minimum age to sixteen, as long as the judge determines the other party to the marriage is no more than three years older; the marriage is in the "best interests" of the minor; and there is parental consent, or the parents are "unreasonably" withholding consent or are unable to give consent for some other reason.⁹⁴ However, judges approving these marriages are not required to have special knowledge of family law or juvenile matters.⁹⁵ Official proof of age is not always required, and clerks can approve marriages for out-of-state minors.⁹⁶ Alternatively, minors above the age of 16 can marry if they are active-duty military.⁹⁷ On a scale of 1–5, Alaska ranks as a 2.

⁸⁹ *Id.* at § 30-1-5 (West 2022).

⁹⁰ *See id.*; State Scorecards, *supra* note 66.

⁹¹ *Making Progress, But Still Falling Short*, TAHIRIH JUSTICE CENTER (Nov. 1, 2022), https://www.tahirih.org/wp-content/uploads/2020/05/November-2022-Reflection-Paper_Making-Progress-But-Still-Falling-Short.pdf.

⁹² These rankings are illustrated in the 50 States & U.S. Territories Ranking: Laws Preventing Child Marriage on page 20.

⁹³ *See Bill raising the legal age to get married in Alaska becomes law*, KINY (Sept. 6, 2022), <https://www.kinyradio.com/news/news-of-the-north/bill-raising-the-legal-age-to-get-married-in-alaska-becomes-law/>.

⁹⁴ H.B. 62, 32 Leg., 2nd Reg. Sess. (Alaska 2022).

⁹⁵ *See id.*; ALASKA STAT. ANN. § 25.05.171 (West 2021); State Scorecards, *supra* note 66.

⁹⁶ *See* H.B. 62, 32 Leg., 2nd Reg. Sess. (Alaska 2022); ALASKA STAT. ANN. § 25.05.171 (West 2021); State Scorecards, *supra* note 66.

⁹⁷ *The National Movement to End Child Marriage*, TAHIRIH JUSTICE CENTER (Nov. 1, 2022), <https://www.tahirih.org/wp-content/uploads/2022/11/November-2022-States-CM-Reforms.pdf>. [hereinafter The National Movement]

Arizona

Between 2000 and 2018 approximately 8,795 children were married in Arizona.⁹⁸ Of those 8,795, approximately 70% to 76% of those marriages would have met the definition of sex crimes had the marital exception not been in place.⁹⁹ By 2010 Arizona was among the states with the highest child marriage rates.¹⁰⁰ Arizona updated its child marriage law in 2018, which now completely bans marriage for children below the age of sixteen.¹⁰¹ The law does permit sixteen and seventeen-year-olds to marry, but only if they are emancipated or have parental consent.¹⁰² Arizona law also requires an age difference of no more than three years between the intended spouses if one party is a minor.¹⁰³ Nevertheless, official proof of age and residency are not always required.¹⁰⁴ On a scale of 1–5, Arizona ranks as a 2.

Arkansas

Between 2000 and 2018, approximately 8,458 children were married in Arkansas.¹⁰⁵ In 2007, the minimum age requirements for marriage were seventeen for males and sixteen for females, with parental consent.¹⁰⁶ In April 2019, Arkansas Governor Asa Hutchinson signed into law a bill that banned marriage for persons under age seventeen except for applicants who are at least sixteen and pregnant.¹⁰⁷ To qualify for the pregnancy exception, parties must provide proof of the pregnancy, official proof of age, and parental consent.¹⁰⁸ A judge must then review the evidence and determine that the marriage is in the parties' best interest.¹⁰⁹ If the underage child has already given birth, the court may still authorize the marriage.¹¹⁰ Arkansas does not require official proof of age or residency for typical marriage applications.¹¹¹

⁹⁸ *United States' Child Marriage Problem*, *supra* note 14.

⁹⁹ A. Tsui, D. Nolan, & C. Amico, *Child Marriage in America: By the Numbers*, FRONTLINE (July 6, 2017).

¹⁰⁰ *Id.*

¹⁰¹ ARIZ. REV. STAT. ANN. § 25-102 (West 2022); Daniele Selby, *Arizona Just Signed a Bill to Prevent Child Marriage Under 16*, GLOBAL CITIZEN (Apr. 13, 2018), <https://www.globalcitizen.org/en/content/arizona-child-marriage-bill-under-16/>.

¹⁰² ARIZ. REV. STAT. ANN. § 25-102 (West 2022).

¹⁰³ *Id.*

¹⁰⁴ *See id.*; State Scorecards, *supra* note 66.

¹⁰⁵ Fraidy Reiss, *Child Marriage in the United States: Prevalence and Implications*, J. OF ADOLESCENT HEALTH (December 2021), [https://www.jahonline.org/article/S1054-139X\(21\)00341-4/fulltext](https://www.jahonline.org/article/S1054-139X(21)00341-4/fulltext) [hereinafter Reiss]

¹⁰⁶ ARK. CODE ANN. § 9-11-102 (2007).

¹⁰⁷ Shelby Rose, *Governor signs law banning child marriage in Arkansas*, KATV (Apr. 17, 2019), <https://katv.com/news/local/governor-signs-law-banning-child-marriage-in-arkansas>.

¹⁰⁸ ARK. CODE ANN. § 9-11-103 (West 2022).

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *See id.* at § 9-11-209.; State Scorecards, *supra* note 66.

Furthermore, the state does not limit age differences between the marrying parties.¹¹² In 2021, Arkansas amended the law to increase the pregnancy exception age requirement from sixteen to seventeen.¹¹³ On a scale of 1–5, Arkansas ranks as a 2.

California

Between 2000 and 2018, California realized the second-highest number of child marriages in the country, with 23,588.¹¹⁴ Most were aged sixteen or seventeen-years-old, but more than 9,000 marriage involved children under sixteen including 1,233 children aged fourteen, 78 aged thirteen, and five aged ten.¹¹⁵ Prior to 2018, a minor could marry with the consent of one parent and a judge following a review of the case that included interviews with the parties involved, thus effectively setting the minimum age for marriage at zero.¹¹⁶ In 2018, California State Senator Jerry Hill sponsored a bill aimed at prohibiting marriage for all minors.¹¹⁷ The legislation passed and went into effect on January 1, 2019, but the law still allows any person under the age of eighteen to marry with a court order and the consent of only one parent.¹¹⁸ To obtain the court order, both parties must undergo interviews by Family Court Services and a judge, and, in some cases, attend premarital counseling.¹¹⁹ The court is also required to consider “whether there is evidence of coercion or undue influence on the minor.”¹²⁰ Nevertheless, California law permits children to marry as young as zero and does not require applicants to provide official proof of their age. In 2023, the legislature proposed a bill to eliminate underage marriage without exception, but the bill was watered down to approval of underage marriage with a court order, and ultimately died in committee. On a scale of 1–5, California ranks as a 1.

¹¹² *Comparing Compromises: Varying Impacts of Laws that Limit, But Do Not End, Child Marriage*, TAHIRIH JUSTICE CENTER (2023), <https://www.tahirih.org/wp-content/uploads/2023/01/Comparing-Compromises-Final.pdf>. [hereinafter *Comparing Compromises*]

¹¹³ ARK. CODE ANN. § 9–9–217 (2021)

¹¹⁴ *United States’ Child Marriage Problem*, *supra* note 14.

¹¹⁵ Claudia Boyd-Barrett, *California Laws Don’t Prevent Minors from Marrying Adults*, CAL. HEALTH REPORT (Sep 10, 2021), <https://www.calhealthreport.org/2021/09/10/california-laws-dont-prevent-minors-from-marrying-adults/>

¹¹⁶ *Id.*

¹¹⁷ Dartunorro Clark, ‘Wide-open potential for abuse’: States are ground zero in the fight against child marriage, NBC NEWS (Apr. 1, 2019), <https://www.nbcnews.com/politics/politics-news/wide-open-potential-abuse-states-are-ground-zero-fight-against-n988496>.

¹¹⁸ CAL. FAM. CODE § 302 (West 2022).

¹¹⁹ *Id.* at § 304(a).

¹²⁰ *Id.*

Colorado

Between 2000 and 2018, approximately 5,380 children were married in Colorado.¹²¹ Prior to 2019, Colorado law did not have a marriage age floor.¹²² Colorado's law was revised in 2019 to set a marriage age floor of sixteen and to obligate sixteen and seventeen-year-olds to procure judicial approval prior to being issued a marriage certificate.¹²³ The judge ruling on marriages involving minors must preside in juvenile court and is required to consider the underage party's wishes, best interests, and ability to manage his or her own affairs and responsibilities of marriage.¹²⁴ In all cases involving minors, courts must appoint an independent guardian ad litem to investigate and report on the relationship.¹²⁵ All persons applying for marriage licenses in Colorado must provide official proof of their age.¹²⁶ On a scale of 1–5, Colorado ranks as a 4.

Connecticut

Between 2000 and 2020, approximately 1,246 children were married in Connecticut.¹²⁷ In 2002, child marriage was permitted for those ages sixteen to eighteen with parental consent or under sixteen with judicial approval.¹²⁸ In 2017, a bill went into effect that placed the legal age of marriage at eighteen; however, minors sixteen and seventeen could still be married with parental consent and the authorization of a probate judge located in the district where the minor resides.¹²⁹ In 2023, lawmakers passed HB6569, raising the marriage age to 18 without exception.¹³⁰ The new law became effective July 1, 2023.¹³¹ Connecticut is one of several states with an un-waivable residency requirement¹³² but still does not require official proof of age.¹³³ On a scale of 1–5, Connecticut ranks as a 3.

¹²¹ K. Roost, M. Horn, & A. Koski, *Child Marriage or Statutory Rape? A Comparison of Law and Practice Across the United States*, 70(3) J. ADOLESCENT HEALTH s1-s96 (March 2022), [https://www.jahonline.org/article/S1054-139X\(21\)00552-8/fulltext](https://www.jahonline.org/article/S1054-139X(21)00552-8/fulltext) [hereinafter *Child Marriage or Statutory Rape?*]

¹²² COL. REV. STAT. ANN. § 14-2-106.

¹²³ *Id.* at §§ 14-2-106, 14-2-108 (West 2022).

¹²⁴ *Id.*

¹²⁵ *Comparing Compromises*, *supra* note 112.

¹²⁶ COL. REV. STAT. ANN. §§ 14-2-105(1)(a), 14-2-106.

¹²⁷ Reiss *supra* note 105.

¹²⁸ CONN. GEN. STATS. (Rev. 2001) § 46b-20, et seq.

¹²⁹ CONN. GEN. STAT. ANN. § 46b-20a(b) (West 2022).

¹³⁰ *Id.* at § 46b-20a (West 2023).

¹³¹ *Id.*

¹³² CONN. GEN. STAT. ANN. § 46b-20a(b) ; *Falling Through the Cracks*, *supra* note 42, at 10.

¹³³ *See* CONN. GEN. STAT. ANN. §§ 46b-20a & 46b-25.

Delaware

Between 2000 and 2018, 219 children were married in Delaware.¹³⁴ Prior to 2018, Delaware did not have an age floor for marriage and children of any age could marry with judicial approval.¹³⁵ In June 2018, Delaware successfully banned child marriage without exception, becoming the first state to do so in the United States.¹³⁶ However, Delaware does not require all applicants to provide official proof of their age prior to obtaining a marriage license.¹³⁷ On a scale of 1–5, Delaware ranks as a 3.

Florida

Between 2000 and 2018, 17,274 children were married in Florida.¹³⁸ Prior to 2018, Florida law did not set a minimum age for marriage.¹³⁹ Florida instituted a prohibition against marriage for all children under the age of seventeen in March 2018.¹⁴⁰ The law permits seventeen-year-olds to marry with parental consent as long as the age difference between the intended spouses is two years or less.¹⁴¹ While the law does not require parties to provide official proof of age or residency, it still resulted in lowering the total number of child marriages in the state; between July and December of 2017, there were 125 child marriages, and between that same time period in 2018, after the change in law, there were only forty-eight child marriages.¹⁴² On a scale of 1–5, Florida ranks as a 3.

Georgia

Between 2000 and 2020, approximately 10,195 children were married in Georgia.¹⁴³ Prior to 2019, the minimum marriage age was sixteen, and minors aged sixteen and seventeen could marry with parental consent; however, the age limitation did not apply if the female minor supplied proof of pregnancy.¹⁴⁴ In March 2019, the Georgia State Senate unanimously raised

¹³⁴ *Id.*

¹³⁵ *Comparing Compromises*, *supra* note 112.

¹³⁶ DEL. CODE ANN. tit. 13 § 123 (West 2022); *see also* Bethlehem Feleke, *Delaware becomes first US state to fully ban child marriage*, CNN (May 12, 2018, 9:09 AM), <https://www.cnn.com/2018/05/12/us/delaware-child-marriage-ban/index.html>.

¹³⁷ DEL. CODE ANN. tit. 13 §§ 122–23 (West 2022).

¹³⁸ Reiss *supra* note 105.

¹³⁹ *Id.*

¹⁴⁰ FLA. STAT. ANN. § 741.04(1) (West 2022); S.B. 140, 2018 Leg., Reg. Sess. (Fla. 2018)

¹⁴¹ *Id.*

¹⁴² Jacob Ogles, *Is Florida law template for stopping child marriages?*, FLORIDA POLITICS (Apr. 25, 2019), <https://floridapolitics.com/archives/294769-is-florida-law-template-for-stopping-child-marriages>.

¹⁴³ Reiss *supra* note 105.

¹⁴⁴ GA. CODE ANN § 19–3–2.

the state's marriage age floor to seventeen by passing a law that only permits emancipated seventeen-year-olds to marry with a court order.¹⁴⁵ Further, the law mandates the older party to the marriage be no more than four years the child's senior, and all parties are required to submit official proof of their age.¹⁴⁶ Additionally, the parties must separately undergo premarital education and present the judge with a certification of completion.¹⁴⁷ If a minor is seeking emancipation in order to marry, a judge may only approve the emancipation after considering the minor's best interests, including: whether the minor is being compelled to marry against their will; if there is evidence the minor was a victim of statutory rape by the intended spouse; and whether the intended spouse has a criminal history.¹⁴⁸ There is a mandatory 15-day waiting period between the granting of the emancipation order and the marriage license.¹⁴⁹ On a scale of 1–5, Georgia ranks as a 4.

Hawaii

Between 2000 and 2020, approximately 819 children were married in Hawaii.¹⁵⁰ Prior to 2018, there was no set minimum age of marriage in Hawaii.¹⁵¹ In 2018, Hawaii amended its law to prohibit children under fifteen from entering into marriage under any circumstance.¹⁵² Sixteen-year-olds may marry if they obtain parental consent, while fifteen-year-olds may marry if they obtain both parental consent and approval of the family court.¹⁵³ Hawaii only requires that marriage applicants provide official proof of age if a party “appears to any agent to be under the age of eighteen.”¹⁵⁴ Several bills to end or limit child marriage died at the end of the 2020 and 2021 legislative sessions during the covid pandemic. Currently, there is a bill pending in the state legislature, SB46/HB206, to raise the marriage age to 18 without exception.¹⁵⁵ On a scale of 1–5, Hawaii ranks as a 2.

¹⁴⁵ Id.(West 2022); H.B. 228, 2019 Leg., Reg. Sess. (Ga. 2019); *see also* Mark Niese, *Georgia Senate votes to end child marriages under 17*, THE ATLANTA J.-CONST. (Mar. 28, 2019), <https://www.ajc.com/news/state--regional-govt--politics/georgia-senate-votes-end-child-marriages-under-age/N52CtWrx6g6QqL6GknquLM/#>.

¹⁴⁶ GA. CODE ANN. §§ 19-3-2, 19-3-36 (West 2022).

¹⁴⁷ Id. at §§ 19-3-2, 19-3-30.1.

¹⁴⁸ Id. at § 15-11-725(a)(2).

¹⁴⁹ *The National Movement*, *supra* note 97.

¹⁵⁰ Reiss *supra* note 105.

¹⁵¹ Id.

¹⁵² GA. CODE ANN. §§ 572-1, 572-2.

¹⁵³ HAW. REV. STAT. ANN. § 572-1 (West 2022).

¹⁵⁴ Id. at §§ 572-6, 572-10.

¹⁵⁵ *Child Marriage in Hawaii*, UNCHAINED AT LAST (2023), <https://www.unchainedatlast.org/child-marriage-in-hawaii/>

Idaho

Between 2000 and 2018, Idaho did not enforce a marriage age floor and bore the second-highest per-capita rate of child marriage in the nation.¹⁵⁶ Of the approximately 5,160 child marriages during this period, 83% to 87% of those marriages would have met the state's definition of sex crimes had marital exceptions not been in place.¹⁵⁷ In 2020, Idaho lawmakers passed a bill that permits minors aged sixteen to eighteen to marry if there is less than a three-year age difference between the minor and the intended spouse.¹⁵⁸ Additionally, all minors are required to obtain parental consent and both parties must provide official proof of age before the marriage can be approved.¹⁵⁹ This proof of age requirement only applies to minor marriage applicants.¹⁶⁰ On a scale of 1–5, Idaho ranks as a 2.

Illinois

Between 2000 and 2016, approximately 7,370 children were married in Illinois.¹⁶¹ Illinois has not amended its marriage laws in decades, thus permitting children sixteen and older to marry with consent from both parents or with judicial consent.¹⁶² Judges approving minor marriages must consider the parties' best interests, which cannot be established by pregnancy alone.¹⁶³ The law requires all marriage applicants to present “satisfactory” proof of age before they can obtain a marriage license.¹⁶⁴ Four bills seeking to end child marriage died in the legislature in 2022. A similar bill, HB1252, is awaiting action in the House Rules Committee.¹⁶⁵ If passed, it would increase the minimum marriage age to 18 without exception and require official proof of identification.¹⁶⁶ On a scale of 1–5, Illinois ranks as a 4.

Indiana

Between 2000 to 2004, and 2010 to 2018, approximately 3,533 children were married in Indiana.¹⁶⁷ Prior to 2020, fifteen was the minimum marriage age in Indiana.¹⁶⁸ In July 2020,

¹⁵⁶ *United States' Child Marriage Problem*, *supra* note 14.

¹⁵⁷ *Child Marriage or Statutory Rape?* *supra* note 121.

¹⁵⁸ IDAHO CODE ANN. § 32-202 (West 2022).

¹⁵⁹ *Id.*

¹⁶⁰ *Id.* at § 32-403.

¹⁶¹ *Child Marriage or Statutory Rape?* *supra* note 121.

¹⁶² 750 ILL. COMP. STAT. ANN. 5/203 (West 2022).

¹⁶³ *Id.* at 5/208.

¹⁶⁴ *Id.* at 5/203.

¹⁶⁵ *Bill Status of HB1252*, Illinois General Assembly,

<https://www.ilga.gov/legislation/BillStatus.asp?DocNum=1252&GAID=17&DocTypeID=HB&SessionID=112&A=103> (last visited Nov. 6, 2023).

¹⁶⁶ *Id.*

¹⁶⁷ *Child Marriage or Statutory Rape?* *supra* note 121.

¹⁶⁸ *The National Movement*, *supra* note 97.

the law was amended such that a person in Indiana must be eighteen years old to marry, except for minors aged sixteen or seventeen who have been granted emancipation by the juvenile court.¹⁶⁹ To receive a marriage license through emancipation, the minor party to the marriage must only be a maximum of four years younger than their intended spouse, and both parties are required to provide official proof of age to the juvenile court.¹⁷⁰ Additionally, the parties must present the juvenile court with any criminal records and the minor is required to demonstrate official proof of residency in the state.¹⁷¹ Moreover, the juvenile court is mandated to interview the minor to assess whether the marriage is free from force, fraud, or coercion and is in the minor's best interests.¹⁷² There is a mandatory 15-day waiting period between the granting of emancipation and the marriage license.¹⁷³ All applicants for a marriage license in Indiana must furnish proof of age, regardless of age.¹⁷⁴ On a scale of 1–5, Indiana ranks as a 4.

Iowa

Between 2000 and 2018, approximately 1,356 children were married in Iowa.¹⁷⁵ Children in Iowa may be married as young as sixteen with parental consent and court approval.¹⁷⁶ Judges can override a lack of parental consent if they determine consent was “unreasonably” withheld.¹⁷⁷ As a result, the law grants significant power to a judge—who does not need to have specialized training in family law or juvenile matters—to decide whether the parties appear capable of assuming the responsibilities of marriage and whether the marriage serves the “best interest[s]” of the child(ren).¹⁷⁸ Furthermore, official proof of age is not required at the time of marriage.¹⁷⁹ In fact, marriages between parties later found to be under eighteen remain valid, although voidable.¹⁸⁰ To void such a marriage, the party that falsely represented their age must present a birth certificate before their eighteenth birthday.¹⁸¹ Notably, marriage exempts sex acts from the definition of several sexual offenses including sexual abuse of a minor between the ages 12 and 15.¹⁸² On a scale of 1–5, Iowa ranks as a 2.

¹⁶⁹ IND. CODE ANN. §§ 31-11-1-4–5 (West 2022).

¹⁷⁰ *Id.* at §§ 31-11-1-5, 31-11-1-7.

¹⁷¹ *Id.* at § 31-11-1-7.

¹⁷² *Id.*

¹⁷³ *The National Movement*, *supra* note 97.

¹⁷⁴ *Id.* at § 31-11-4-6.

¹⁷⁵ *Child Marriage or Statutory Rape?* *supra* note 121.

¹⁷⁶ IOWA CODE ANN. § 595.2 (West 2022).

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ *See id.* at 595.2, 595.4.

¹⁸⁰ *Id.* at 595.2.

¹⁸¹ *Id.*

¹⁸² IOWA CODE ANN. § 709.4 (2019)

Kansas

Between 2000 and 2018, approximately 3,552 children were married in Kansas.¹⁸³ Until 2006, there was no legal minimum age for marriage in Kansas; minors of any age could marry with parental consent or judicial approval.¹⁸⁴ In 2006, the law was amended to set the minimum marriage age to fifteen.¹⁸⁵ In Kansas, children as young as fifteen can marry if a district court judge determines the marriage is in the child’s “best interest.”¹⁸⁶ Children aged sixteen and seventeen are permitted to marry with parental or judicial consent.¹⁸⁷ In both cases, the judge does not need specialized training in family law or juvenile matters, and the parties are not required to submit official proof of their age.¹⁸⁸ Further, marriage provides an exception to prosecution for multiple age-based sexual offenses including rape of a child under fourteen.¹⁸⁹ A bill seeking to end all marriage before age eighteen without exception—HB2046—is currently awaiting action in the House Federal and State Affairs Committee.¹⁹⁰ On a scale of 1–5, Kansas ranks as a 2.

Kentucky

Between 2000 and 2018, Kentucky’s rate of child marriages per capita ranked fourth highest in the nation.¹⁹¹ Prior to 2018, the law did not set a minimum age for marriage in Kentucky.¹⁹² One study which examined 11,000 child marriages in Kentucky between 2000 and 2015 and found that age variances as great as a thirteen-year-old girl marrying a thirty-three-year-old man and a fifteen-year-old girl marrying a fifty-two-year-old man.¹⁹³ In spring 2018, Kentucky amended its laws pertaining to child marriage by passing Kentucky Senate Bill 48.¹⁹⁴ Kentucky’s marriage laws now ban marriage for children under the age of seventeen and only allow seventeen-year-olds to marry with a court order issued by a family court or district court judge, provided the age difference between the parties is less than four years.¹⁹⁵ Of note, the law requires the parties to provide official proof of age and residency, parental consent, proof

¹⁸³ *Child Marriage in Kansas*, UNCHAINED AT LAST (2023), <https://www.unchainedatlast.org/child-marriage-in-Kansas/>

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ KAN. STAT. ANN. § 23-2505 (West 2022).

¹⁸⁷ *Id.*

¹⁸⁸ *See id.*

¹⁸⁹ *Child Marriage or Statutory Rape? supra* note 121.

¹⁹⁰ HB 2046, Kansas Legislature, https://kslegislature.org/li/b2023_24/measures/hb2046/ (last visited Nov. 6, 2023).

¹⁹¹ *United States’ Child Marriage Problem, supra* note 14.

¹⁹² *Id.*

¹⁹³ Deborah Yetter, *Child marriage is still legal in Kentucky. A former bride wants to put an end to it.*, COURIER JOURNAL (FEB. 26, 2018), <https://www.courier-journal.com/story/news/politics/2018/02/22/child-marriage-legal-kentucky/340374002/>.

¹⁹⁴ S.B. 48, 2018 Leg., Reg. Sess. (Ky. 2018).

¹⁹⁵ KY. REV. STAT. ANN. §§ 402.210, 402.205 (West 2022).

of high school completion or the equivalent, and any criminal records to the family court before a marriage license may be issued.¹⁹⁶ The judge must also conduct an evidentiary hearing to determine whether the marriage is in the minor party's best interest.¹⁹⁷ Besides seventeen-year-old applicants, all persons applying for a marriage license in Kentucky must furnish official proof of their age.¹⁹⁸ Kentucky does not limit age differences between the individuals to be wed.¹⁹⁹ On a scale of 1–5, Kentucky ranks as a 4.

Louisiana

Between 2000 and 2016, approximately 5,003 children were married in Louisiana and over 80% of those marriages were between young girls and adult men.²⁰⁰ Prior to 2019, there was no minimum marriage age in Louisiana, and marriage provided an exception to prosecution for several age-based sex-offenses.²⁰¹ In June 2019, Louisiana passed a bill to raise the marriage age floor to sixteen without exception.²⁰² Signed by the Governor in June and effective in August 2019, the law now only permits sixteen and seventeen-year-olds to marry if the minor's intended spouse is no more than three years their senior and the minor has obtained both judicial and parental consent.²⁰³ Before authorizing a minor's marriage, the judge must consider several factors, including any evidence of "human trafficking, sexual assault, domestic violence, coercion, duress, or undue influence."²⁰⁴ If a judge finds such evidence, they are required to immediately report it to child protection services and are prohibited from authorizing the marriage.²⁰⁵ All applicants, regardless of age, must submit official proof of their age.²⁰⁶ On a scale of 1–5, Louisiana ranks as a 4.

¹⁹⁶ *Id.*

¹⁹⁷ *Id.* at § 402.205.

¹⁹⁸ *Id.* at § 402.210.

¹⁹⁹ *Comparing Compromises*, *supra* note 112.

²⁰⁰ *Child Marriage or Statutory Rape?* *supra* note 121.

²⁰¹ *Id.*

²⁰² S.B. 172, 2019 Leg., Reg. Sess. (La. 2019); Mark Ballard, *Louisiana to ban marriage for children 16 and under after lawmakers agree on hotly contested bill*, THE ADVOCATE (June 6, 2019, 5:37 PM), https://www.theadvocate.com/baton_rouge/news/politics/legislature/article_810bc23c-88ab-11e9-9f26-935a2cd17062.html.

²⁰³ LA. CIV. CODE ANN. arts. 90.1, 2333 (West 2022); LA. CHILD. CODE arts. 1545, 1547 (West 2022); *see also* S.B. 172, 2019 Leg., Reg. Sess. (La. 2019).

²⁰⁴ LA. CHILD. CODE art. 1548 (West 2022).

²⁰⁵ *Id.*

²⁰⁶ LA. STAT ANN. § 9:225 (West 2022).

Maine

Between 2000 and 2020, approximately 818 children were married in Maine.²⁰⁷ Prior to 2019, there was no minimum marriage age in Maine and marriage served as an exception to several age-based sex offenses.²⁰⁸ In January 2019, the Maine Legislature proposed “An Act to End Child Marriage,” which prohibited children under age sixteen from entering into marriage under any circumstances.²⁰⁹ In June 2019, both the State House and Senate voted to pass the bill into law, which went into effect on June 16, 2020.²¹⁰ As of October 25, 2023, Maine eliminated its provisions allowing sixteen-year-olds to marry and now only permits seventeen-year-olds to marry if they obtain parental consent.²¹¹ Maine does not limit the age difference between the parties to be wed.²¹² In the absence of parents or legal guardians, a probate judge may grant consent, and the parties are not always required to present official proof of age or residency.²¹³ Despite these loopholes, fewer than four out of every 1,000 children are married in the state of Maine, one of the lowest rates of child marriage in the nation.²¹⁴ A bill seeking to end all marriage before age eighteen, LD622, was defeated in the senate in 2021.²¹⁵ Nevertheless, on a scale of 1–5, Maine ranks as a 3.

Maryland

Between 2000 and 2020, approximately 3,533 children were married in Maryland.²¹⁶ Prior to 2022, minors aged fifteen were permitted to marry if they could establish both that they were pregnant and had parental consent or, for sixteen- and seventeen-year-olds, either that they were pregnant or had parental consent to marry.²¹⁷ Further, marriage provided a broad defense against prosecution for all age-based sex offenses.²¹⁸ In October 2022, a new law went into effect that raised Maryland’s marriage age floor from fifteen to seventeen.²¹⁹ Now, seventeen-year-olds may marry only if they have consent from each living parent or guardian. Without parental consent, seventeen-year-olds must provide a certificate from a licensed physician that

²⁰⁷ *Child Marriage in Maine*, UNCHAINED AT LAST (2023), <https://www.unchainedatlast.org/child-marriage-in-Maine/>

²⁰⁸ *Child Marriage or Statutory Rape?* *supra* note 121.

²⁰⁹ S.P. 167, 129th Leg., Reg. Sess. (Me. 2019).

²¹⁰ ME. REV. STAT. ANN. tit. 19-A, § 652(8) (West 2022).

²¹¹ ME. REV. STAT. ANN. tit. 19-A, § 652(7)-(8) (West 2023).

²¹² *Comparing Compromises*, *supra* note 112.

²¹³ ME. REV. STAT. ANN. tit. 19-A, § 652(7)-(8).

²¹⁴ Stephanie Cajigal, *Child marriage occurs in the US and threatens the well-being of girls and boys nationwide*, UCLA researchers report, UCLA FIELDING SCH. OF PUB. HEALTH (Apr. 17, 2018), <https://ph.ucla.edu/uclachildmarriage>.

²¹⁵ *Child Marriage in Maine*, *supra* note 213.

²¹⁶ *Child Marriage in Maryland*, UNCHAINED AT LAST (2023), <https://www.unchainedatlast.org/child-marriage-in-Maryland/>

²¹⁷ *Child Marriage or Statutory Rape?* *supra* note 121.

²¹⁸ *Id.*

²¹⁹ S.B. 29, 444th Gen. Assemb., Reg. Sess. (Md. 2022); MD. CODE ANN., FAM. LAW § 2-301 (West 2022); Ovetta Wiggins, *Maryland puts limits on child marriage with bill signed into law*, WASH. POST (April 21, 2022), <https://www.washingtonpost.com/dc-md-vb/2022/04/21/hogan-bill-child-marriage/>.

a party to the marriage is pregnant or has given birth as well as an order from the court granting the minor permission to marry.²²⁰ Additionally, the new law requires all marriage applicants to furnish official proof of age when obtaining a marriage license.²²¹ An attorney must be appointed to each minor party and there is a mandatory 15-day waiting period between authorization and issuing the marriage license.²²² On a scale of 1–5, Maryland ranks as a 4.

Massachusetts

Prior to 2022, there was no minimum marriage age in Massachusetts such that children as young as 12 years old could marry so long as they had parental consent and judicial approval.²²³ As a result, approximately 1,246 children were married between 2000 and 2016 in Massachusetts.²²⁴ On July 28, 2022, Massachusetts became the seventh state to ban child marriage.²²⁵ Its new law prohibits marriage for any person under the age of eighteen without exception.²²⁶ The law now also requires that all parties provide official proof of age with their marriage applications.²²⁷ On a scale of 1–5, Massachusetts ranks as a 5.

Michigan

Prior to 2007, the law in Michigan did not specify a minimum marriage age.²²⁸ From 2007 until 2023, Michigan permitted sixteen and seventeen-year-old children to enter into marriage with consent from one parent,²²⁹ while children under sixteen could marry with consent from one parent and the approval of a probate judge, effectively setting the marriage age floor at zero.²³⁰ Michigan’s marriage law underwent a major overhaul in 2023 and now requires all

²²⁰ MD. CODE ANN., FAM. LAW § 2-301 (West 2022).

²²¹ *Id.* at § 2-402(b)(3)(ii).

²²² *The National Movement*, *supra* note 97.

²²³ *Child Marriage or Statutory Rape?* *supra* note 121.

²²⁴ *Child Marriage in Massachusetts*, Unchained At Last (2023), <https://www.unchainedatlast.org/child-marriage-in-massachusetts/>.

²²⁵ Alba Ibraj, *Massachusetts Becomes 7th State to End Child Marriage*, UNICEF USA (Aug. 4, 2022), <https://www.unicefusa.org/stories/massachusetts-becomes-7th-state-end-child-marriage/40259>.

²²⁶ H.B. 5050, 2022 Gen. Ct., 2d Ann. Sess. (Ma. 2022) (amending MASS. GEN. LAWS. ch. 207, §§ 7, 24–25, 27, 33A, & 34).

²²⁷ *Id.*

²²⁸ *Child Marriage in Michigan*, UNCHAINED AT LAST (2023), <https://www.unchainedatlast.org/child-marriage-in-michigan/>.

²²⁹ MICH. COMP. LAWS ANN. § 551.103 (West 2022).

²³⁰ *Id.* at §§ 551.51, 551.201.

marriage applicants to be age 18 or older—without exception—and supply official proof of age.²³¹ Approximately 5,426 children were married in Michigan between 2000 and 2021.²³² On a scale of 1–5, Michigan ranks as a 5.

Minnesota

Prior to 2020, minors aged sixteen and seventeen could marry with parental consent and judicial approval, and marriage provided a broad defense to prosecution of age-based sex crimes.²³³ As of 2014, an estimated 1,142 children between the ages of fifteen and seventeen had already been married in Minnesota.²³⁴ In 2019, the state eliminated its sweeping marriage defense that had applied to age-based sex offenses.²³⁵ Effective August 2020, Minnesota became one of the few states that prohibit marriage for persons under the age of eighteen without exception.²³⁶ Minnesota’s marriage law also requires official proof of age to apply for a marriage certificate.²³⁷ On a scale of 1–5, Minnesota ranks as a 5.

Mississippi

Between 2000 and 2018, approximately 5,360 children were married in Mississippi.²³⁸ The law in Mississippi exempts married parties from the definition of statutory rape, even when the child is under fourteen years old, and marriage also provides a broad defense to other age-based sex offenses.²³⁹ Mississippi attempted to amend its marriage laws in 2021, but the bill died in the legislature.²⁴⁰ As a result, children are still permitted to marry in Mississippi. Indeed, Mississippi considers males who are at least seventeen years old and females who are at least fifteen years old as “capable in law of contracting marriage.”²⁴¹ Prior to being issued a marriage license, these minors—and all persons under the age of twenty-one—must provide proof of parental consent.²⁴² However, children under the ages of seventeen (for males) and fifteen (for females) may also marry if they obtain both parental and judicial consent.²⁴³ While

²³¹ *Id.* at § 551.103 (West 2023).

²³² *Child Marriage in Michigan*, *supra* note 235.

²³³ MINN. STAT. ANN. §§ 517.02

²³⁴ *Child Marriage in Minnesota*, UNCHAINED AT LAST (2023), <https://www.unchainedatlast.org/child-marriage-in-Minnesota/>.

²³⁵ *Id.*

²³⁶ MINN. STAT. ANN. §§ 517.02, 517.03 (West 2022).

²³⁷ *Id.* at § 517.08.1d.

²³⁸ *Child Marriage in Mississippi*, UNCHAINED AT LAST (2023), <https://www.unchainedatlast.org/child-marriage-in-Mississippi/>

²³⁹ *Child Marriage or Statutory Rape?* *supra* note 121.

²⁴⁰ *Child Marriage in Mississippi*, *supra* note 247.

²⁴¹ MISS. CODE ANN. § 93-1-5 (2021).

²⁴² *Id.*

²⁴³ *Id.* at § 93-1-5(1)(d).

all persons in Mississippi must furnish official proof of their age prior to obtaining a marriage license,²⁴⁴ the other legal loopholes effectively lower the minimum age for marriage to zero in Mississippi.²⁴⁵ On a scale of 1–5, Mississippi ranks as a 1.

Missouri

Between 2000 and 2018, over 8,000 minors were married in Missouri, approximately 85% of whom were young girls, making it the state with the third highest rate of child marriage.²⁴⁶ Prior to 2018, minors as young as fifteen years old could get married so long as they had parental consent while those younger than fifteen years old could get married with judicial approval.²⁴⁷ Marriage also provided a sweeping defense to a number of age-based sex offenses.²⁴⁸ In 2018, Missouri revised its law to raise the minimum marriage age to sixteen.²⁴⁹ Children aged sixteen and seventeen can enter marriage if they obtain parental consent.²⁵⁰ In Missouri, persons aged twenty-one or older are prohibited from marrying a child under the age of eighteen.²⁵¹ All marriage license applicants in Missouri must provide official proof of age.²⁵² On a scale of 1–5, Missouri ranks as a 4.

Montana

Between 2000 and 2019, approximately 483 children were married in Montana.²⁵³ Montana allows sixteen and seventeen-year-old children to marry with parental consent.²⁵⁴ A judge may approve the marriage if the child does not have a parent capable of providing consent.²⁵⁵ Minors are also required to attend at least two sessions of premarital counseling prior to obtaining a marriage license.²⁵⁶ Additionally, a district court judge—who does not need to

²⁴⁴ *Id.* at § 93-1-5(1)(b).

²⁴⁵ *Id.* at § 93-1-5(1)(d).

²⁴⁶ *United States' Child Marriage Problem*, *supra* note 14.

²⁴⁷ *Child Marriage in Missouri*, UNCHAINED AT LAST (2023), <https://www.unchainedatlast.org/child-marriage-in-missouri/>.

²⁴⁸ *Child Marriage or Statutory Rape?* *supra* note 121.

²⁴⁹ David A. Lieb & Blake Nelson, *Gov. Parson signs bill to raise marriage age in Missouri*, AP NEWS (Jul. 13, 2018), <https://apnews.com/article/290d693e8db14948af58105b01c6222d>.

²⁵⁰ MO. ANN. STAT. § 451.090 (West 2022).

²⁵¹ *Id.* Prior to the passage of this new law, Missouri was a destination state for child marriage. Selby, *supra* note 64. In one instance, in August 2015, a father from Idaho drove his then fifteen-year-old daughter over one thousand miles to Kansas City to marry her twenty-four-year-old rapist. *Id.* After the wedding, both the husband and father were arrested in Idaho. *Id.* The man was eventually convicted of rape and the father convicted of felony injury of a child. Eric Adler, *Hundreds of Missouri's 15-year-old brides may have married their rapists*, KANSAS CITY STAR (Jan. 2, 2019), <https://www.kansascity.com/news/state/missouri/article204292464.html>.

²⁵² MO. ANN. STAT. § 451.090 (West 2022).

²⁵³ *Child Marriage in Montana*, UNCHAINED AT LAST (2023), <https://www.unchainedatlast.org/child-marriage-in-montana/>.

²⁵⁴ MONT. CODE ANN. § 40-1-213 (West 2022).

²⁵⁵ *Id.*

²⁵⁶ *Id.* at §§ 40-1-202, 40-1-213.

have specialization in family or juvenile matters—must determine that the marriage is in the minor’s best interests, which pregnancy alone cannot establish.²⁵⁷ Montana law bans marriage for children under age sixteen without exception and requires all applicants, regardless of age, to furnish official proof of their age.²⁵⁸ A bill seeking to end child marriage without exception, HB533, died at the end of the 2019 legislative session.²⁵⁹ On a scale of 1–5, Montana ranks as a 4.

Nebraska

Between 2000 and 2019, approximately 1,283 children were married in Nebraska.²⁶⁰ Nebraska has not amended its marriage law in decades but the state requires children to be at least seventeen years old to marry, and even then, seventeen and eighteen-year-olds may only marry after obtaining consent from at least one parent and submitting official proof of their age.²⁶¹ Nebraska’s age of majority for marriage is nineteen, and thus requires parental consent for eighteen-year-old marriage applicants as well.²⁶² All applicants for marriage licenses, including persons over eighteen, must provide proof of their age in Nebraska.²⁶³ On a scale of 1–5, Nebraska ranks as a 4.

Nevada

Prior to 2019, Nevada law permitted sixteen and seventeen-year-olds to marry with parental consent and those under the age of sixteen to marry with parental consent and judicial approval, with no set minimum marrying age.²⁶⁴ In 2019, Nevada strengthened its marriage laws by prohibiting any person under the age of seventeen from marrying in the state.²⁶⁵ Before being issued a marriage license, seventeen-year-olds must obtain both the consent of at least one parent and judicial approval.²⁶⁶ The judge reviewing the minor’s application may only approve the marriage “in extraordinary circumstances,” if the minor is a resident of Nevada, and after ensuring the marriage is in the minor’s best interest.²⁶⁷ Still, **Nevada has**

²⁵⁷ *Id.* at § 40-1-213.

²⁵⁸ *Id.* at §§ 40-1-202–203, 40-1-213.

²⁵⁹ *Child Marriage in Montana*, *supra* note 262.

²⁶⁰ *Id.*

²⁶¹ NEB. REV. STAT. ANN. §§ 42-102, 42-104, 42-105 (West 2022).

²⁶² *Id.* at § 43-2101.

²⁶³ *Id.* at § 42-104.

²⁶⁴ Bill Dentzer, *Nevada lawmakers consider raising marriage age to 18*, LAS VEGAS REVIEW JOURNAL (April 14, 2019), <https://www.reviewjournal.com/news/politics-and-government/2019-legislature/nevada-lawmakers-consider-raising-marriage-age-to-18-1641069/>

²⁶⁵ NEV. REV. STAT. ANN. § 122.025 (West 2022).

²⁶⁶ *Id.*

²⁶⁷ *Id.*

the highest rate of child marriage per capita in the nation.²⁶⁸ Between 2000 and 2018, over 17,400 child marriages occurred in the state.²⁶⁹ In Nevada, a person does not need to provide proof of age to obtain a marriage license if the applicant “clearly appears over the age of 25 years.”²⁷⁰ On a scale of 1–5, Nevada ranks as a 3.

New Hampshire

Prior to 2019, the minimum marriage age was set at age thirteen for girls and age fourteen for boys.²⁷¹ Marriage also provided a defense to certain age-based sex offenses.²⁷² New Hampshire amended its marriage laws in 2019 by prohibiting marriage for all persons under the age of sixteen.²⁷³ Additionally, the law renders any marriage contract involving a child under age sixteen null and void.²⁷⁴ Children aged sixteen and seventeen must obtain consent from one parent, judicial approval, and submit official proof of age.²⁷⁵ The judge approving a marriage involving a minor must be from the family division and must determine “by clear and convincing evidence” that the marriage is in the minor party’s best interest.²⁷⁶ Notably, a judge is required to deny a marriage application if sexual contact between the parties would constitute sexual assault under state law.²⁷⁷ However, there is no restriction as to the age difference between the parties.²⁷⁸ Aside from minors, all marriage applicants in New Hampshire are required to provide proof of their age.²⁷⁹ Since lawmakers passed the amendment in 2018, five attempts have been made to end child marriage in New Hampshire but all five bills were defeated.²⁸⁰ On a scale of 1–5, New Hampshire ranks as a 4.

New Jersey

Between 2000 and 2018, approximately 2,231 children were married in New Jersey.²⁸¹ Prior to 2018, the state law contained no age floor; the law allowed sixteen and seventeen-year-olds to

²⁶⁸ *United States’ Child Marriage Problem*, *supra* note 14.

²⁶⁹ *Id.*

²⁷⁰ NEV. REV. STAT. ANN. § 122.040(2)(f) (West 2022).

²⁷¹ *Child Marriage in New Hampshire*, UNCHAINED AT LAST (2023), <https://www.unchainedatlast.org/child-marriage-in-NewHampshire/>.

²⁷² *Child Marriage or Statutory Rape?* *supra* note 121.

²⁷³ N.H. REV. STAT. ANN. § 457:4 (West 2022).

²⁷⁴ *Id.*

²⁷⁵ *Id.* at § 457:6.

²⁷⁶ *Id.* at § 457:7.

²⁷⁷ *Id.*

²⁷⁸ *Comparing Compromises*, *supra* note 112.

²⁷⁹ N.H. REV. STAT. ANN. § 457:23.

²⁸⁰ *Child Marriage in New Hampshire*, *supra* note 280.

²⁸¹ *Child Marriage or Statutory Rape?* *supra* note 121.

marry with parental consent, while those younger could marry with judicial approval.²⁸² In June 2018, New Jersey amended its marriage laws and became the second state in the nation, after Delaware, to ban marriage for children under the age of eighteen without exception.²⁸³ However, like Delaware, New Jersey does not require all applicants to furnish official proof of age.²⁸⁴ On a scale of 1–5, New Jersey ranks as a 3.

New Mexico

Between 2000 and 2018, New Mexico realized the eleventh-highest rate of child marriages per capita in the United States.²⁸⁵ Currently, New Mexico law does not articulate a minimum marriage age, meaning that a child of any age may be married if they meet certain requirements.²⁸⁶ Sixteen and seventeen-year-olds are permitted to marry if they are emancipated or have parental consent.²⁸⁷ Minors under age sixteen may also marry if their parent requests the marriage or if the minor is pregnant, as long as they have authorization from the children’s or family court division.²⁸⁸ Persons applying for marriage licenses in New Mexico are not required to provide official proof of age.²⁸⁹ In 2023, the state Senate proposed SB295, which would have raised the minimum marriage age to 18 without exception and made marriage contracts voidable by any party under age 19.²⁹⁰ That bill died in committee.²⁹¹ On a scale of 1–5, New Mexico ranks as a 1.

New York

Between 2000 and 2010, approximately 3,850 children were married in New York.²⁹² Before 2017, children aged sixteen and seventeen were permitted to marry if they had parental consent.²⁹³ Children aged fourteen and fifteen were also permitted to marry with parental

²⁸² *The National Movement*, *supra* note 97.

²⁸³ N.J. STAT. ANN. § 37:1-6 (West 2022); see Daniele Selby, *New Jersey is the Second State in the US to End Child Marriage*, GLOBAL CITIZEN (June 22, 2018), <https://www.globalcitizen.org/en/content/child-marriage-ban-new-jersey/>.

²⁸⁴ See N.J. STAT. ANN. §§ 37:1-6–37:1-8; 37:1-16–37:1-17 (West 2022).

²⁸⁵ *United States’ Child Marriage Problem*, *supra* note 14.

²⁸⁶ See N.M. STAT. ANN. § 40-1-6 (West 2022).

²⁸⁷ *Id.* at § 40-1-6.A.

²⁸⁸ *Id.* at § 40-1-6.B.

²⁸⁹ See *id.* at § 40-1-10.

²⁹⁰ 2023 Regular Session – SB 295, New Mexico Legislature, <https://www.nmlegis.gov/Legislation/Legislation?chamber=S&legtype=B&legno=295&year=23> (last visited Nov. 6, 2023).

²⁹¹ *Id.*

²⁹² *Falling through the cracks*, *supra* note 42.

²⁹³ *The National Movement*, *supra* note 97.

consent and judicial approval.²⁹⁴ In 2017, New York amended the law to establish an age floor of seventeen and to require emancipation prior to obtaining a marriage license.²⁹⁵ In 2021, New York became the sixth state to successfully ban child marriage.²⁹⁶ Its law prohibits marriage for all persons under the age of eighteen without exception and requires that all marriage applicants provide official proof of their age.²⁹⁷ On a scale of 1–5, New York ranks as a 5.

North Carolina

Between 2000 and 2019, an estimated 9,749 marriage license applications involving minors were submitted in North Carolina, approximately 93% of which were for a marriage between a minor and an adult.²⁹⁸ Prior to 2021, children aged fourteen and fifteen could seek a “pregnancy exception” where one of the parties to the marriage was pregnant or had already become a parent.²⁹⁹ In that case, a guardian ad litem would be appointed to evaluate the petition and assess whether the marriage was in the best interests of the child.³⁰⁰ Sixteen and seventeen-year-olds could marry with parental consent without the need for appointment of a guardian ad litem.³⁰¹ North Carolina amended its marriage laws in 2021 to raise the minimum marriage age to sixteen if the minor acquires parental or judicial consent.³⁰² The law also added an age gap restriction: a person marrying a sixteen or seventeen-year-old can only be a maximum of four years older than the minor.³⁰³ However, the state does not require parties to supply official proof of their age.³⁰⁴ On a scale of 1–5, North Carolina ranks as a 2.

²⁹⁴ *Id.*

²⁹⁵ *Id.*

²⁹⁶ N.Y. DOM. REL. LAW § 15-a (McKinney 2022); Susan Raqib, *Victory Against Child Marriage in New York State*, HUMAN RIGHTS WATCH (Jul. 27, 2021, 3:03PM), <https://www.hrw.org/news/2021/07/27/victory-against-child-marriage-new-york-state>.

²⁹⁷ N.Y. DOM. REL. LAW §§ 15(a)–15-a (McKinney 2022).

²⁹⁸ INTERNATIONAL CENTER FOR RESEARCH ON WOMEN, *Child Marriage in North Carolina: New Evidence and Policy Recommendations* (August 2022), https://www.icrw.org/wp-content/uploads/2020/08/child-marriage-in-NC-new-evidence-and-policy-recommendations_8-2020_ICRW.pdf; see also *United States’ Child Marriage Problem*, *supra* note 14.

²⁹⁹ *Id.*

³⁰⁰ *Id.*

³⁰¹ *Falling through the cracks*, *supra* note 42.

³⁰² N.C. GEN. STAT. ANN. §§ 51-2–51-2.1 (West 2022).

³⁰³ *Id.*

³⁰⁴ *Id.* at § 51-8.

North Dakota

Between 2000 and 2018, approximately 306 children were married in North Dakota.³⁰⁵ Of those marriages, approximately half occurred in violation of statutory rape laws.³⁰⁶ North Dakota allows children aged sixteen and seventeen to marry if they have written parental consent and provide official proof of age.³⁰⁷ The law does not permit marriages involving children below the age of sixteen under any circumstance.³⁰⁸ All marriage applicants in North Dakota must furnish official proof of their age prior to obtaining a marriage license.³⁰⁹ On a scale of 1–5, North Dakota ranks as a 4.

Ohio

Between 2000 and 2019, approximately 5,010 children were married in Ohio.³¹⁰ Prior to 2019, Ohio law required females be sixteen years old and males be eighteen years old to marry; however, under the pregnancy exception, even younger children could marry with parental consent and judicial approval.³¹¹ Ohio strengthened its marriage laws in 2019 by instituting a marriage age floor.³¹² The law now requires that a person be eighteen years or older to enter marriage, except for seventeen-year-olds who have obtained consent and emancipation by order of the juvenile court.³¹³ The juvenile court may only approve a marriage involving a seventeen-year-old if the other party to the marriage is no more than four years older.³¹⁴ Moreover, the juvenile court must consider whether marriage and emancipation are in the minor's best interests and whether the intended marriage is free of force and coercion.³¹⁵ Prior to obtaining a marriage license, Ohio requires applicants to provide official proof of age and residency.³¹⁶ An attorney must be appointed to the minor, and there is a mandatory 14-day waiting period between the emancipation order and marriage license.³¹⁷ On the scale of 1–5, Ohio ranks as a 4.

³⁰⁵ *Child Marriage in North Dakota*, UNCHAINED AT LAST (2023), <https://www.unchainedatlast.org/child-marriage-in-NorthDakota/>.

³⁰⁶ *Child Marriage or Statutory Rape?* *supra* note 121.

³⁰⁷ N.D. CENT. CODE ANN. §§ 14-03-02, 14-03-17 (West 2022).

³⁰⁸ *Id.* at § 14-03-02.

³⁰⁹ *Id.* at § 14-03-17.

³¹⁰ *Child Marriage in Ohio*, UNCHAINED AT LAST (2023), <https://www.unchainedatlast.org/child-marriage-in-Ohio/>

³¹¹ *Falling through the cracks*, *supra* note 42.

³¹² See OHIO REV. CODE ANN. §§ 3101.01–3101.02 (West 2022); The Associated Press, *Law Takes Effect Raising Ohio's Minimum Marriage Age To 18*, WOSU NEWS (Apr. 8, 2019, 9:09AM), <https://news.wosu.org/news/2019-04-08/law-takes-effect-raising-ohios-minimum-marriage-age-to-18>.

³¹³ OHIO REV. CODE ANN. §§ 3101.01–3101.02 (West 2022).

³¹⁴ *Id.* at § 3101.02.

³¹⁵ *Id.* at § 3101.041.

³¹⁶ *Id.* at § 3101.05.

³¹⁷ *The National Movement*, *supra* note 97.

Oklahoma

Between 2000 and 2018, Oklahoma recorded the fifth-highest number of child marriages per capita in the United States.³¹⁸ Oklahoma has not amended its marriage laws in decades, and state law allows seventeen-year-olds to marry if they have parental consent or, in the absence of parents or legal guardians, approval from a district court judge.³¹⁹ Oklahoma also permits children sixteen years old and younger to enter marriage if it is authorized by the court and is either part of the “settlement of a suit for seduction or paternity” or if the minor female is pregnant or has already given birth to “an illegitimate child.”³²⁰ These loopholes effectively lower the minimum marriage age to zero. Oklahoma law requires applicants for marriage licenses to present official proof of age.³²¹ Previous bills seeking to end child marriage failed in 2020 and 2022.³²² On a scale of 1–5, Oklahoma ranks as a 1.

Oregon

Between 2000 and 2014, approximately 3,285 children were married in Oregon.³²³ Previous bills to end or limit child marriage died in the legislature in 2019 and 2021.³²⁴ Presently, Oregon permits child marriage for seventeen-year-olds with parental consent.³²⁵ The law does not require that applicants provide official proof of age prior to being issued a marriage license.³²⁶ On a scale of 1–5, Oregon ranks as a 3.

Pennsylvania

Prior to 2020, Pennsylvania law did not specify an age floor for marriage; this allowed sixteen and seventeen-year-olds to marry with parental consent, while those under age sixteen required judicial approval, with little to no guidance for judges’ decisions.³²⁷ In 2020, Pennsylvania amended its marriage laws to prohibit marriage for persons under age eighteen without exception.³²⁸ When it did so, it became the third state in the nation to ban child marriage.³²⁹ Nevertheless, Pennsylvania does not require applicants to provide official proof of their age.³³⁰ On a scale of 1–5, Pennsylvania ranks as a 3.

³¹⁸ *United States’ Child Marriage Problem*, *supra* note 14.

³¹⁹ OKLA. STAT. ANN. tit. 43, § 3(B)(1) (West 2022).

³²⁰ *Id.* at § 3(B)(2).

³²¹ *Id.* at § 5.

³²² *Child Marriage in Oklahoma*, UNCHAINED AT LAST (2023), <https://www.unchainedatlast.org/child-marriage-in-oklahoma/>

³²³ *Child Marriage or Statutory Rape?* *supra* note 121.

³²⁴ *Child Marriage in Oregon*, UNCHAINED AT LAST (2023), <https://www.unchainedatlast.org/child-marriage-in-oregon/>

³²⁵ OR. REV. STAT. ANN. §§ 106.010, 106.060 (West 2022).

³²⁶ *See id.* at § 106.050.

³²⁷ *The National Movement*, *supra* note 97.

³²⁸ 23 PA. STAT. § 1304 (West 2022).

³²⁹ Audrey McNamara, *Pennsylvania just became the third state to ban child marriage*, CBS NEWS (May 11, 2020, 8:31AM), <https://www.cbsnews.com/news/pennsylvania-child-marriage-ban-third-state/>.

Rhode Island

An estimated 176 children were married in Rhode Island between 2000 and 2019.³³¹ Of those for whom gender and spousal data were available, 88 percent were girls wed to adult men an average of 4.1 years older.³³² Before 2021, the age of marriage in Rhode Island was eighteen but minors aged sixteen and seventeen were permitted to marry with parental consent, and those aged fifteen and younger could marry with parental consent and judicial approval.³³³ The judicial approval process did not require the court to interview the child nor consider any criteria before approving the marriage.³³⁴ In 2021, Rhode Island amended its law to become the fifth state in the nation to ban child marriage.³³⁵ Under the new law, a person must be eighteen years or older to obtain a marriage license in the state, without exception.³³⁶ All applicants are required to show official proof of age.³³⁷ On a scale of 1–5, Rhode Island ranks as a 5.

South Carolina

Prior to 2019, the law in South Carolina permitted sixteen and seventeen-year-olds to marry with parental consent; however, under the “pregnancy exception,” children under age sixteen were permitted to marry if they became pregnant or gave birth.³³⁸ In 2019, South Carolina amended its marriage laws to prohibit children under the age of sixteen from entering marriage without exception.³³⁹ Under the current law, sixteen and seventeen-year-olds may marry if they have parental consent and furnish official proof of their age.³⁴⁰ Aside from minors,

³³⁰ See 23 PA. STAT. §§ 1301–1307 (West 2022).

³³¹ Fraidy Reiss & Rep. Julie Casimiro, *176 Children Were Married in RI Over Decade: That Is a Tragedy* (April 26, 2021), <https://www.golocalprov.com/politics/176-Children-Were-Married-in-RI-Over-Decade-That-Is-a-Tragedy-Casimiro-a>

³³² *Id.*

³³³ *Id.*

³³⁴ *Id.*

³³⁵ R.I. GEN. LAWS ANN. § 15-2-14 (West 2021); *Rhode Island governor signs bill banning child marriage*, AP NEWS (June 7, 2021), <https://apnews.com/article/rhode-island-marriage-lifestyle-14da978b50996042e62bcdbeed85ace>.

³³⁶ R.I. GEN. LAWS ANN. § 15-2-14 (West 2022); *Rhode Island governor signs bill banning child marriage*, *supra* note 345.

³³⁷ See R.I. GEN. LAWS ANN. § 15-2-7 (West 2022); *Marriage Licenses*, R.I. DEP’T OF HEALTH (2022), <https://health.ri.gov/records/about/marriagelicenses/>; *General Marriage Requirements in the State of Rhode Island*, R.I. DEP’T OF HEALTH (July 2018), <https://health.ri.gov/publications/requirements/GeneralMarriageRequirements.pdf>.

³³⁸ *Frontline*, *supra* note 99.

³³⁹ S.C. CODE ANN. § 20-1-100 (West 2022); see Jason Raven, *SC lawmakers want to raise marriage age to 18 a few years after closing loopholes*, WSPA (May 4, 2021, 6:01PM), <https://www.wspa.com/news/top-stories/sc-lawmakers-want-to-raise-marriage-age-to-18-a-few-years-after-closing-loopholes/>.

³⁴⁰ S.C. CODE ANN. §§ 20-1-250, 20-1-260 (West 2022).

applicants are only required to provide proof of their age if they are between the ages of eighteen and twenty-five.³⁴¹ However, a bill to end all marriage before the age of eighteen without exception—SB34—is currently awaiting action in the South Carolina Senate Judiciary committee.³⁴² On a scale of 1–5, South Carolina ranks as a 2.

South Dakota

Between 2000 and 2019, approximately 823 children were married in South Dakota.³⁴³ South Dakota has not amended its marriage laws in decades and currently allows sixteen and seventeen-year-old children to enter marriage if they have the consent of one parent and provide official proof of their age.³⁴⁴ All marriage applicants in South Dakota, not just minors, are required to furnish official proof of their age prior to obtaining a marriage license.³⁴⁵ On a scale of 1–5, South Dakota ranks as a 4.

Tennessee

Between 2000 and 2019, approximately 9,882 children were married in Tennessee, making it the state with the sixth highest rate of child marriage per capita in the nation.³⁴⁶ Prior to 2018, the minimum age of marriage in Tennessee was eighteen; however, the law permitted children to be married at any age with parental consent and judicial approval.³⁴⁷ Tennessee strengthened its marriage laws in 2018 by prohibiting marriage for any person under the age of seventeen without exception.³⁴⁸ Seventeen-year-olds are permitted to marry if they have parental consent, provided the other party to the marriage is no more than four years older.³⁴⁹ Furthermore, each minor must receive a “rights and resources” factsheet.³⁵⁰ Minors and all others applying for a marriage license in Tennessee do not need to furnish official proof of their age.³⁵¹ On a scale of 1–5, Tennessee ranks as a 3.

³⁴¹ *Id.* at § 20-1-270.

³⁴² *About Child Marriage in the U.S.*, UNCHAINED AT LAST, <http://www.unchainedatlast.org/laws-to-end-child-marriage/>

³⁴³ *Child Marriage in South Dakota*, UNCHAINED AT LAST (2023), <https://www.unchainedatlast.org/child-marriage-in-SouthDakota/>

³⁴⁴ S.D. CODIFIED LAWS §§ 25-1-9, 25-1-10.1, 25-1-13 (West 2022).

³⁴⁵ *Id.* at § 25-1-10.1

³⁴⁶ *Child Marriage in Tennessee*, UNCHAINED AT LAST (2023), <https://www.unchainedatlast.org/child-marriage-in-Tennessee/>

³⁴⁷ *United States’ Child Marriage Problem*, *supra* note 14.

³⁴⁸ TENN. CODE ANN. §36-3-105 (West 2022); Daniele Selby, *Tennessee Just Took a Big Step Toward Ending Child Marriage*, GLOBAL CITIZEN (May 24, 2018), <https://www.globalcitizen.org/en/content/tennessee-passes-child-marriage-bill-age-17/>.

³⁴⁹ TENN. CODE ANN. §§ 36-3-105–36-3-106.

³⁵⁰ *The National Movement*, *supra* note 97.

³⁵¹ TENN. CODE ANN., §§ 36-3-105–36-3-106. *See id.* at § 36-3-104.

Texas

Between 2000 and 2018, approximately 41,774 marriages involving minors took place in Texas.³⁵² The rate of child marriage prior to 2017 was one of the highest in the nation, with nearly 7 in 1,000 minors aged fifteen to seventeen married in Texas in 2014 alone.³⁵³ Prior to 2017, sixteen and seventeen-year-olds were permitted to marry with parental consent, while those under age sixteen required judicial approval based on a finding that the marriage was in the minor's "best interest."³⁵⁴ Texas passed a law in 2017 that banned marriage for children under eighteen, except for sixteen and seventeen-year-olds who have been emancipated by court order.³⁵⁵ Texas law requires all parties—regardless of age—to submit official proof of their age prior to obtaining a marriage license.³⁵⁶ A bill seeking to end child marriage, HB1590, died in 2021, and a similar bill, HB924, died in the House Juvenile Justice & Family Issues Committee in 2023.³⁵⁷ On a scale of 1–5, Texas ranks as a 4.

Utah

Between 2000 and 2018, approximately 5,600 children were married in Utah; the seventh-highest in the nation for number of child marriages per capita.³⁵⁸ Prior to 2019, the minimum marriage in the state of Utah was fifteen with parental consent and judicial approval, while sixteen and seventeen-year-olds could marry with parental consent alone.³⁵⁹ In 2019, Utah bolstered its marriage laws by prohibiting persons younger than sixteen from getting married in the state.³⁶⁰ Additionally, the law provides that sixteen and seventeen-year-olds may marry only after submitting official proof of age, receiving consent from one parent, and obtaining authorization from the juvenile court.³⁶¹ In 2021, the state passed HB406, which did not change the marriage age or existing loopholes, but implemented additional procedural safeguards.³⁶² Prior to authorizing a marriage involving a minor, the judge must determine that the minor is entering the marriage voluntarily and that the marriage is in the minor's best interest.³⁶³ The judge must also require that the parties attend premarital counseling (if

³⁵² *United States' Child Marriage Problem*, *supra* note 14.

³⁵³ Christina Cauterucci, *Texas, the State With the Country's Second-Highest Child Marriage Rate, Finally Bans It*, SLATE (Jun. 16, 2017), <https://slate.com/human-interest/2017/06/texas-the-state-with-the-countrys-second-highest-child-marriage-rate-finally-bans-it.html>.

³⁵⁴ *Falling through the cracks*, *supra* note 42.

³⁵⁵ See TEX. FAM. CODE ANN. §§ 2.003, 2.009, 31.001 (West 2022).

³⁵⁶ *Id.* at §§ 2.005, 2.009.

³⁵⁷ *Bill HB924*, Texas Legislature Online, <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=88R&Bill=HB924> (last visited Nov. 7, 2023).

³⁵⁸ *United States' Child Marriage Problem*, *supra* note 14.

³⁵⁹ *Child Marriage in Utah*, UNCHAINED AT LAST (2023), <https://www.unchainedatlast.org/child-marriage-in-Utah/>

³⁶⁰ UTAH CODE ANN. § 30-1-2 (West 2022).

³⁶¹ *Id.* at § 30-1-9.

³⁶² *Child Marriage in Utah*, *supra* note 369.

³⁶³ *Id.*

available) and is prohibited from authorizing a marriage if the age difference between the parties is more than seven years.³⁶⁴ Aside from minors, Utah does not require its marriage applicants to provide official proof of their age.³⁶⁵ On a scale of 1–5, Utah ranks as a 2.

Vermont

Prior to 2023, Vermont had not amended its marriage laws in decades.³⁶⁶ That law prohibited any child under the age of sixteen from entering marriage but allowed children aged sixteen and seventeen to marry with the written consent of one parent.³⁶⁷ In 2023, the Vermont legislature passed its “Act to Ban Child Marriage,” raising the marriage age to eighteen without exception.³⁶⁸ However, Vermont still does not require marriage applicants to provide official proof of age.³⁶⁹ On a scale of 1–5, Vermont ranks as a 3.

Virginia

Between 2000 and 2010, approximately 6,775 children were married in Virginia.³⁷⁰ Prior to 2016, the law did not specify a minimum age for marriage; sixteen- and seventeen-year-olds could marry with parental consent and those younger could marry under a “pregnancy exception” with parental consent.³⁷¹ Under prior law, clerks issued all marriage licenses and no judicial review process was required.³⁷² In 2016, Virginia amended its marriage laws to prohibit marriage for persons under age eighteen, except for sixteen and seventeen-year-olds who have been emancipated by a juvenile or domestic relations court order.³⁷³ For a judge to emancipate a minor based on the minor’s intent to marry, the judge must determine that the minor is entering the marriage willingly, the marriage is in the minor’s best interests, and the marriage will not endanger the minor.³⁷⁴ Virginia does not always require its marriage applicants to provide official proof of age.³⁷⁵ On a scale of 1–5, Virginia ranks as a 2.

³⁶⁴ *Id.*

³⁶⁵ *See id.* at § 30-1-8.

³⁶⁶ *Child Marriage in Vermont*, UNCHAINED AT LAST (2023), <https://www.unchainedatlast.org/child-marriage-in-Vermont/>.

³⁶⁷ VT. STAT. ANN. tit. 18, § 5142 (West 2022).

³⁶⁸ *See id.* at § 5142.

³⁶⁹ *See id.* at §§ 5131, 5137, 5141, & 5142.

³⁷⁰ *Child Marriage in Virginia*, UNCHAINED AT LAST (2023), <https://www.unchainedatlast.org/child-marriage-in-Virginia/>.

³⁷¹ *Falling Through the Cracks*, *supra* note 42.

³⁷² *Id.*

³⁷³ VA. CODE ANN. §§ 16.1-331–16.1-333.1, 20-48 (West 2022).

³⁷⁴ *Id.* at § 16.1-333.1.

³⁷⁵ *See id.* at § 20-16.

Washington

Between 2000 and 2018, approximately 4,483 children were married in Washington.³⁷⁶ Washington has not amended its marriage laws in decades such that the state permits children under age seventeen to enter marriage with judicial approval, provided they demonstrate necessity for the marriage to a judge in the county of the minor’s residence.³⁷⁷ This means that with a judge’s approval, a child of any age can be married in Washington. Moreover, the judge presiding over such an application does not need specialized knowledge of juvenile or family matters.³⁷⁸ Seventeen-year-old children in Washington only need to acquire written consent from one parent.³⁷⁹ Additionally, marriage license applicants in Washington do not need to supply official proof of their age.³⁸⁰ Three prior bills to end or limit child marriage died in the legislature in 2018 and 2020.³⁸¹ A 2023 bill seeking to raise the minimum marriage age to eighteen without exception is currently awaiting action in the House Rules Committee.³⁸² On a scale of 1–5, Washington ranks as a 1.

West Virginia

Between 2000 and 2021, approximately 3,663 children were married in West Virginia, making it the state with the highest rate of child marriage per capita in the nation.³⁸³ Prior to 2023, children as young as sixteen were permitted to marry with written parental consent.³⁸⁴ However, West Virginia law did not impose age sixteen as a marriage age floor, thus allowing children under age sixteen to also enter marriage as long as they obtained both parental and judicial consent. In 2023, West Virginia amended that law, which now prohibits anyone under age sixteen from marrying without exception.³⁸⁵ However, the law still permits children aged

³⁷⁶ *Child Marriage in Washington*, UNCHAINED AT LAST (2023), <https://www.unchainedatlast.org/child-marriage-in-Washington/>.

³⁷⁷ WASH. REV. CODE ANN. § 26.04.010 (West 2022).

³⁷⁸ *See id.*

³⁷⁹ *Id.* at § 26.04.210.

³⁸⁰ *Id.* at § 26.04.160.

³⁸¹ *Child Marriage or Statutory Rape? supra* note 121.

³⁸² *HB 1455 – 2023-34*, Washington State Legislature, <https://app.leg.wa.gov/bills/summary/BillNumber=1455&Year=2023&Initiative=false> (last visited Nov. 7, 2023).

³⁸³ *Child Marriage in West Virginia*, UNCHAINED AT LAST (2023), <https://www.unchainedatlast.org/child-marriage-in-WestVirginia/>.

³⁸⁴ W. VA. CODE ANN. § 48-2-301(b) (West 2022).

³⁸⁵ *Id.* (West 2023).

sixteen and seventeen to marry with parental consent, provided that the age difference between the marriage applicants is four years or less.³⁸⁶ West Virginia does require that all parties to a marriage application present official proof of their age prior to being issued a marriage license.³⁸⁷ On a scale of 1–5, West Virginia ranks as a 4.

Wisconsin

Between 2000 and 2019, approximately 3,000 children were married in Wisconsin.³⁸⁸ Wisconsin has not amended its marriage laws in decades and permits sixteen and seventeen-year-old minors to marry if they obtain parental consent.³⁸⁹ In the absence of any parent or guardian, the probate court may provide its consent to the marriage.³⁹⁰ All applicants for marriage licenses in Wisconsin are required to provide official proof of their age and residency in the state.³⁹¹ On a scale of 1–5, Wisconsin ranks as a 4.

Wyoming

Between 2000 and 2019, approximately 1,260 children were married in Wyoming.³⁹² Prior to 2023, Wyoming permitted sixteen and seventeen-year-olds to marry with written parental consent, and permitted children under sixteen to marry with both judicial approval and written parental consent.³⁹³ In 2023, the Wyoming legislature enacted an amendment that raised the minimum marriage age to sixteen without exception.³⁹⁴ However, children aged sixteen and seventeen are still allowed to marry if they receive both judicial approval and parental consent.³⁹⁵ Additionally, parties do not need to provide official proof of age.³⁹⁶ On a scale of 1–5, Wyoming ranks as a 2.

³⁸⁶ *Id.*

³⁸⁷ *Id.* at § 48-2-106.

³⁸⁸ *Child Marriage in Wisconsin*, UNCHAINED AT LAST (2023), <https://www.unchainedatlast.org/child-marriage-in-Wisconsin/>.

³⁸⁹ WIS. STAT. ANN. § 765.02(2) (West 2022).

³⁹⁰ *Id.*

³⁹¹ *Id.* at § 765.09(3)(a)–(b).

³⁹² *Child Marriage in Wyoming*, UNCHAINED AT LAST (2023), <https://www.unchainedatlast.org/child-marriage-in-Wyoming/>.

³⁹³ WYO. STAT. ANN. § 20-1-102 (West 2022).

³⁹⁴ *Id.* at §§ 20-1-101—105 (West 2023).

³⁹⁵ *Id.*

³⁹⁶ *See id.*

District of Columbia

The District of Columbia has not amended its marriage laws in decades; presently, children under the age of sixteen are prohibited from entering marriage.³⁹⁷ Sixteen and seventeen-year-old children are only permitted to marry with parental consent.³⁹⁸ Marriage applicants do not need to furnish official proof of age before being issued a marriage license.³⁹⁹ On a scale of 1–5, Washington, D.C. ranks as a 2.

American Samoa

In 2018, Governor Lolo Matalasi Moliga signed a law that successfully banned persons under the age of eighteen from entering marriage without exception.⁴⁰⁰ However, marriage applicants in American Samoa are not required to supply official proof of their age.⁴⁰¹ On a scale of 1–5, American Samoa ranks as a 3.

Guam & Northern Mariana Islands

The law in Guam permits children aged sixteen and seventeen to marry, provided a parent or guardian submits written consent and the marriage is approved by the Superior Court.⁴⁰² However, courts may authorize marriages for children under age sixteen if the minor applicant is “with a child.”⁴⁰³ Applicants for marriage licenses in Guam are not required to provide proof of their age.⁴⁰⁴ On a scale of 1–5, Guam ranks as a 1.

In the Northern Mariana Islands, the marriage age floor depends on citizenship. If one or both parties are noncitizens, the female applicant must be at least sixteen years old, while the male must be at least eighteen years old.⁴⁰⁵ In this instance, if the female is sixteen or seventeen, she must have the consent of at least one parent.⁴⁰⁶ However, there are no minimum age requirements for marriages between citizens.⁴⁰⁷ Regardless of citizenship, marriage applicants

³⁹⁷ D.C. CODE ANN. § 46-403 (West 2022).

³⁹⁸ *Id.* at § 46-411.

³⁹⁹ *See id.* at §§ 46-403, 46-410, 46-411.

⁴⁰⁰ *Governor Moliga signs into law bill to increase marriage age for girls*, RNZ (Sept. 12, 2018, 12:08PM), <https://www.rnz.co.nz/international/pacific-news/366260/governor-moliga-signs-into-law-bill-to-increase-marriage-age-for-girls>; AM. SAMOA CODE ANN. § 42.0101 (2020), available at <https://asbar.org/code-annotated/42-0101-requisites-of-valid-marriage/>.

⁴⁰¹ *See* AM. SAMOA CODE ANN. § 42.0103 (2020), available at <https://asbar.org/code-annotated/42-0103-license-application-and-forms-consent-of-parent-or-guardian/>.

⁴⁰² 19 G.C.A. §§ 3102, 3202(b)(1)(C) (West 2022).

⁴⁰³ *Id.* at § 3202(b)(1)(D).

⁴⁰⁴ *See id.* at § 3202.

⁴⁰⁵ 8 N. MAR. I. CODE § 1201 (2020), available at <https://cnmilaw.org/frames/CommonwealthCode.html>.

⁴⁰⁶ *Id.*

⁴⁰⁷ *Id.* at § 1205.

are not required to provide official proof of age.⁴⁰⁸ On a scale of 1–5, the Northern Mariana Islands ranks as a 1.

Puerto Rico

Under Puerto Rico law, those under age twenty-one are required to obtain the consent of their parent or guardian to marry.⁴⁰⁹ However, eighteen-year-olds do not need parental or judicial authorization in cases where “it is proven that the betrothed woman has been raped, seduced or is pregnant.”⁴¹⁰ Puerto Rico law prohibits males under eighteen and females under sixteen from entering marriage but also provides several exceptions to this rule.⁴¹¹ For instance, if the parties were underage when they were married, the marriage is nevertheless valid if the parties lived together without anyone objecting until they reached marriageable age or if they became pregnant.⁴¹² Additionally, fifteen-year-old girls are allowed to marry if they “have been seduced” and have parental or judicial consent.⁴¹³ Seventeen-year-old boys may also enter marriage if they are accused of “having seduced” a fifteen-year-old girl and have obtained parental or judicial consent.⁴¹⁴ As a result, Puerto Rico’s law does not institute an effective marriage age floor. Puerto Rico also does not require its marriage applicants to provide official proof of their age.⁴¹⁵ On a scale of 1–5, Puerto Rico ranks as a 1.

U.S. Virgin Islands

In 2019, the legislature in the U.S. Virgin Islands voted unanimously to end child marriage in the territory.⁴¹⁶ Governor Albert Bryan Jr. signed the bill into law on January 18, 2020, adding the Virgin Islands to the list of states and United States territories that prohibit issuing marriage licenses to persons under the age of eighteen without exception.⁴¹⁷ However, the

⁴⁰⁸ *Id.* at §§ 1201, 1202, 1204, 1205.

⁴⁰⁹ P.R. LAWS ANN. tit. 31, § 242 (2011).

⁴¹⁰ *Id.*

⁴¹¹ *Id.* at § 232(4).

⁴¹² *Id.*

⁴¹³ *Id.*

⁴¹⁴ *Id.*

⁴¹⁵ *See id.* at § 244.

⁴¹⁶ Alexandra Boyer Coffey, *12/19/2019 The U.S. Virgin Islands are THIS close to ending child marriage*, UNCHAINED AT LAST (Dec. 20, 2019), <https://www.unchainedatlast.org/12-19-2019-the-u-s-virgin-islands-are-ending-child-marriage/>; A.J. Roa, *Senate approves 30 bills in full session*, THE VIRGIN ISLANDS DAILY NEWS (Dec. 20, 2019), http://www.virginislandsdailynews.com/news/senate-approves-30-bills-in-full-session/article_86b2fb28-8613-5a7f-b209-d8103915bb81.html.

⁴¹⁷ V.I. CODE ANN. tit. 16, § 36 (West 2022); *see Governor Bryan Takes Action on 31 Bills*, U.S. VIRGIN ISLANDS GOV’T, <https://www.vi.gov/governor-bryan-takes-action-on-31-bills/> (last visited Oct. 12, 2022); Bill 33-0109, 33d Leg., Reg. Sess. (V.I. 2019).

U.S. Virgin Islands still does not require marriage applicants to furnish official proof of their age prior to obtaining a marriage license.⁴¹⁸ On a scale of 1–5, the U.S. Virgin Islands ranks as a 3.

III. UPDATES IN 2023

Throughout 2023, at least fourteen states proposed bills to improve their child marriage laws, including California, Connecticut, Hawaii, Illinois, Kansas, Maine, Michigan, New Mexico, South Carolina, Texas, Vermont, Washington, West Virginia, and Wyoming. In six of those states—Connecticut, Maine, Michigan, Vermont, West Virginia, and Wyoming—the bills successfully passed into law.

IV. CONCLUSION

While many people cling to the flawed assumption that child marriage is not an American issue, children are married every day in the United States and are thus at higher risk for harms including death, serious health issues, and physical and sexual violence. A collection of states and territories have passed new laws to limit its prevalence, but many of these laws are riddled with exceptions and are inconsistent across state lines. Three factors improve child protection from the severe negative impacts of child marriage: (1) mandatory age floors set at eighteen, (2) proof of age and residency requirements, and (3) the elimination of parental and judicial consent exceptions. Ultimately, state laws that (1) ban marriage for persons under the age of eighteen, without exception, and (2) require all marriage applicants to furnish official

⁴¹⁸ V.I. CODE ANN. tit. 16, § 35 (West 2022).

proof of their age will be the most effective way to thwart child marriage nationally and truly protect children.

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