



ZONTA
INTERNATIONAL
DISTRICT 7
EMPOWERING WOMEN
THROUGH SERVICE & ADVOCACY

Age of Marriage in the United States How young is too young?

Fall 2018

Marriage of a minor (less than 18 years of age) not only occurs in faraway countries where poverty and ancient customs are important factors, but it is not uncommon in the United States. Between 2000 and 2015, well over 200,000 children under age 18 were married in the U.S. The majority of them were girls, and the majority married adult men. Currently, most states' laws set the minimum age of marriage at 18 but allow for exceptions to the rule, such as parental consent or judicial approval, which in practice can lower the marriage age.

The complex legal regimes across and within states can leave many minors confused about what they can and cannot do on their own. This is why setting the minimum age of marriage at 18 is the clearest solution to the problem of child marriage in the United States.

Within Zonta's District 7, there is no minimum age in Missouri, whereas in the other states it is 16 years of age. In fact, half of U.S. states do not set any minimum age whatsoever – meaning that as long as exceptions are met, a child of any age could be married.

Should the age of marital consent be standardized to an age of 18? Should exceptions be permitted? Should there be a minimal age under which exceptions are not allowed? Should criteria be established for judges to grant exceptions to the minimum age? The summary information in this flyer is intended to assist in starting the discussion on this topic, which is one of Zonta's biennium goals.

CEDAW and the Minimum Marriage Age

Part IV, Article 16.2 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) states that "*The betrothal and marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.*"

Further reading and resources:

https://www.law.cornell.edu/wex/table_marriage

<http://www.tahirih.org/pubs/falling-through-the-cracks-how-laws-allow-child-marriage-to-happen-in-todays-america/>

www.unchainedatlast.org

www.girlsnotbrides.org

The Issues

The motives for minors to marry frequently are other than love and being together forever. These include getting around the statutory rape laws, marrying simply due to pregnancy, or being forced into marriage by family or religious customs. **Marrying as a minor, however, has substantial legal, social, economic, and health implications:**

- **Minors have limited rights and options.**— Before a minor gains the rights of a legal adult, she may be legally unable to take critical steps to protect herself and can leave her trapped in a marriage with an adult. Depending on the state, a girl may not be able to leave home without being taken into custody and returned by police. She may not be able to stay in a domestic violence shelter at all or in a youth shelter for longer than a few days. If friends take her in, they could risk being charged with contributing to the delinquency of a minor or harboring a runaway. If she tries to get a place of her own, she may find no one willing to rent to her since in many circumstances, minors cannot be held to contracts they enter. Depending on the state, a girl who is being forced into marriage may not be entitled to file on her own for a protective order against her parents or a dating partner. Even after marriage, in some states, she will not be automatically given the rights of an adult through emancipation, meaning that she may be unable to file for her own divorce, and must instead rely on an adult to file on her behalf.
- **Marriage of minors are not long-lasting.**— Between 70% and 80% of marriages involving individuals under age 18 end in divorce. For teen mothers, getting married and later divorcing can more than double their likelihood of poverty.
- **Education is often interrupted or discontinued.**— Opportunities to pursue education is often lost when a minor marries, limiting her ability to become financially independent in the event of domestic violence or divorce. Women who marry before age nineteen are 50% more likely to drop out of high school than are their unmarried counterparts, and four times less likely to complete college.
- **Risks to physical and mental health.**— The unequal power balance of a minor marrying an adult also puts her at risk of physical, emotional, or verbal abuse, which she has little power to escape. Women who married as children experienced significantly higher rates of psychiatric disorders, and they are more likely to experience a range of serious medical problems.

Age of Marriage in District 7 States

Iowa Law

Minimum age is 16; all minors required to obtain parental consent and judicial approval to marry or emancipate in order to marry. The minor to be capable of assuming the responsibilities of marriage, and requires the judge to consider the best interest of the child. Iowa requires court records relevant to a pregnancy to be sealed and available only to the parties to be married, or to another interested party if they obtain a court order. If under-age at the time of application “and the female is pregnant or, having given birth to, is still in custody of a child, a judge may grant an order authorizing a marriage license.

Kansas Law

No one under age 15 may marry. Minors 16–17 years of age can marry with consent of both parents or legal guardians; if the minors parents are dead and there is no legal guardianship, the district court judge may “after due investigation” issue the marriage license. Also, a district court judge “may, after due investigation, give consent and issue the license authorizing the marriage of a person 15 years of age when the marriage is in the best interest of the person 15 years of age.” Although a common-law state, Kansas does not recognize a common-law marriage contract if either party to the marriage contract is under 18.

Minnesota Law

Minimum age is 16; all minors are required to obtain judicial approval to marry. Minors may marry, with the consent of the person's legal custodial parents, guardian, or the court, “when, after a careful inquiry into the facts and the surrounding circumstances, the person's application for a license and consent for civil marriage of a minor form is approved by the judge of the district court.”

Missouri Law

Missouri’s statutes allow for parental consent for children age 15 or older, and require judicial approval for children under age 15, with no age floor. For 15–17 year old minors, only one parent’s consent is required and can be issued by a clerk of court. There are no residency requirements. Laws authorize the judge to grant a petition for good cause or special cause, if the judge deems the marriage advisable or desirable, or some similarly non-specific reason.

North Dakota Law

Minimum age for a minor to marry is 16. If a person is between age 16 and 18 years, the state requires consent of a parent or legal guardian and official proof of age. The law makes no provision for judicial approval of any marriage involving minors.

South Dakota Law

Minimum age for a minor to marry is 16. If a person is between age 16 and 18 years, a notarized statement of consent to marry from one parent or one legal guardian is required. Judicial approval is mandated based when a minor lacks parental consent for the marriage. The state also requires official proof of age for all marriage licenses. The application for a marriage license in South Dakota for all applicants also requires the following statement: “*The laws of this state affirm your right to enter into this marriage and at the same time to live within the marriage free from violence and abuse. Neither of you is the property of the other. Physical abuse, sexual abuse, battery and assault of a spouse or other family member, as well as other provisions of the criminal laws of this state, are applicable to spouses and other family members and violations thereof are punishable by law.*” Both parties must sign and acknowledge having read this statement.

Potential actions in response to this issue:

- Develop a short, 30-second ‘elevator’ speech on the issue where you can quickly grab the attention of your audience.
- Research the issue specific to your state or locale. Get statistics from governmental entities (including local officials) so you can speak knowledgeably and accurately on the size and impact of the issue.
- Connect the dots between the age of marital consent and other laws. Learn the statistics related to poverty, lack of education, and damaged lives related to early marriages.
- Create allies on the issue and raise community awareness by discussing it with other groups with similar concerns and interests, community leaders, and others.
- Develop a relationship with local media by sending out stories, talking to reporters, and keeping them notified of community discussions.
- Contact legislators to gauge interest in the issue and to develop an awareness about the need for changes to state laws. Assist legislators by providing draft legislation.



For more information, visit
www.zonta.org
www.zontadistrict7.org

