



Newsletter of the NOW Foundation Family Law Advisory Committee

Child Marriage

**A POWERFUL VIDEO MESSAGE FROM VICTIMS OF CHILD MARRIAGE
(from *Unchained at Last*, which “started and now leads a growing national
movement to end child marriage in the U.S.”)**

Victims of child marriage share their demands of legislators and all of us – to change the laws that allowed their victimization: [The Girls You Have Destroyed - YouTube](#)

A WORD FROM THE COMMITTEE

We hope people are remaining safe and staying healthy in this unprecedented time. Now is the time that we should watch our state legislatures for bills filed that impact safety for women and children. Abusive parents may take advantage of court closures, perhaps removing children, when the protective parent had no recourse. Parents may also use this time to consent to the marriages of their minor daughters (when court appearances are not in person) resulting in abuse going unnoticed by the judges.

At this time domestic violence, child abuse and other violence against women and children have risen. This is a dangerous time for victims of all types who still suffer the effects of the pandemic.

The National Domestic Violence Hotline is 800-799-7233 (800-799-SAFE). You can call them from anywhere in the United States. You can chat live from here: [Get Help | The National Domestic Violence Hotline \(theline.org\)](#)

*Do you need help leaving or resisting an arranged/forced marriage, or do you know someone who does? **Call (908) 481-HOPE.** Or see: [Get Help | Unchained At Last](#)*

Important Update on Child Marriage in the United States

The Committee sincerely thanks NOW Intern, Stephanie Glascock, for gathering the vast majority of the Update on Child Marriage information below. Her work allowed the committee to share this information quickly, so NOW leaders and members can take quick action.

Click on the hyperlinks to learn about this important issue and how you can help.

Child marriage is [defined](#) as “a marriage of a girl or boy before the age of 18 and refers to both formal marriages and informal unions in which children under the age of 18 live with a partner as if married.”

Did you know that around [248,000 children](#) as young as 12 were married in the U.S. between 2000 and 2010. At least 31 percent of these children were married to a spouse aged 21 or older. Additionally, in the U.S., [70-80 percent](#) of all marriages involving a child end in divorce.

The [two most common exceptions](#) to laws that ban child marriage are: (1) parental consent (2) judicial approval. Forty-six states legally allow child marriage. Twenty [20 states have no required minimum age](#) for marriage, while other states set different minimum legal ages for marriage for girls and for boys.

Only four states, New Jersey, Delaware, Minnesota and Pennsylvania, have laws in place that prohibit marriage under age 18, with no exceptions.

In [13 states](#) and Washington DC, marriage licenses for minors can be issued without a judge, meaning only parents and a clerk need to approve it. Five [5 states](#) allow pregnancy to be an exemption to other laws preventing child marriage. In those states the laws “are weaker than [child marriage](#) laws in countries like Afghanistan, Honduras and Malawi”, Girls Not Brides CEO Dr Faith Mwangi-Powell says.

Marriage is a valid defense against statutory rape with 12-15 year old’s [at the federal level](#), as well as within a majority of U.S. states. Child marriage leads to the oppression of women and is a prominent issue in the U.S. ([Unchained At Last](#)).

Women in the U.S. who marry early/as teenagers are:

- often [unable to access education](#) and work opportunities, in part because they tend to have more children, earlier and more closely spaced.
- 31 percent more likely to [live in poverty](#).

- three times more likely to have [at least five children](#) than are women who married as adults.
 - At a 23 percent greater risk of [serious health conditions](#) including heart attack, diabetes, cancer and stroke.
 - [higher risk of sexually transmitted infections](#) (including HIV) and early pregnancies.
 - three times more likely to have been [beaten by their spouses](#) than women who married at 21 or older.
 - 50 percent more likely to [drop out of high school](#) than are their unmarried counterparts and four times less likely to [complete college](#).
 - Children of child brides are [60 percent more likely](#) to die in the first year of life than those born to mothers older than 19, and families of child brides are more likely to be poor and unhealthy.
- Fighting against child marriage and statutory rape is [integral to the feminist movement](#).
 - The first bill ever proposed by a female lawmaker in the U.S. was in 1895 to raise the age of consent in Colorado to 21 years of age.
 - Women across the U.S. rallied behind the cause to raise the age of consent.
 - Women were concerned about getting STIs from their husbands if they went to strip clubs, and they viewed raising the age of consent to decrease this exposure.
 - Similarly, movements such as the Women’s Christian Temperance Movement, viewed this foundational fight as a way to stop the degradation of women. The strategies used to fight for raising the age of consent established the foundation for the suffrage movement and subsequent years of feminist activism.
 - Specifically: apply pressure through the media, enlist legislators’ wives and daughters, build personal relationships with men in office and never underestimate the power of white Southern intransigence.

Recent National Legislation

- Most of the national legislation surrounding child marriage has been to counter it in other parts of the world, specifically developing countries. The U.S. focuses on ending this practice for girls around the globe but fails to recognize its prevalence at home.
 - Take for example the most recent instance, [H.R.2140](#) “Preventing Child Marriage in Displaced Populations Act.” This resolution passed the House in June 2019 but was held up in the Senate. It encourages the President to use the U.S.’s stance in the UN to

push for legislation protecting girls around the world. Although this legislation is extremely important in combatting child marriage, it exemplifies the lack of focus on domestic issues.

- Moreover, there have been attempts to end loopholes in the immigration system that allow child marriages, including [S.742](#). These attempts have also been stymied, by placing the burden on the immigration system, not the U.S. legal system as a whole. Although combatting one form of child marriage, congressmembers ignore the oppression of young girls occurring at home by their own constituents.
 - [NBC](#): If the petition is approved, the State Department then decides whether to issue a visa. Since USCIS considers only whether the age at marriage “violates the laws of the place of celebration or the public policy of the U.S. state in which the couple plans to reside,” according to the Senate report, advocates say this is where the disconnect occurs.

Recent State Legislation

- Delaware and New Jersey in 2018 became the first two states to end child marriage, followed by American Samoa in 2018 and the U.S. Virgin Islands, Pennsylvania and Minnesota in 2020.
- States where child marriage-limiting bills have been enacted include: ID, CA, NV, UT, CO, AZ, TX, LA, AR, MO, FL, GA, TN, KY, VA, IN, OH & ME.
- Current states with pending legislation that limits or ends child marriage are: MI, NY & MA.
- States where previous bills have failed include: AK, HI, WA, OR, MT, WY, WI, OK, SC, MD, CT, VT & NH (several of these bills failed because of the COVID pandemic and legislative limitations during that time).
- Some bills that are pending or have failed include:
 - NH HB 1516 which was tabled in June and died at the end of the session, sponsor plans on reintroducing;
 - MA S2294;
 - MI HB4005 which is waiting for a judiciary hearing; and
 - NY (A8447 and S7931) which are unlikely to pass this year, sponsors promised to reintroduce bills.
- States that have taken no action include: ND, SD, NE, KS, NM, MI, AL, IA, IL, WV, NC & RI.
- For the latest updates on U.S. legislation on this issue, see Unchained at Last: [About Child Marriage | Unchained At Last](#)

Recent successes at the city/county level include:

- The cities of Irvine and Anaheim in California both passed resolutions to end child marriage.
- Similar resolutions are currently pending in close to 10 cities and counties in California: Costa Mesa, Culver City, Fullerton, Mission

Viejo, Newport Beach, Santa Cruz, Tustin, Yorba Linda, and the county of Los Angeles, Orange, and San Diego.

- North Carolina - An area for change ([Child Marriage in NC Event](#))
 - As the states surrounding NC have limited child marriage, NC has experienced an influx of out of state marriage applicants, often involving children. It has essentially become a “sanctuary state for statutory rape”
 - Between 2000 and 2019, at least 3,949 marriage license applications involving 4,218 minors were submitted in the 50 counties that participated in the analysis
 - When extrapolated for the entire state, this puts NC among the top 5 states in the nation in terms of overall marriages
 - Approximately 93% of applications included were for a marriage between a minor and an adult
 - Red flags:
 - Vast majority of cases involved girls marrying adult men
 - Some adults were decades older
 - Some marriages were between victim and rapist
 - Last time NC laws were touched was 20 years ago. Data proves that these antiquated laws are putting the children of NC, and other states, at risk.

Expert Recommendations

- United Nations' [5 methods to expedite the changes of social norms regarding child marriage](#):
 - To increase agency and resources for adolescents – especially girls – at risk of and affected by child marriage;
 - To enhance legal and development policy frameworks for an enabling environment that protects the rights of adolescent girls and boys;
 - To increase the generation and use of a robust evidence base for advocacy, programming, learning and tracking progress;
 - To enhance systems and services that respond to the needs of adolescents at risk of or affected by child marriage; and
 - To increase social action, acceptance, and visibility around investing in and supporting girls, and shifting social expectations relating to girls, including by engaging boys and men.
- [Feminist Majority](#) recommendations:
 - Utilize government reports to the UN regarding the country's adherence to international child marriage laws to hold governments accountable and enforce solutions.
 - All individuals under the age of 18 should be legally declared as children.

- International organizations should work with religious and traditional leaders to raise awareness of the law, the harmful impacts of child marriage, and alternatives for girls.
 - Birth and marriage registrations should be mandatory and free/low cost.
 - A curriculum to [train local law enforcement authorities](#) to respond to child marriage and gender-based violence cases should be created and utilized.
 - Legal aid systems and services should be created specifically for rural areas, and existing free legal services for victims of child marriage should be made more accessible.
- <https://www.forbes.com/sites/unicefusa/2018/10/29/what-you-need-to-know-about-child-marriage-in-the-us-1/#78ae34865689>
 - While there is some evidence that children (mostly girls) are more at risk of child marriage in rural and poorer settings, the fact is that child marriage affects all communities. It is not a "them" issue; it is an "us" issue.
 - There is no federal law regarding child marriage. Every state sets its own requirements. According to data collected from 41 states, [more than 200,000 minors were married in the U.S. between 2000 and 2015](#).

A Call to Action on Child Marriage

Contact your State Representative or Senator to check on status of bills in your state. If there are none begin work with them to introduce a bill.

Encourage your local county or city to introduce a resolution to end child marriage in your community.

Join with others in your NOW community to work on the issue of Child Marriage. Share this video of women who were married as children – showing their demands on legislators and all of us – to change the laws: [The Girls You Have Destroyed - YouTube](#)

General Information on Family Courts

A clearinghouse of materials the committee has compiled can be found at the NOW Foundation web site at this link, <http://now.org/now-foundation/crisis-in-family-courts/>. There are additional materials at the Chapters only web site on the NOW, Inc. website.

Family Law Advisory Committee Brochure is available at this
link: <http://now.org/wp-content/uploads/2015/02/familylawbrochure7-08final.pdf>

To reach the Family Law Committee, please email: famlaw@now.org