

# *Making Progress, But Still Falling Short: A Report on the Movement to End Child Marriage in America*

January 2020

## **AT A GLANCE: HOW DO STATE LAWS ON MINIMUM MARRIAGE AGE COMPARE? (AS ENACTED BY JANUARY 10, 2020)**

- Only 2 states (Delaware and New Jersey) set the age floor at 18 – no exceptions
- 6 states (Virginia, Texas, New York, Kentucky, Ohio and Georgia) also limit marriage to legal adults – by providing exceptions only for emancipated minors
- 12 states do not set any age floor by statute
- In 13 states and Washington, DC, clerks alone – without judges – can issue marriage licenses for all minors
- Only 17 states require all minors to get judicial approval before they can marry
- 6 states expressly allow girls under the minimum age to be married if they are pregnant

*For more information, including a compilation of state laws, comparative analysis and “scorecards”, please visit [tahirih.org/childmarriage](http://tahirih.org/childmarriage).\**

## **OVERVIEW**

In August 2017, the Tahirih Justice Center (Tahirih) released the first comprehensive analysis of marriage-age provisions in all 50 states and Washington, DC that leave children more vulnerable to forced and early marriage. *Falling through the Cracks: How Laws Allow Child Marriage to Happen in Today’s America*, aims to provide state lawmakers and advocates in the United States with the information they need to pass laws that more effectively protect children.

Since then, significant progress has been made. But while some states have taken up legislation to end or limit child marriage, the states with the most lax laws have yet to take any action. In addition, several newly enacted laws do not go far enough, and will need to be strengthened in future legislative sessions.

## **THE BIRTH AND GROWTH OF THE U.S. MOVEMENT TO END CHILD MARRIAGE**

At the start of Tahirih’s national campaign to end child marriage, data gathered by Tahirih and other advocates indicated that tens of thousands of children had been married in recent years across the U.S., and well over 200,000 children in total in the period since 2000. In response, in 2016 after a campaign led by Tahirih, Virginia became the first state to end child marriage by restricting marriage licenses to legal adults (individuals age 18 or older, with a limited exception for minors who had been “emancipated” by a court after a special hearing). Similar reforms followed in Texas, New York, Kentucky, Ohio and Georgia that limited exceptions to

emancipated minors and established meaningful safeguards against forced marriages of children. In 2018, a critical milestone was reached when Delaware and New Jersey became the first states to ban all marriage under age 18, without exception.<sup>1</sup>

In total, 21 states have strengthened their minimum marriage-age laws since 2016.<sup>2</sup> Over that same short period, many more states have considered reform bills, and many of those bills have cleared major legislative hurdles, even if they have not yet made it all the way to final passage.

### **BUILDING MOMENTUM FOR LEGISLATIVE REFORMS ON MARRIAGE AGE**

- 2016: Virginia
- 2017: Connecticut, New York, Texas
- 2018: Arizona, Delaware, Florida, Kentucky, Missouri, New Jersey, and Tennessee
- 2019: Arkansas, California, Colorado, Georgia, Louisiana, New Hampshire, Ohio, Utah, and Nevada
- 2020: Maine; more bills pending

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These achievements are all the more remarkable considering that in some states, thousands of bills can be introduced in an intense, 40-day legislative session, all competing for attention and time in committee hearings, or for space on the agenda for a floor vote.

Public education has played a critical role. Many legislators and advocates, before now, simply had no idea that their states’ laws were so lax, or that child marriage really happened in America. They had not previously considered the stunning inconsistencies between marriage-age laws and statutory-rape laws, for example, or the cruel irony of permitting a girl to be married before she has attained the rights and resources an adult woman would have to protect herself from domestic violence.

The startling revelation that over 200,000 children under age 18 were married in the United States between 2000 and 2015, documented through state marriage license data<sup>3</sup>, drove home the need for states to snap into action. The overwhelming majority of minors who were married were girls, most married adult men, and many times, those men were significantly older. Increasing media coverage has called attention to the horrific experiences of former “child brides” who were abused and exploited under the guise of marriage.<sup>4</sup> Mounting U.S.-based research, amassed and amplified by Tahirih and other advocates, has provided further evidence of how child marriage drastically undermines girls’ health, safety, and welfare. Increasingly, too, survivors are stepping forward as advocates and movement-leaders, inspiring and driving changes in the laws.

The resulting burst of bipartisan legislative activity makes clear that most state lawmakers appreciate the acute concerns raised by permitting children to be married.<sup>5</sup> More and more states are adopting provisions that better protect children from forced and early marriage, including setting floors of age 16 or higher, requiring all minors to obtain judicial approvals, setting more detailed substantive criteria, vetting not only the maturity and capacity of the minor but also the intended spouse and marriage for abuse or coercion, clarifying what a “best interests” inquiry should entail, sending the cases to specialized judges, appointing counsel, and/or ensuring that minors are emancipated before marriage and understand their rights and resources available to protect them in case of abuse.

Despite broad recognition of the problem, however, most states have not pursued the simple, straightforward, and powerful solution that Tahirih and other advocates, including survivors, have repeatedly urged: to set age 18, no exceptions, as the minimum legal marriage age.<sup>6</sup>

Instead, the solutions that states have adopted have varied significantly, and those differences have a measurable impact on outcomes. For example:

- In Virginia<sup>7</sup>:
  - The new law limited marriage license issuance to legal adults age 18 or older, with an exception for court-emancipated minors.
    - Minors age 16 or older in Virginia can petition a specialized “Juvenile and Domestic Relations” judge to be emancipated, are appointed an attorney, and must prove they have the capacity to be independent and self-sufficient.
    - If the emancipation petition is based on an intent to marry, the judge must find that the minor is not being coerced, examine age differences and any violent criminal history of the intended spouse, and consider several other criteria.
  - In 2015, the year *before* the new law was enacted, **182 minors** were married, including one younger than age 15.
  - In 2017, the year *after* the new law’s effective date, just **13 minors** were married. None was younger than age 16, most were age 17, and all but one married someone within 4-6 years of their age.

- In Florida<sup>8</sup>:
  - The new law limited underage marriage license issuance to 17-year-olds marrying someone no more than 2 years older. A clerk issues the license; no judge is involved.
  - In 2017, the year *before* the new law was enacted, in the 6-month period July to December, a total of **125 minors** were married, including a 16-year-old married to a 45-year-old. 38 of the minors were boys, and 87 were girls.
  - In 2018, the year *after* the new law's effective date, in the same 6-month period, a total of **48 minors** were married. 22 of the minors were boys, and 26 were girls. Most married someone close to their age.<sup>9</sup>

The Florida results reflect both an overall decline in numbers, and greater gender parity in who was married underage, once the age floor was raised and the age differences of the parties were restricted. But they also show the limitations of those changes, without adding any judicial vetting: in Florida, the number of minors marrying was reduced by about 62%, compared with about a *93% reduction* in Virginia.

Preliminary data emerging from Texas also underscores the vital importance of an evidentiary hearing before a judge. In 2017, Texas enacted reforms similar to Virginia's new law, providing a limited exception to a minimum marriage age of 18 only for court-emancipated minors. A comparison of Texas marriage license data pre- and post-implementation of its new law likewise shows about a *90% reduction* in the number of minors who were married.<sup>10</sup>

Moreover, because of the new laws, all the minors who married in Virginia and Texas would have been emancipated prior to marriage in a judicial proceeding with some built-in safeguards, such as appointing counsel to the minor. Such measures provide greater assurance that a marriage is not being forced, and that the minor would have the legal and practical capacity to escape abuse if needed. By contrast, in Florida a court clerk can issue a marriage license to someone under age 18 after simply checking the respective ages of the parties, with no inquiry into what abusive or exploitative circumstances may lurk behind the application.

Still, the Florida law recognized that even a few years' age difference can mean a profound imbalance in the power and position of the parties in such marriages and thus dramatically increase vulnerability to abuse. In this light, the fact that some of the minors in Virginia and Texas married spouses who were several years older is real cause for concern.

Tahirih will continue to analyze and report on other states' post-reform experiences as more data becomes available. But already it is clear that states that have done little more than newly draw the line at age 16 should expect to see far less of an impact than those states that put multiple safeguards in place.

Each of the states examined above – Virginia, Florida, and Texas – posed legislative and political challenges to enacting an age-18 “bright-line” rule out of the gate. Incremental

progress may be a necessary and even principled strategy in states like these where an age 18 bright-line rule is not a viable path forward, particularly if they have a large child marriage problem, especially lax laws, and a short legislative window. But lawmakers and advocates alike must commit to revisiting incremental reforms in all states, and advocating for stronger laws in future legislative sessions.

Overall, evidence to date demonstrates that any formula for marriage-age reforms other than “age-18, no exceptions” is incredibly hard to get right. In order to meaningfully mitigate risks, not only for the youngest minors but also for the 16- and 17-year-olds who make up the majority of girls being married, many different kinds of safeguards must be put in place and must all work together in any alternative that relies on judicial approval.

### **LIMITATIONS OF JUDICIAL APPROVAL EXCEPTIONS**

Unfortunately, only a handful of all states have strong judicial approval processes with most or all of the kinds of critical safeguards that, working together, can help protect children from forced marriages and other serious, lifelong harm. In fact, the majority of states with some form of a judicial approval exception still have glaring gaps in protection. California, for example, recently enacted modest improvements to its judicial approval process, but excluded certain minors from its coverage. What’s more, the state *still has not set any age floor* below which a child cannot be married.

Simply requiring all minors to obtain judicial approval alone is not enough; after all, judges who rubber-stamped parental consent or exercised unfettered discretion have been responsible for some of the most shocking child marriage cases around the country. Robust judicial scrutiny that only applies to certain ages or circumstances does little to create strong protections for the majority of children being married. “Best interests” inquiries fail if they rest on judges’ subjective assumptions, rather than evidence-based research about the harms of child marriage.

Judicial approval processes without court-appointed counsel and safe space to disclose threats are likely to elicit coached answers and deprive girls of critical legal guidance and rights-awareness. Ensuring that minors are slightly older, or that they have met the standard to be emancipated, also may not shield them from the many risks of marrying young. Finally, by the time an at-risk girl even gets to court and a judge is involved, it may be too late – by that time, she may have been abused and conditioned for months or years in an effort to make her submit to the marriage, and she may feel the stakes are too high and the consequences too uncertain to speak up.

These observations reaffirm Tahirih’s conclusion that no matter how well-crafted the judicial approval process, a firm age floor of 18, without exception, is the best way to pre-empt and prevent forced marriages of vulnerable children, well before the courthouse steps.

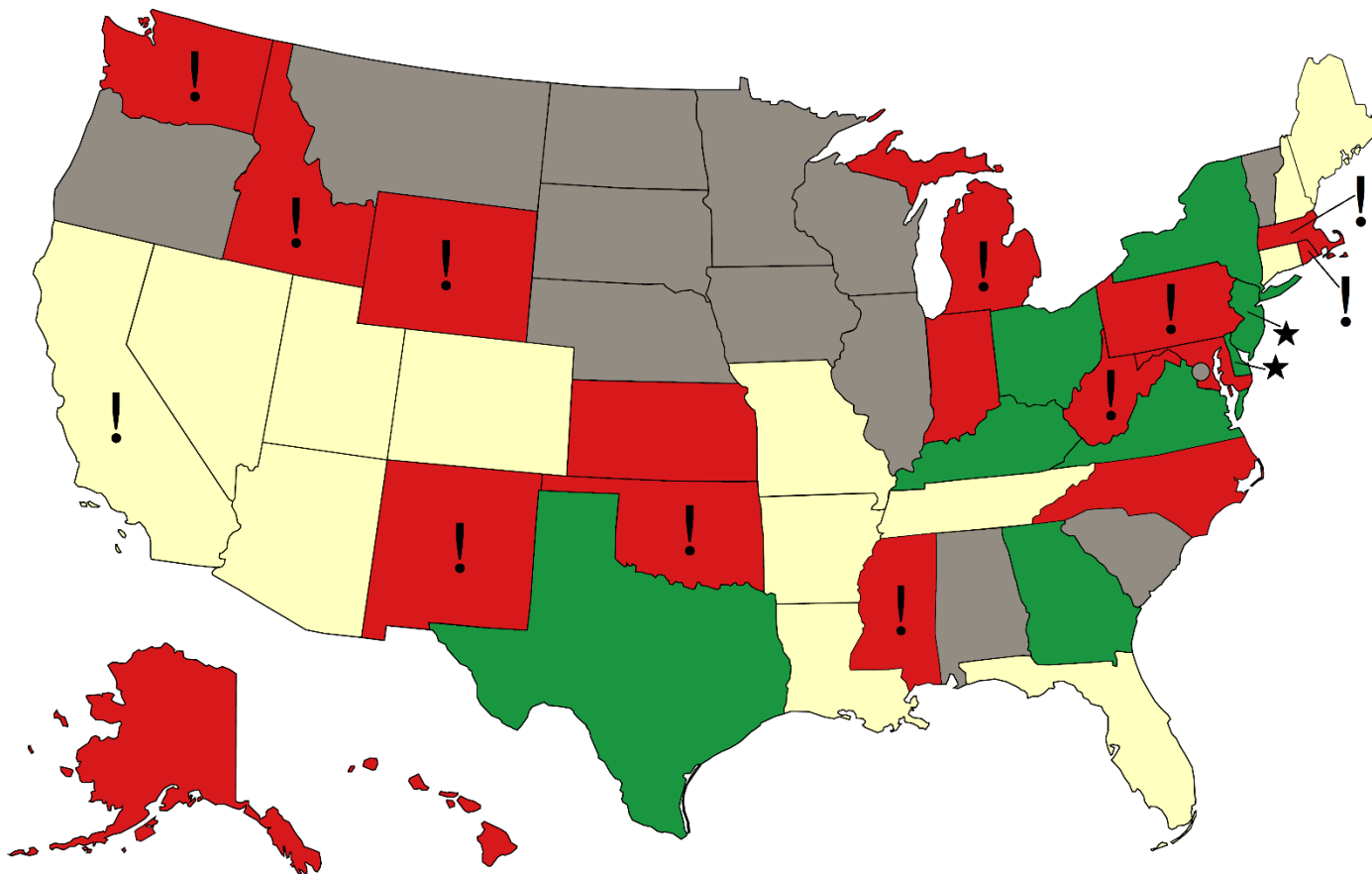
## NOTABLE SHIFTS IN STATES' LAWS ON CHILD MARRIAGE

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Statutory Characteristic	# of States (2015)		# of States (1/10/2020)
<b><i>Best/better practices are increasing, such as...</i></b>			
Age floors set or raised:			
Age floor of “18, no exceptions”	0		2
Threshold of “legal adulthood” (2 states with “no exceptions” to age 18, plus 6 states with “exceptions for emancipated minors”)	0		8
Age floor of 17	2		9
Age floor of 16	11		21
Max age difference between a minor and an intended spouse applies	0		9
All minors must get judicial approval to marry (or to be emancipated/thereafter married)	8		17
Minors are appointed counsel for judicial hearings	2		7
Waiting period is required before issuing a minor a marriage license	2		5
When judicial approval is required, the judge must consider the minor’s best interests	17		20
Statute expressly clarifies that <i>parental consent</i> does not prove a marriage is in the minor’s best interests	0		2
Statute expressly clarifies that <i>pregnancy</i> does not prove a marriage is in the minor’s best interests	6		9
When judicial approval is required, the judge must consider the minor’s maturity/capacity	6		15
When judicial approval is required, the judge must consider whether the marriage is voluntary	6		12
When judicial approval is required, the judge must consider criminal records, protection orders, and/or a history of abuse	2		5
Minors are given information on the rights and responsibilities of parties to a marriage and/or of emancipated minors, and on the rights and resources available to victims of domestic violence	0		5
<b><i>Worst practices are decreasing, such as...</i></b>			
No age floor	28		12
Low age floor (below age 16)	9		6
Different exceptions based on gender, leaving girls more vulnerable	5		1
Pregnancy exception can drop the legal age to marry	10		6
Judicial approval is not required for older minors to marry, just parental consent	41		31
When judicial approval is required, the judge is given little to no guidance for making decisions	29		17
When judicial approval is required, the judge does not have to specialize in family law or juvenile matters	30		26









## Legislative Reforms to Limit or End Child Marriage Since 2016



29 states and Washington, DC have yet to adopt any reforms.

Among those, the “worst offenders” are states with:

- No age floor + minors can marry if pregnant → NM, OK
- No age floor + different rules for girls vs. boys → MS
- No age floor + judge must consider the “best interest of society” (vs. individual) → ID
- Low age floor (below 16) + minors can marry if pregnant → IN, NC, MD. There is also no judge involved in MD

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

## A DEEPER AND BROADER AGENDA FOR LEGISLATIVE ADVOCACY

The progress made in changing the state laws that govern the issuance of marriage licenses is absolutely critical. However, additional state and federal legislative reform is needed to prevent the life-long harms that can be caused by child and forced marriage.

For example, child marriages sometimes take place through religious or cultural ceremonies solemnized without a license. Marriages of U.S. children have also happened overseas, after the child has been taken (at times forcibly or through deception) to another country to be married. Changing the minimum legal age at which an individual can be civilly married in a U.S. state will not prevent these kinds of cases.

Minimum marriage-age reforms also only address child marriage - marriage under age 18 - whether forced or voluntary. Such reforms do not help those over age 18 who are forced or coerced into marriage against their will.<sup>11</sup>

Ensuring that civil protection orders are accessible to anyone facing a forced marriage could make a critical difference for both children and adults, in all these scenarios. The U.K., in fact, has a special “forced marriage protection order” created by statute in 2008, and U.K. courts have since issued more than 1,800 such orders.<sup>12</sup>

Civil protection orders take into account the unique dynamics often present in forced marriage cases. The perpetrators of a forced marriage are most often a victim’s parents or other family members. Many victims, especially minors, are understandably reticent to press criminal charges, but are more willing to consider civil legal options.<sup>13</sup> Yet to date, Texas is the only U.S. state that specifically makes forced marriage a basis for a civil protection order, and it is limited to the forced marriage of a child.<sup>14</sup> One other state to take a novel civil approach to forced marriage is Tennessee. Legislative amendments enacted in 2018 alongside marriage-age reforms established a new civil cause of action and up to \$250,000 in damages for anyone who, at any age, was forced into a marriage.<sup>15</sup>

There is also a role for federal leadership to end child marriage in the U.S. Although the division of authority outlined in the Constitution leaves most family law matters to the states, Congress should enact legislation to incentivize states to strengthen their marriage-age laws, and to clarify that federal funding to serve victims of domestic violence, dating violence, sexual assault, stalking and human trafficking encompasses victims of forced marriage. Congress should also eliminate the “marriage defense” in the federal statutory rape law.<sup>16</sup> Federal agencies like the Departments of Justice and Health and Human Services should also foster reforms by leveraging their power to convene key state stakeholders, and by using their platform to report on state laws and trends, elevating best practices and calling out worst offenders.

The federal government is also uniquely empowered to legislate with respect to immigration. A recent report by majority staff to the Senate Homeland Security and Government Affairs Committee analyzed U.S. Citizenship and Immigration Services records and found that more than 8,500 children under age 18 had sponsored or been sponsored on marriage-based visas



from FY 2007 to FY 2017.<sup>17</sup> Reforms to immigration laws and policies are clearly needed to address this problem, but they must be thoughtfully crafted to avoid unintended consequences that could actually harm child brides rather than help them.<sup>18</sup>

Any federal immigration law reforms must be pursued in conjunction with state family law reforms. This is important not only to recognize that children from both multi-generational American and recent immigrant families are impacted by child marriage, but also because the problem often originates at the state level, in the wide-open loopholes that facilitate child marriage in the U.S.

### **SURVIVOR ADVOCATES SHOW THE WAY**

Courageous and passionate survivor advocates are driving marriage-age reforms all across the United States. Woven through their painful personal stories have been many common threads – perpetrating parents, predatory older men, threshold vulnerabilities like poverty and family instability, repeated system-failures to protect them and a crippling lack of self-help options to protect themselves. These stories have inspired not only general change, but also specific safeguards incorporated in reform legislation.

It is striking, and appropriate, that many laws untouched for decades have been replaced in a single legislative session in some states. But the fast pace of these reforms also has a downside, inclining towards lowest-common-denominator approaches that can garner broad consensus. And in states where only surface-level reforms have been enacted, it is equally striking that despite new laws, old tragedies could just as easily repeat themselves.

**In the next phase of this historic movement, legislators must carefully examine their laws and legislative proposals through [survivors' eyes and experiences](#).**

### **CALL TO ACTION**

This is an exciting and pivotal moment in the national movement, but there is more work to do to end the significant child marriage problem in the U.S.

Within the next three years, we call on every state to set an age floor for marriage of no lower than 18 without exception. For states where incremental progress is the only strategic way forward, an age floor of 16 should be the firm minimum, and those minors should be court emancipated. For those states that already have, or newly enact, judicial approval alternatives to a minimum marriage age of 18, we expect to see more robust vetting and safeguards built into those proceedings. Finally, we recommend a more holistic approach taken to the problem – to address the needs of already-married girls, and of girls and women who face forced marriages that are religious or cultural rather than legal, or who are taken abroad for marriages that happen under the laws of a foreign country rather than a U.S. state.

To achieve this transformative difference in the lives of girls and women, the following work is needed at the federal level as well as across all 50 states:

***At the federal level:***

- Enact thoughtful, bipartisan reforms: to marriage-based immigration laws that currently permit children to sponsor/be sponsored on fiancé(e)/spouse visas; to strike the “marriage defense” in the federal statutory rape law; to leverage the federal government’s power to convene key actors and promote model approaches in order to drive and guide reforms at the state level.

***For the 29 states that have yet to enact any legislative reforms to end or limit child marriage:***

All 29 states urgently need to galvanize to enact bills to end or sharply limit marriage before age 18, but the highest priorities among them are:

- the states with the highest numbers of children married in recent years, as revealed by marriage license data<sup>19</sup>
- the 12 states that have no age floor
- the 6 states that have a low age floor (below age 16)
- the 6 states that maintain an express exception in case of pregnancy that drops the age floor
- the states in which a judge is never involved
- the states in which judges are involved only superficially
- *any state that has a toxic combination of the above factors, which puts girls at heightened risk*

Alongside or following marriage-age reforms, these states also need to:

- strike any “marriage defense” that shields perpetrators from prosecution for statutory rape
- consider civil options for individuals at risk or survivors of forced marriage, like ensuring access to protection orders or providing for compensatory damages

***For the 21 states that have enacted legislative reforms to end or limit child marriage: Delaware and New Jersey (age 18, no exceptions):***

- strike any “marriage defense” that shields perpetrators from prosecution for statutory rape
- consider civil options for individuals at risk or survivors of forced marriages, like ensuring access to protection orders or providing for compensatory damages

***Virginia, Texas, New York, Kentucky, Ohio, Georgia (age 18, narrow exception for court-emancipated minors), as well as the 13 additional states that have enacted legislative reforms that stop short of setting the floor at “legal adulthood”:***

- strike any “marriage defense” that shields perpetrators from prosecution for statutory rape
- consider civil options for individuals at risk or survivors of forced marriages, like ensuring access to protection orders or providing for compensatory damages
- closely monitor marriage license data post-reforms to identify gaps in implementation or the shortcomings of existing safeguards

- strengthen laws to close gaps and shortcomings – ideally, by setting age 18, without exception, as the minimum marriage age<sup>20</sup>

The message these transformative shifts will broadcast to survivors and individuals at risk – as well as to the world - would be powerful: that the U.S. takes seriously its role in the global movement to end child and forced marriage.

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\* The tallies reflected in this policy brief are up-to-the-minute as of close of business January 10, 2020, and therefore include a newly enacted Maine bill (LD 545), which became law that same day and which set a firm age floor of 16. The tallies may differ from Tahirih's [Child Marriage in the U.S.: Survivor Story Compilation](#) released earlier, and from other Tahirih materials at [tahirih.org/childmarriage](http://tahirih.org/childmarriage) dated earlier than January 10, 2020.

The tallies do not include South Carolina, though a new law relating to marriage-age has been enacted there. On May 13, 2019, South Carolina's governor signed SB 196 into law, effective upon signature, to clarify that South Carolina has a firm minimum marriage age of 16. The legislation responded to investigative reporting that confirmed that judicial interpretations of prior minimum marriage age statutes had been inconsistent, and that some probate judges were granting marriage licenses in case of pregnancy notwithstanding the fact that a girl was younger than age 16. See Lauren Sausser, "In SC, pregnant girls as young as 12 can marry. There've been 7,000 child brides in 20 years" (*The Post and Courier*, June 21, 2018).

As interpreted by the South Carolina Office of the Attorney General, legislative reforms back in 1997 had *already* instituted age 16 as the minimum marriage age (see S.C. Office of the Attorney General, 1997 WL 665423 (S.C.A.G. Sept. 2, 1997), available at <http://www.scag.gov/archives/category/opinions/1997opinions/>). However, the 1997 reforms did not harmonize all statutory provisions related to marriage age, such as a pregnancy exception to age 18 that was set forth in Section 20-1-300 of the 1976 Code. By definitively repealing Section 20-1-300, South Carolina has now made clear that there is a firm age floor of 16, regardless of pregnancy. But because the new law simply underscores what was already the legislature's intent in enacting earlier reforms, South Carolina is not included in the tallies of the 21 states that have *moved* since 2016 to end or limit child marriage.

<sup>1</sup> In 2018, American Samoa also raised the minimum marriage age for girls to age 18; the law already set age 18 as the minimum for boys. See "[Governor Signs Marriage Age Bill into Law](#)," *Talane'i* (September 11, 2018); Fili Sagapolutele, "[Bill Raising The Marriage Age for Girls Is Signed into Law](#)," *Samoa News* (September 12, 2018). In addition, on January 18, 2020 the governor of the U.S. Virgin Islands signed into law Bill #33-0109, which sets age 18 as the minimum marriage age for all; previously, the minimum was age 14 for girls and age 16 for boys. Bills to make 18 the minimum marriage age have also passed through several legislative steps in Massachusetts and Pennsylvania and are likely to be signed into law in 2020.

<sup>2</sup> Alabama is the only state that has recently *regressed* in its approach to child marriage. [SB 69](#), a bill signed into law on May 31, 2019, abolished across the board, for parties of all ages, the requirement that marriage licenses be issued by probate judges. Previously, a probate judge was at least nominally involved in the process of granting a marriage license for the marriage of a minor, to verify the consent of both parents or guardians of the minor. As of the new law's effective date on August 29, 2019, the parental consent requirement can be satisfied by one parent or guardian simply filing an affidavit with the court.

<sup>3</sup> Anjali Tsui, Dan Nolan, and Chris Amico, "[Child Marriage in America: By the Numbers](#)," *Frontline*, (July 6, 2017),

<sup>4</sup> See, e.g., "[Child Brides Call on U.S. States to End 'Legal Rape.'](#)" *Reuters* (October 24, 2018); "[She Was Forced into Child Marriage in Texas. Now She Wants to End the Pain for Others](#)," *Dallas News* (July 11, 2018); "[Sherry Johnson Was Raped, Pregnant, and Married by 11. Now She's Fighting to End Child Marriage in America](#)," *CNN* (January 30, 2018); "[Grown Men Are Exploiting Loopholes in State Laws to Marry Children](#)," *Huffington Post* (August 30, 2017).

<sup>5</sup> That said, some states do not yet appear ready to acknowledge the seriousness or urgency of the problem, despite appeals directly from former child brides as well as by leading advocacy organizations. Some bills have languished post-introduction, without a committee hearing or vote, and in other states, bills favorably reported out of committee have been defeated in floor votes. Maryland has resisted change for *four legislative sessions*: the Senate Judicial Proceedings committee has repeatedly blocked strong bills, preferring merely to set a new age floor of 16 and to retain an exception based on parental consent despite moving testimony from a survivor who, at age 16, was forced by her own mother into an abusive marriage with a twice-older man. Newly obtained statistics reveal that Maryland, in this interim, has become a destination to which out-of-state minors are brought for marriage. On file with Tahirih.

<sup>6</sup> More specifically, Tahirih has urged that the age of marriage be set at the age of majority – either age 18 or *higher* in states where the age of majority is higher, as in Alabama and Nebraska where the age of majority is 19.

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<sup>7</sup> Statistics obtained for Tahirih by the office of lead legislative sponsor of the Virginia bill, then-Delegate, now-Senator Jennifer McClellan. On file with Tahirih.

<sup>8</sup> Statistics generated and analyzed by Tahirih from the Florida Department of Health website at <http://www.floridacharts.com/FLQUERY/Marriage/marriage.aspx>.

<sup>9</sup> The Florida statistics show a few outliers with adult spouses in their 20s, notwithstanding the new law's restriction that the adult spouse can be no more than 2 years older than the minor. These outliers may reflect data-entry errors, or may indicate problems implementing the new law.

<sup>10</sup> Statistics obtained from the Texas Department of State Health Services, Center for Health Statistics and shared with Tahirih by the office of lead legislative sponsor of the Texas bill, Representative Senfronia Thompson. On file with Tahirih.

In the six months pre-implementation of the new law, 175 minors were married, but in the same six months post-implementation, only 18 minors were married. Of further note, the largest age difference between the parties to a child marriage in that pre-implementation period was 14 years, while the largest age difference post-implementation was reduced to 7 years.

While the 2018 data is preliminary, this shows a marked improvement in a state that previously had some of the most alarming child marriage statistics in the country. Tahirih's earlier analysis of Texas marriage-license data over the period 2000-2015 revealed a staggering 40,000 minors married, as young as age 12, and with some age differences of 25 years or more.

<sup>11</sup> Of note, about 33% of the clients of Tahirih's Forced Marriage Initiative were minors at time of initial contact. The rest have been adults, though some sought help to leave a marriage into which they had been forced while under the age of 18.

<sup>12</sup> See "Family Court Tables," Table 18, "Applications and disposals of Forced Marriage Protection Orders made in the High Court and county courts, England and Wales, annually 2009 - 2018 and quarterly Q4 2008 - Q4 2018," available at <https://www.gov.uk/government/statistics/family-court-statistics-quarterly-october-to-december-2018>.

<sup>13</sup> See "[National Consultation: Should Forced Marriage Be A Crime in the United States?](#)" (Tahirih Justice Center, 2016). This report reflected on discussions on criminal approaches to forced marriage that Tahirih convened in 2016 among 30 participants, including survivors. While 9 U.S. states have criminal statutes specifically on forced marriage, to Tahirih's knowledge, no recent prosecutions have been brought under those statutes. Instead, when charges have been brought for a forced marriage, it is because the facts satisfy the elements of another crime, such as rape, abduction, or child endangerment. Prosecutors may, in fact, prefer to bring charges under such other statutes, which do not require proof of the perpetrator's intent to force someone into a marriage against their will. See "[Criminal Laws Addressing Forced Marriage in the United States](#)," available at <https://preventforcedmarriage.org/forced-marriage-resource-toolkit-for-service-providers/>.

<sup>14</sup> Tahirih successfully advocated for these protection order reforms alongside marriage-age reforms enacted in 2017. See [Tex. Fam. Code §261.001\(1\)\(M\)](#) (adding "forcing or coercing a child to enter into a marriage" to the definition of child abuse) and [Tex. Fam. Code §71.004\(2\)](#) (adding forced marriage of a child to the bases for family violence protection orders). In Texas, any adult can petition for a family violence protection order to protect any child. Some other states have protection order statutes for domestic violence or stalking that are expansive enough to encompass a threatened forced marriage, but in many states, minors are not able to petition for civil protection orders on their own behalf. See Lisa V. Martin, "[Restraining Forced Marriage](#)," *Nevada Law Journal*: Vol. 18: Iss. 3, Article 8 (2018).

<sup>15</sup> See [Tenn. Code Ann. § 36-3-108](#). This section also clarified that forced marriages are void and unenforceable.

<sup>16</sup> The federal statute on "sexual abuse of a minor or ward" (18 U.S.C. § 2243) currently includes a defense that shields a perpetrator from prosecution if the parties are married. A person who engages in a sex act with a minor between ages 12 and 16, and who is 4 or more years older than the minor, is otherwise subject to fine and/or imprisonment of up to 15 years.

<sup>17</sup> See "[How the U.S. Immigration System Encourages Child Marriages](#)," Majority Staff Report of the U.S. Senate Committee on Homeland Security and Governmental Affairs (Jan. 11, 2019).

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<sup>18</sup> For example, abused immigrant spouses of U.S. citizens or lawful permanent residents are eligible to petition under the Violence Against Women Act (VAWA) for special humanitarian protections that enable them to leave abusive marriages without losing their legal status. If an abused immigrant spouse's marriage is rendered invalid for immigration purposes because she was under age 18 when she married, then she could be foreclosed from VAWA eligibility.

<sup>19</sup> See *supra*, n. 3, "[Child Marriage in America: By the Numbers.](#)"

<sup>20</sup> For further specific guidance about the kinds of elements that, working together, can better protect children from forced marriages and other harm, please see the resources available at [tahirih.org/childmarriage](http://tahirih.org/childmarriage).