

# 10 States Later: Ending Child Marriage in the U.S.

## Presenters:

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**Director of Public Policy**

Alex Goyette

**Public Policy Manager**



# The Tahirih Justice Center

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We offer a range of legal and social services to ensure that our clients can escape violence and rebuild their lives in safety.

## Immigration Law

We represent immigrant women and girls who we believe have a legitimate claim to legal status under US immigration law as survivors of gender-based violence.

## Family Law

We ensure our clients' legal needs are met in family courts, safeguarding children against abuse and helping women divorce their abusers.

## Civil Law

We engage in appellate advocacy and impact litigation, and support clients recover damages from harms they have suffered, such as trafficking.

## Social Services

We connect our clients to shelter, employment-related training, food pantries, and other services so they can gain greater control over their lives.

## Forced Marriage Protection

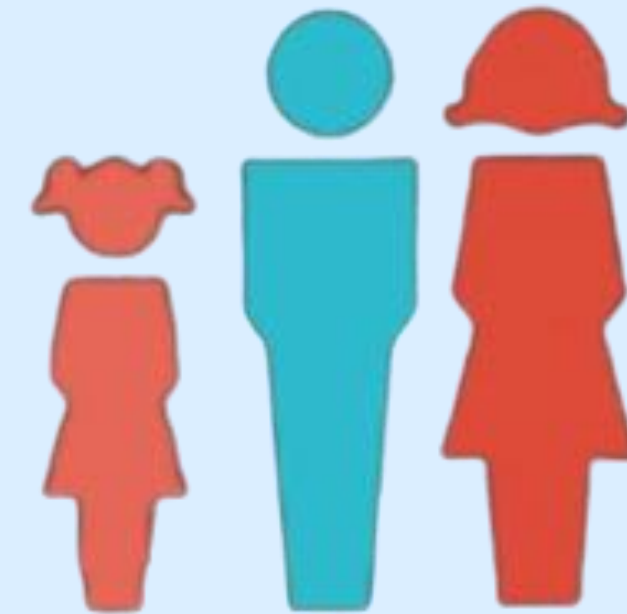
We provide confidential support and assistance to individuals in the US who are facing forced marriages in this country or abroad.

# Forced Marriage Initiative

Created in 2011 to galvanize a national response to the problem of forced marriage in the United States

## Multi-faceted approach:

- Research (legal and policy as well as field based)
- Outreach and awareness raising; trainings
- Developing best practices and practical tools
- Coalition-building and collaborative problem solving
- Drafting recommendations for legal and policy change
- Providing direct services



**FMI@Tahirih.org**

**[www.PreventForcedMarriage.org](http://www.PreventForcedMarriage.org)**

# What is Forced Marriage?



## **Forced Marriage Is...**

A marriage where one or both people do not (or cannot) consent to the marriage, and typically involves elements of force, fraud, or coercion.

## **Forced Marriage Is Not...**

Arranged marriage, in which families may take the lead, but the ultimate choice to marry remains with the individual.

# Forced Marriage at the Intersection

Forced marriage is a form of gender-based violence in its own right. When a woman feels she has no real choice when it comes to marriage, she loses a great deal of power and control over her own life. More often than not, however, forced marriage is just one part of a spectrum of other harms that a woman who is forced to marry may face in her lifetime.

## **Forced Marriage can lurk behind the issues that first present themselves:**

"...advocates speak to many women who are facing domestic violence, abuse and/or sexual assault in their marriage. Only later in these conversations does it emerge that the conditions upon which they may have been married were under duress, pressure, and ultimately against their will." (Roy, 2011)

## **Other Types of Harm:**

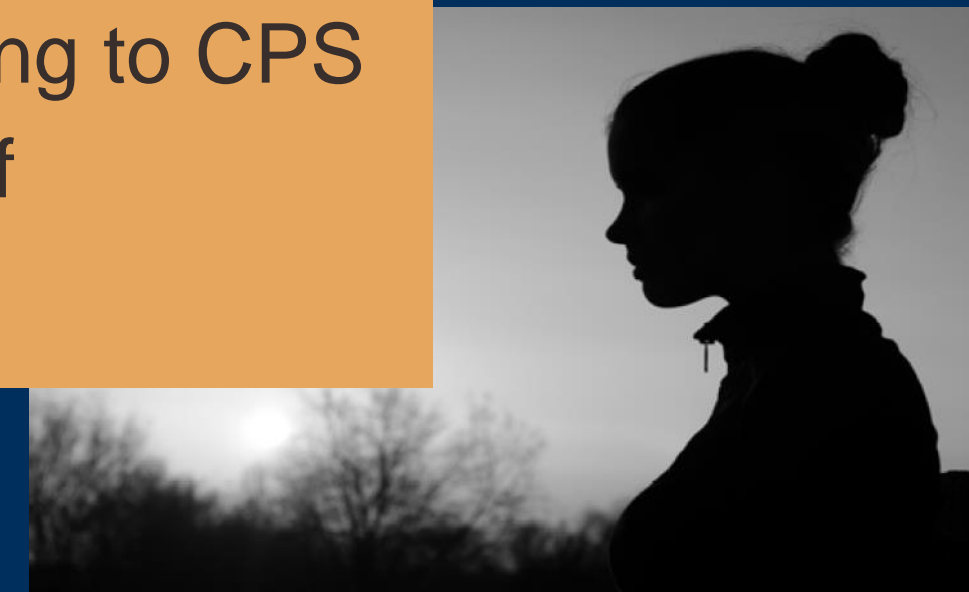
- Child Abuse
- Human trafficking
- Stalking
- Domestic and Family Violence
- Female Genital Mutilation/Cutting
- Rape and Sexual Assault

# **Child Marriage**



# Challenges for Minors Facing the Threat of Forced Marriage

- Lack of knowledge of rights
  - Lack of evidence
  - Lack of capacity/standing to initiate court action
  - Law enforcement defers to rights of parents
  - Cases may not be understood as falling within CPS mandate
- Limited ability to leave home
    - Often cannot legally remain outside the home
    - Shelter/alternative housing options may be limited
    - Shelters generally have mandatory reporting to CPS
  - Risk of repercussions if unsuccessful



# Understanding Child Marriage in the U.S.

- Between 2000 and 2018, over 300,000 minors were married in the U.S.
- Child marriage ≠ forced marriage in every instance, but:
  - Vast majority of cases involve girls marrying adult men
  - Spouses include adults decades older
- State laws regulate the issue, but leave concerning gaps:
  - Pregnancy exceptions with age lower than age of consent
  - Parental consent exceptions empowering perpetrators
  - Several states with no age floor

# Risks and Harms

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U.S. specific research shows that women who are married as girls face:

- Higher drop-out rates
- Increased medical and mental health problems
- Up to 80% divorce rates
- Greater vulnerability to violence
- Greater likelihood of future poverty
- Early marriage can also double-down on the consequences of teen pregnancy

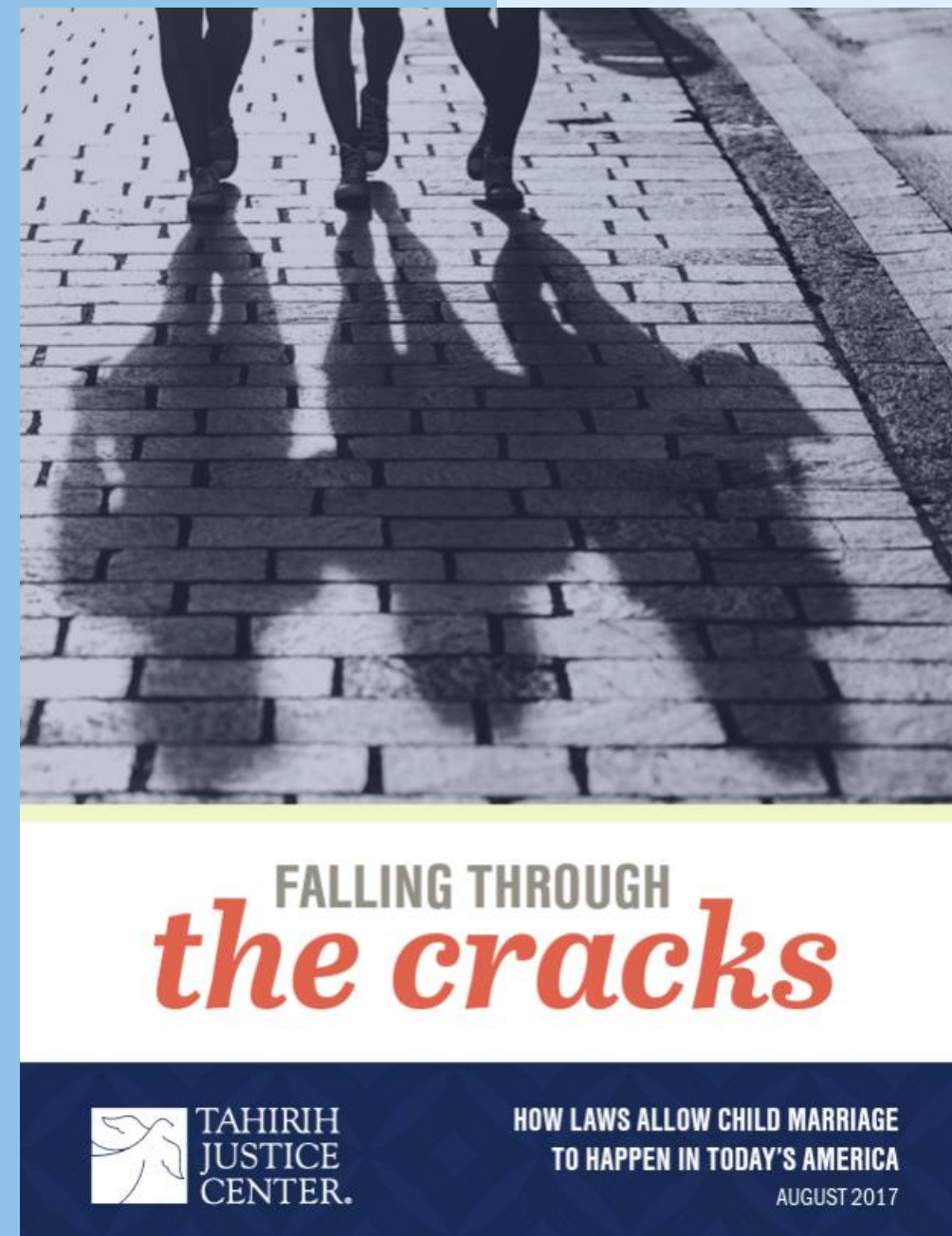
**Whatever a girl's starting point, child marriage stacks the odds higher against her, and risks increasing her instability and insecurity over time.**

**Where did we  
start?**

# State Laws on Child Marriage

## Minimum Age Exceptions

- “Age floor” of 18 concealed true, much lower minimum ages (if any)
- Parental consent enabled most common perpetrators
- Pregnancy exceptions turned red flags into marriage licenses
- Judicial approval & spectrum of safeguards



## Limited Protections

- Clerks:
  - Firm minimum ages
  - Official proof of age
  - Residency requirements
- Judges:
  - Expertise
  - Formal hearing
  - Appointing counsel
  - Background investigations

# Child Marriage Laws in 2015

No-Exception Age Floors:	Laws in 2015:
Age of Majority (18)	
“Legal adulthood”	
Age floor 17	
Age floor 16	
Age floor <16	
No age floor	

Exceptions	Laws in 2015:
Pregnancy	
Parental consent alone for 16-17s	
Universal judicial approval	
Judicial rubber stamp	
Differed by gender	

# Child Marriage Laws in 2015

No-Exception Age Floors:	Laws in 2015:
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Exceptions	Laws in 2015:
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# Child Marriage Laws in 2015

No-Exception Age Floors:	Laws in 2015:
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Age floor 16	12
Age floor <16	
No age floor	

Exceptions	Laws in 2015:
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# Child Marriage Laws in 2015

No-Exception Age Floors:	Laws in 2015:
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Age floor <16	9
No age floor	

Exceptions	Laws in 2015:
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Parental consent alone for 16-17s	
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Differed by gender	

# Child Marriage Laws in 2015

No-Exception Age Floors:	Laws in 2015:
Age of Majority (18)	0
“Legal adulthood”	0
Age floor 17	2
Age floor 16	12
Age floor <16	9
No age floor	28

Exceptions	Laws in 2015:
Pregnancy	
Parental consent alone for 16-17s	
Universal judicial approval	
Judicial rubber stamp	
Differed by gender	

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No-Exception Age Floors:	Laws in 2015:
Age of Majority (18)	0
“Legal adulthood”	0
Age floor 17	2
Age floor 16	12
Age floor <16	9
No age floor	28

Exceptions	Laws in 2015:
Pregnancy	10
Parental consent alone for 16-17s	
Universal judicial approval	
Judicial rubber stamp	
Differed by gender	

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No-Exception Age Floors:	Laws in 2015:
Age of Majority (18)	0
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Exceptions	Laws in 2015:
Pregnancy	10
Parental consent alone for 16-17s	41
Universal judicial approval	
Judicial rubber stamp	
Differed by gender	

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Exceptions	Laws in 2015:
Pregnancy	10
Parental consent alone for 16-17s	41
Universal judicial approval	8
Judicial rubber stamp	
Differed by gender	

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No-Exception Age Floors:	Laws in 2015:
Age of Majority (18)	0
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Age floor 16	12
Age floor <16	9
No age floor	28

Exceptions	Laws in 2015:
Pregnancy	10
Parental consent alone for 16-17s	41
Universal judicial approval	8
Judicial rubber stamp	29
Differed by gender	

# Child Marriage Laws in 2015

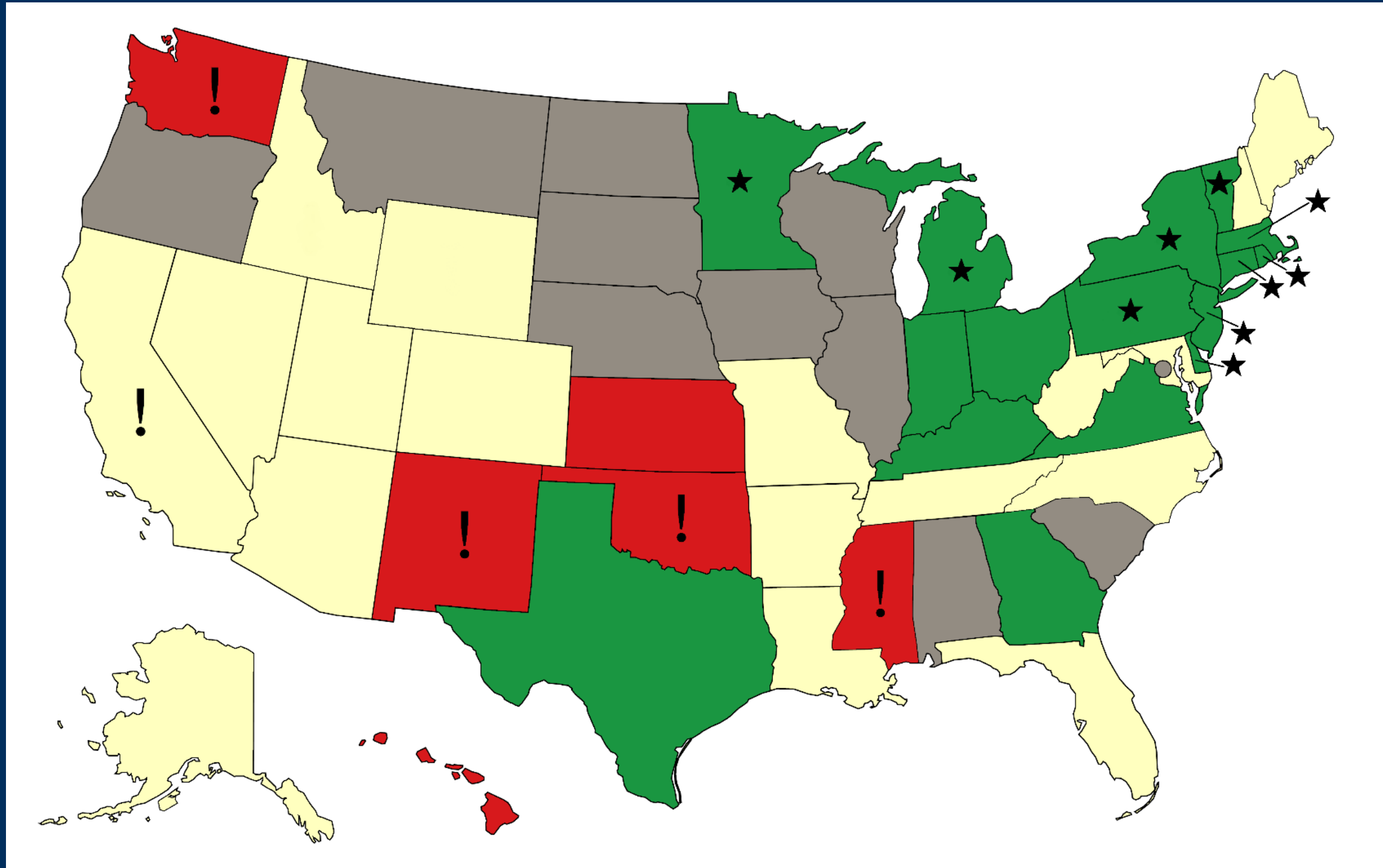
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Exceptions	Laws in 2015:
Pregnancy	10
Parental consent alone for 16-17s	41
Universal judicial approval	8
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Differed by gender	5

# Where are we now?

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# Child Marriage Reform Since 2016



# Child Marriage Laws Today

No-Exception Age Floors:	2015 → 2023
Age of Majority (18)	0 →
“Legal adulthood”	0 →
Age floor 17	2 →
Age floor 16	12 →
Age floor <16	9 →
No age floor	28 →

Exceptions	2015 → 2023
Pregnancy	10 →
Parental consent alone for 16-17s	41 →
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No-Exception Age Floors:	2015 → 2023
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Exceptions	2015 → 2023
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Universal judicial approval	8 →
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# Child Marriage Laws Today

No-Exception Age Floors:	2015 → 2023
Age of Majority (18)	0 → 10
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Age floor 17	2 →
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Exceptions	2015 → 2023
Pregnancy	10 →
Parental consent alone for 16-17s	41 →
Universal judicial approval	8 →
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# Child Marriage Laws Today

No-Exception Age Floors:	2015 → 2023
Age of Majority (18)	0 → 10
“Legal adulthood”	0 → 16
Age floor 17	2 → 10
Age floor 16	12 →
Age floor <16	9 →
No age floor	28 →

Exceptions	2015 → 2023
Pregnancy	10 →
Parental consent alone for 16-17s	41 →
Universal judicial approval	8 →
Judicial rubber stamp	29 →
Differed by gender	5 →

# Child Marriage Laws Today

No-Exception Age Floors:	2015 → 2023
Age of Majority (18)	0 → 10
“Legal adulthood”	0 → 16
Age floor 17	2 → 10
Age floor 16	12 → 24
Age floor <16	9 →
No age floor	28 →

Exceptions	2015 → 2023
Pregnancy	10 →
Parental consent alone for 16-17s	41 →
Universal judicial approval	8 →
Judicial rubber stamp	29 →
Differed by gender	5 →

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No-Exception Age Floors:	2015 → 2023
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Age floor 16	12 → 24
Age floor <16	9 → 2
No age floor	28 → 5

Exceptions	2015 → 2023
Pregnancy	10 →
Parental consent alone for 16-17s	41 →
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“Legal adulthood”	0 → 16
Age floor 17	2 → 10
Age floor 16	12 → 24
Age floor <16	9 → 2
No age floor	28 → 5

Exceptions	2015 → 2023
Pregnancy	10 → 4
Parental consent alone for 16-17s	41 →
Universal judicial approval	8 →
Judicial rubber stamp	29 →
Differed by gender	5 →

# Child Marriage Laws Today

No-Exception Age Floors:	2015 → 2023
Age of Majority (18)	0 → 10
“Legal adulthood”	0 → 16
Age floor 17	2 → 10
Age floor 16	12 → 24
Age floor <16	9 → 2
No age floor	28 → 5

Exceptions	2015 → 2023
Pregnancy	10 → 4
Parental consent alone for 16-17s	41 → 26
Universal judicial approval	8 →
Judicial rubber stamp	29 →
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No-Exception Age Floors:	2015 → 2023
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Exceptions	2015 → 2023
Pregnancy	10 → 4
Parental consent alone for 16-17s	41 → 26
Universal judicial approval	8 → 15
Judicial rubber stamp	29 →
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No-Exception Age Floors:	2015 → 2023
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Differed by gender	5 → 1

**How did we get here?**

A thick, white, hand-drawn style underline is positioned directly beneath the text "How did we get here?". It starts under the 'H' and ends under the 'e' in 'here', with a slightly irregular, brush-like texture.

# Ending Child Marriage: Timeline

## 2016

Virginia

## 2017

Connecticut  
New York  
Texas

## 2018

Arizona      Missouri  
\*Delaware\*   \*New Jersey\*  
Florida      Tennessee  
Kentucky

## 2019

Arkansas      Georgia  
California      Nevada  
Colorado      Ohio  
Louisiana      Utah  
New Hampshire

## 2020

Idaho  
Indiana  
Maine  
\*Minnesota\*  
\*Pennsylvania\*

## 2021

Utah  
\*Rhode Island\*  
\*New York\*  
North Carolina

## 2022

Maryland  
\*Massachusetts\*  
Alaska

## 2023

Wyoming  
West Virginia  
\*Vermont\*  
Maine  
\*Connecticut\*  
\*Michigan\*

# Ending Child Marriage: Timeline

**2016**

Virginia

**2017**

Connecticut

New York

Texas

**2018**

Arizona

\*Delaware\*

Florida

Kentucky

Missouri

\*New Jersey\*

Tennessee

**2019**

Arkansas

California

Colorado

Louisiana

New Hampshire

Georgia

Nevada

Ohio

Utah

**2020**

Idaho

Indiana

Maine

\*Minnesota\*

\*Pennsylvania\*

**2021**

Utah

\*Rhode Island\*

\*New York\*

North Carolina

**2022**

Maryland

\*Massachusetts\*

Alaska

**2023**

Wyoming

West Virginia

\*Vermont\*

Maine

\*Connecticut\*

\*Michigan\*

# Key Campaigns: Virginia (2016)

## Law in 2015

- No age floor
- Under age 16
  - Parental consent and pregnancy
- Age 16-17
  - Parental Consent
- Approved by clerk only
- 7,500 minors married 2000-2013
  - 182 in 2015

## “Maria’s” Experience

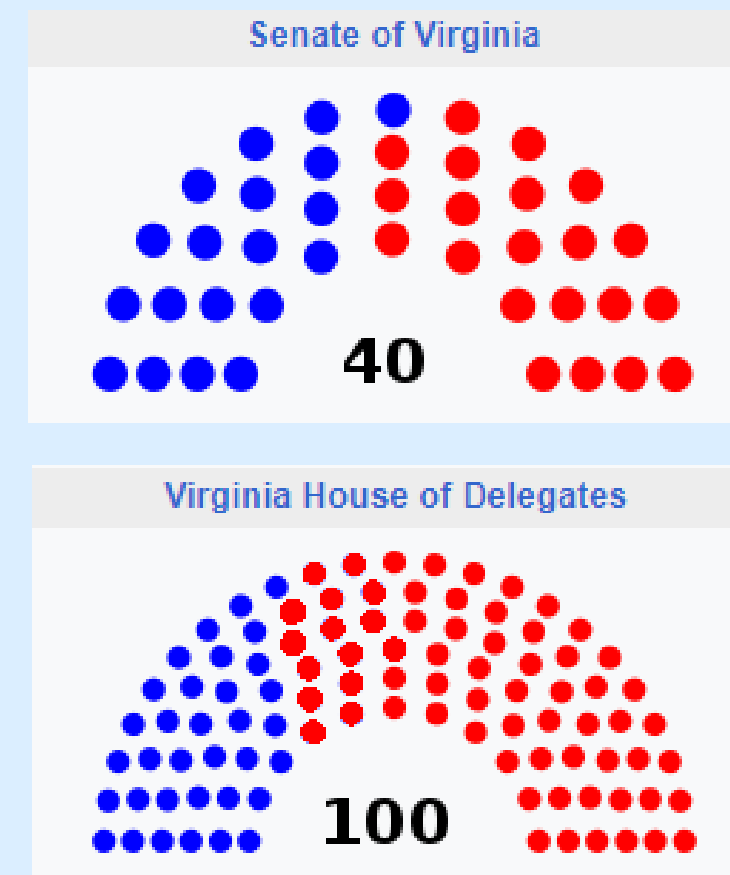
- FMI client age 16
- Brought to Virginia courthouse in sweats and flipflops – clearly disinterested
- Parents consented for her, so clerk issued license
- Officiant immediately offered to conduct wedding for \$75

**Sparking a Movement**

# Key Campaigns: Virginia (2016)

## Campaign Overview

- Survivor advocacy, availability of statewide data, and existing relationships from VA office
- Bipartisan bill sponsors
- Challenges:
  - First campaign of its kind
  - Building awareness



Gov. Terry McAuliffe (D)

## Sparking a Movement

# Key Campaigns: Virginia (2016)



## 2016 Reform

- First state to limit marriage to legal adults
  - Age 18, or emancipated
- Emancipation process:
  - Eligible at age 16
  - Attorney appointed to minor
  - “Best interest” inquiry
  - Investigation of criminal record and protective order history
- Impact: 13 minors married in 2017
  - 87% decrease from 2015

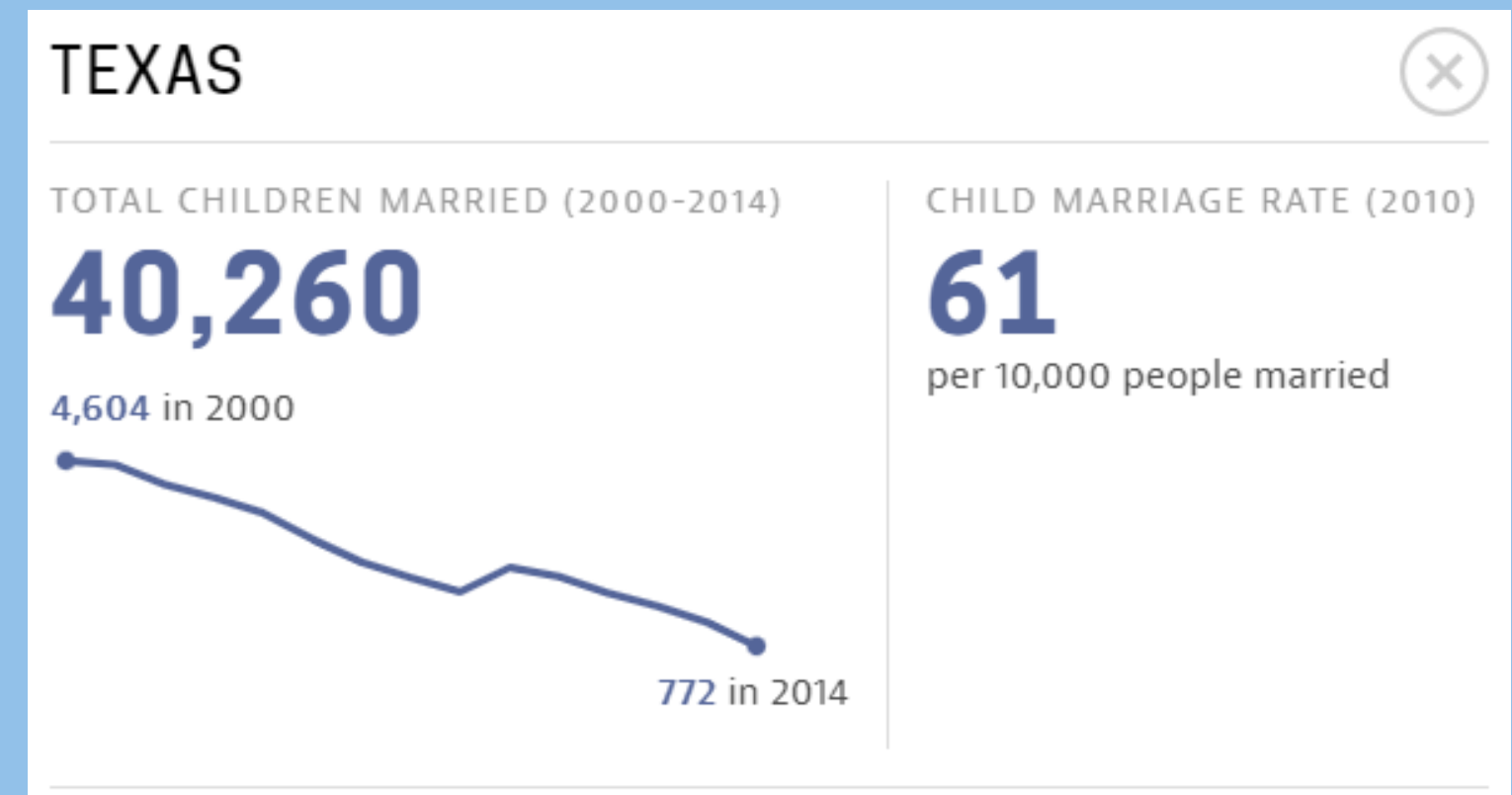
**Sparkling a Movement**

# Key Campaigns: Texas (2017)

## Law in 2016

- No age floor
- Ages 16-17: parental consent
- Under age 16: judicial approval
  - A “rubber stamp” process
  - Approved marriages as young as 12 and 13

## Epicenter of Child Marriage



**Maximizing Impact**

# Key Campaigns: Texas (2017)

## Campaign Overview

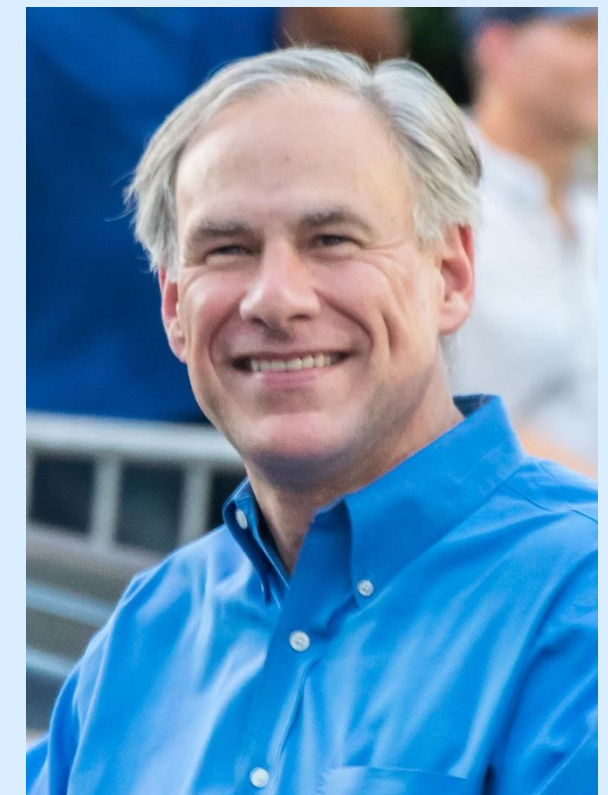
- Sponsor approached Tahirih
- Worked with Tahirih, local orgs, survivor-advocates to get to 18
- Clear it wouldn't be possible, but couldn't walk away doing nothing given the scale of the problem

### Senate [\[ edit \]](#)

Affiliation	Members	Note
Republican Party <sup>[1]</sup>	20	
Democratic Party <sup>[1]</sup>	11	
Total	31	

### House of Representatives [\[ edit \]](#)

Affiliation	Members	Note
Republican Party <sup>[2]</sup>	95	
Democratic Party <sup>[2]</sup>	55	
Total	150	



Gov. Greg Abbott (R)

Maximizing Impact

# Key Campaigns: Texas (2017)



## 2017 Reform

- Limited marriage to legal adults
- Emancipation process:
  - Eligible at age 16
  - Attorney appointed to minor
  - “Best interest” inquiry
- Defined forced marriage as child abuse
- Impact:
  - 95% decline in children married
  - Hundreds prevented annually

**Maximizing Impact**

# Key Campaigns: Delaware (2018)

## Joining the Fight in DE

- Existing in-state movement
  - Court officers initiated a movement a decade earlier
  - 2008 reform: universal judicial review
  - Support from DV Coalition, Office of Women's Advancement
- Previous reform reduced “constituency” for child marriage

## Law in 2017



- No age floor
- Universal judicial review
  - Some guidance
- Very few minors married post-2008
  - 4 in 2011, 1 in 2012



**First State to End Child Marriage**

# Key Campaigns: Delaware (2018)

## Campaign Overview

- Bipartisan sponsors; existing movement both in DE and around the country
- New role for Tahirih
  - Lobbying, but not leading
  - Coordination
  - Technical assistance
- Military exception & Tahirih's existing expertise

Senate		
Party		As of July 2018
	Democratic Party	11
	Republican Party	10

House		
Party		As of July 2018
	Democratic Party	25
	Republican Party	16



Gov. John Carney (D)

## First State to End Child Marriage

# Key Campaigns: New York (2017, 2021)

## Law in 2016

- Age floor: 14
- Ages 16-17: parental consent
- Ages 14-15: judicial approval
- 3,853 children married 2000-2010

## 2017 Campaign

- Bipartisan sponsors, broad in-state support
- Limited marriage to legal adults
  - Age floor of 17
  - Attorney appointed to minor
  - “Best interest” inquiry
  - In-chamber interview
  - Criminal record review

**An Incremental Approach**

# Key Campaigns: New York (2017, 2021)

## Incremental Approach

- Age-18 bills introduced in 2019 and 2021
- Led by survivor-advocate Naila Amin
  - “Naila’s Law” ended child marriage in 2021
- First state to end child marriage with an incremental approach
  - Connecticut (2017, 2023)



## An Incremental Approach

# Impact and --- Lessons

# Impacts of the National Campaign

## A wave of reforms:

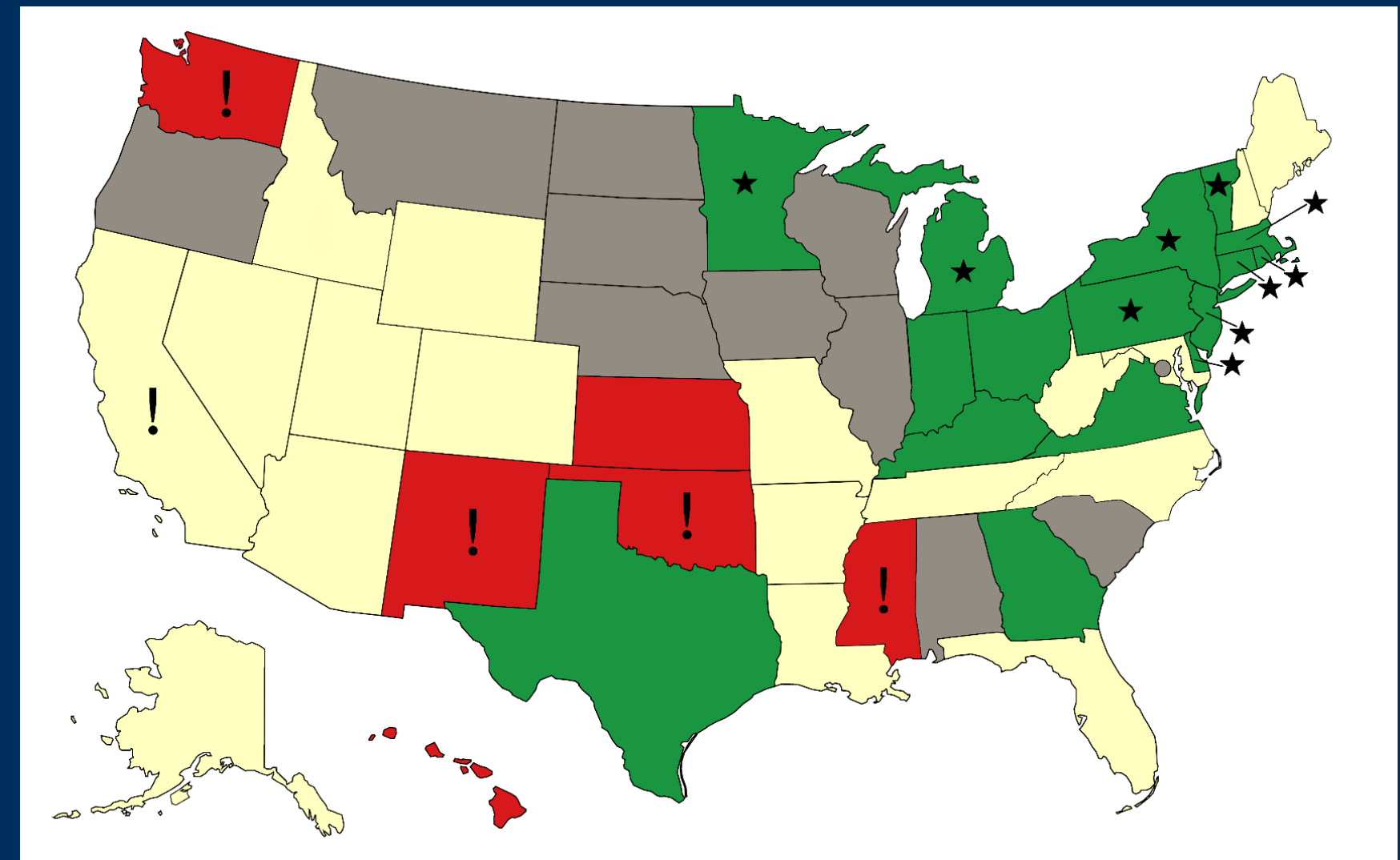
- 34 states since 2016
- 10 ended child marriage
- 24 limited child marriage

## Awareness:

- Media coverage is common
- Legislators know the issue
- Campaigns as normative projects
  - Service providers & survivors

## Survivor-led movement:

- National network of survivor-advocates



# Lessons Learned across 34+ States

Foundations of a campaign:

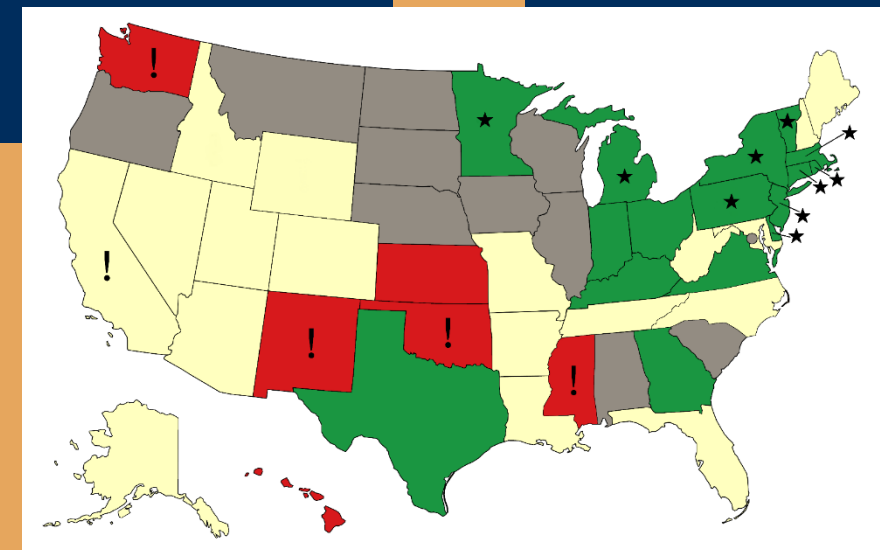
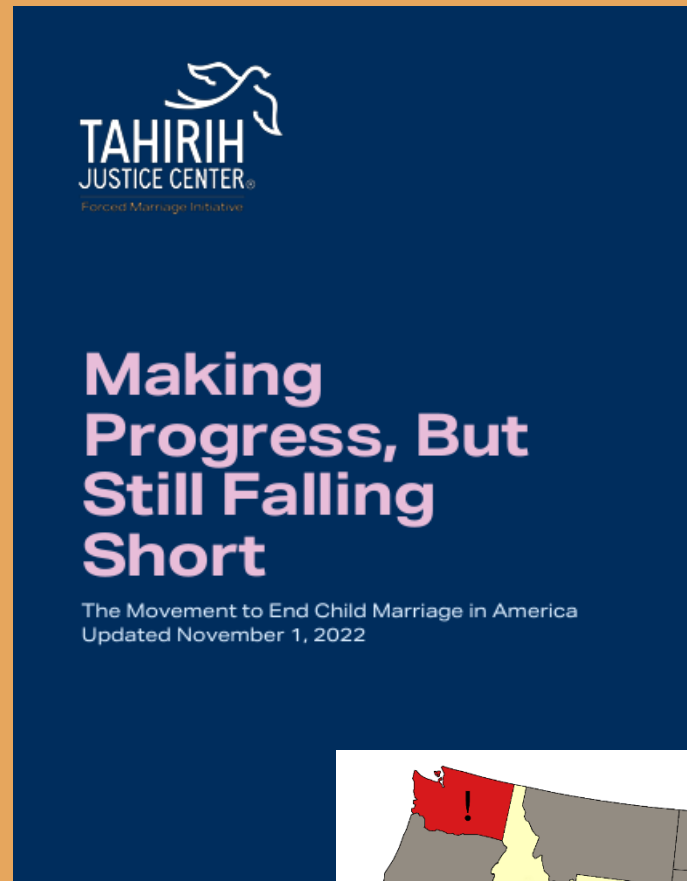
- Statewide data
- Local coalition
- Survivor advocacy

Forms of advocacy:

- Lobbying & coalition building
- Education & technical assistance
- Research & media

States & their neighbors:

- Every state is unique
- But they're all watching their neighbors
- Impacts cross state lines





# What's Next?



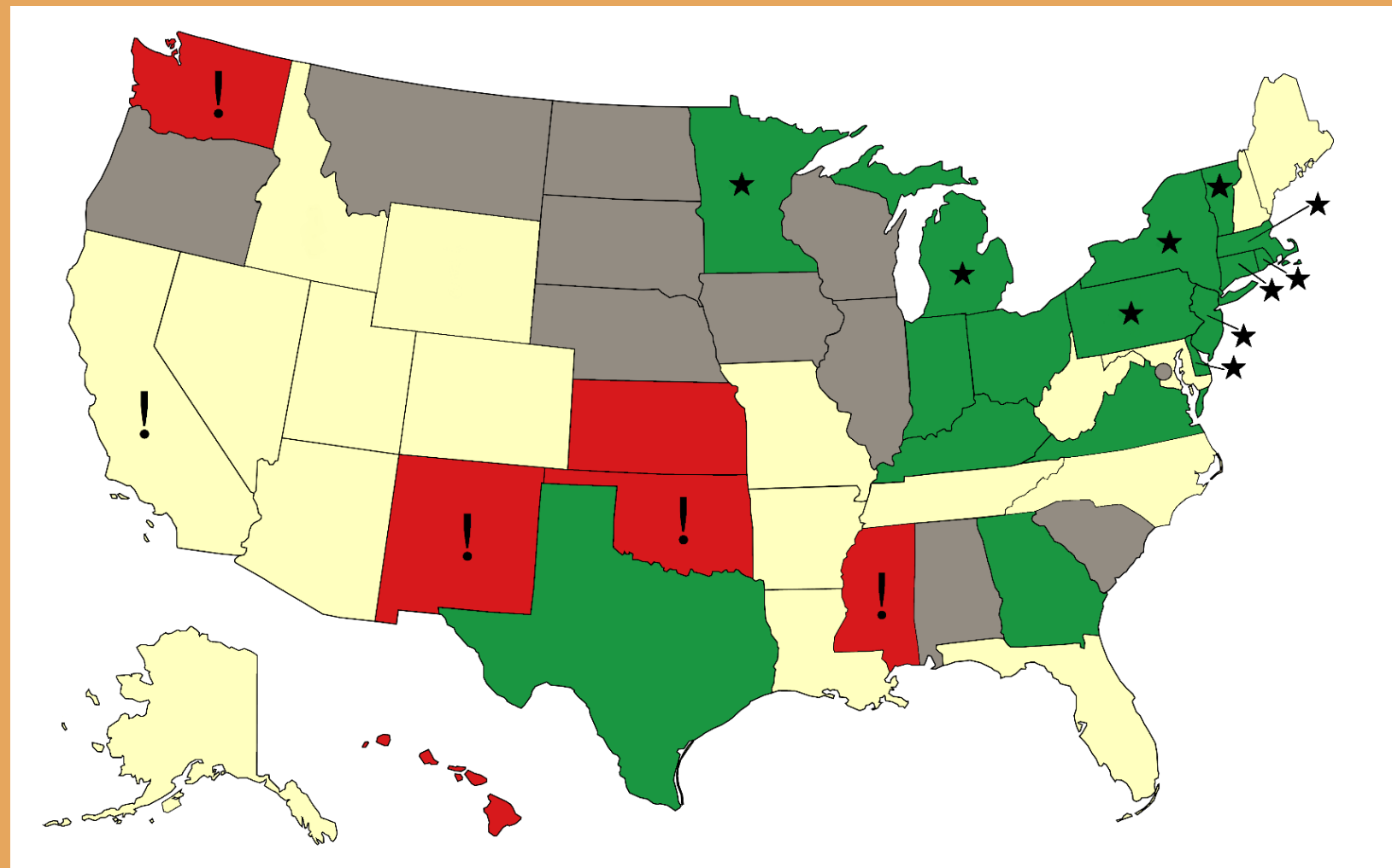
# Looking Ahead: 40 States + DC Left!

## Priority States:

- DC – Tahirih's last service area
- Worst offenders:
  - No age floor
  - Pregnancy exception
  - High numbers

## Complementary Approaches:

- Forced marriage protective orders
- Federal advocacy
- Direct services: [FMI@tahirih.org](mailto:FMI@tahirih.org)
- Training & education



# Questions?

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# Thank you!



## Our Offices

### Atlanta

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greaterdc@tahirih.org

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San Bruno, CA 94066  
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SFBayArea@tahirih.org