

**Department of Legislative Services**  
Maryland General Assembly  
2019 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 855  
Judiciary

(Delegate Atterbeary, *et al.*)

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**Family Law - Marriage - Age Requirements**

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This bill repeals provisions authorizing individuals ages 15, 16, or 17 to marry under specified circumstances and establishes that individuals younger than age 18 may not marry.

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**Fiscal Summary**

**State Effect:** Any minimal decrease in marriage license fee revenues does not materially affect State finances. Expenditures are not materially affected.

**Local Effect:** Any minimal decrease in marriage license fee revenues does not materially affect local finances. Expenditures are not materially affected.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** An individual younger than age 15 may not marry. An individual, age 16 or 17, may not marry unless (1) the individual has the consent of a parent or guardian and the parent or guardian swears the individual is at least age 16 or (2) if the individual does not have consent, either party to be married presents the clerk of the circuit court a certificate from a licensed physician or physician assistant or certified nurse practitioner stating that an examination of the woman to be married demonstrates that she is pregnant or has given birth to a child. An individual who is age 15 may not marry without consent of a parent or guardian and a certificate from a medical professional, as specified above.

**Background:** According to the Pew Charitable Trusts, the vast majority of states allow individuals younger than age 18 to marry but typically require permission of a judge or parent. Approximately half of the states, including Maryland, set a minimum age for individuals wishing to marry; in the remaining states, individuals of any age may marry so long as they meet the necessary requirements (*e.g.*, permission from a parent). A recent law in Virginia requires individuals ages 16 and 17 to be emancipated before they can marry. In 2018, Delaware became the first state to ban marriage for anyone younger than age 18; New Jersey has since also banned marriage for anyone younger than 18.

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### **Additional Information**

**Prior Introductions:** SB 670 of 2018 passed the Senate and House, as amended. Its cross file, HB 191, also passed the House and Senate, as amended. Although conference committees were appointed for both bills, differences were not reconciled prior to Sine Die. HB 799 of 2017 passed the House and Senate, as amended. SB 861 of 2017, an identical bill not designated as a cross file, passed the Senate and House, as amended. Although conference committees were appointed for both bills, differences were not reconciled prior to Sine Die. HB 484 of 2017, a similar bill, was withdrawn. Similar legislation was also introduced in 2016.

**Cross File:** SB 231 (Senator Zirkin) - Judicial Proceedings.

**Information Source(s):** Montgomery County; Judiciary (Administrative Office of the Courts); Pew Charitable Trusts; *The New York Times*; Reuters; Department of Legislative Services

**Fiscal Note History:** First Reader - March 5, 2019  
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