

# LEGISLATIVE RESEARCH SERVICES

30<sup>th</sup> Alaska Legislature  
LRS Report 18.018  
September 15, 2017



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## State Marriages Involving Minors, 2000-2015

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*Over the last 15 years, how many marriages took place in Alaska involving at least one party under 18 years of age? Of these, how many marriages involved at least one party under 16 years of age?*

In Alaska, like most states, the standard minimum age to marry is 18 years of age, with some exceptions. The minimum age to marry *with parental consent* in Alaska is 16 years of age. The minimum age to marry *with judicial approval* in Alaska is 14 years of age. Under AS 25.05.171(b), the state may not issue a marriage certificate for a person who is under 14 years of age.

### State Marriages

Below, Table 1 presents data for calendar years 2000-2015 for marriage certificates issued by the state.

Table 1: Marriages in Alaska by Age Group, 2000-2015			
Year	All Ages	17 and Under (Ages 14-17)	15 and Under (Ages 14 and 15)
2000	5,277	73	3
2001	5,364	73	2
2002	5,338	76	3
2003	5,252	75	3
2004	5,614	62	4
2005	5,490	57	4
2006	5,550	47	3
2007	5,827	46	2
2008	5,804	48	2
2009	5,450	49	4
2010	5,684	29	1
2011	5,624	30	0
2012	5,328	20	0
2013	5,399	23	1
2014	5,567	25	0
2015	5,489	17	0
<b>Note:</b> This data represents marriage certificates issued by the state, not those issued by tribal courts. <b>Source:</b> Alaska Health Analytics and Vital Records, Department of Health and Social Services, 2017.			

The above data is provided by Alaska Health Analytics and Vital Records, Department of Health and Social Services (DHSS). As noted by Tony Newman, Legislative Liaison, DHSS, “The trend in marriages among minors has been downward over the last 15 years, and there has only been one in the under-16 age category in the last five years of data.”<sup>1</sup>

## **Tribal Marriages**

In Alaska, a tribal court may also issue marriage certificates, and a tribal marriage may not be subject to state marriage laws. As stated in a report published by the University of Alaska Fairbanks, “Alaska tribes generally have concurrent jurisdiction over domestic relations involving tribal members including adoptions, child protection, domestic violence, marriages, divorces, and probate.”<sup>2</sup>

A tribal court may issue a marriage certificate to a person under 18 years of age. These marriages have legal validity but are not licensed or tracked by the state. Hypothetically speaking, the marriage of a party younger than 14 years of age may be legally feasible for an Alaska resident only if the marriage takes place under a tribal jurisdiction, and one or both parties is a tribal member.<sup>3</sup> However, we are not aware of any tribal laws that explicitly allow the marriage of a person who is under 14 years of age.

Our review of the relationship between tribal and state laws leads us to add that any revisions to the Alaska Statutes regarding marriage age may be applicable only to marriages licensed by the state, rather than to marriages licensed by tribal courts, especially when both parties in the marriage are tribal members who are marrying under tribal jurisdiction.<sup>4</sup>

We hope this is helpful. If you have questions or need additional information, please let us know.

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<sup>1</sup> Mr. Newman may be reached at [anthony.newman@alaska.gov](mailto:anthony.newman@alaska.gov) or (907)465-1611.

<sup>2</sup> “Alaska Tribal Sovereignty and Jurisdiction: Major case law affecting Alaska tribal jurisdiction,” *Federal Indian Law for Alaska Tribes*, University of Alaska Fairbanks, <http://tribalmgmt.uaf.edu/tm112/Unit-4/Alaska-Tribal-Sovereignty-and-Jurisdiction-Major-case-law-affecting-Alaska-tribal-jurisdiction>. In Alaska and elsewhere, a tribal court may establish marriage laws specific to the tribe and may license marriages according to its own laws. In recent years, tribal jurisdictions in Alaska and other states have taken steps to formalize civil procedures, such as marriages and adoptions, for their members. For more, see “Types of Tribal Court Jurisdiction in Alaska,” Tribal Jurisdiction in Alaska, Alaska Legal Services Corporation, 2012, [http://www.akleg.gov/basis/get\\_documents.asp?session=29&docid=4173](http://www.akleg.gov/basis/get_documents.asp?session=29&docid=4173).

<sup>3</sup> Whether a tribe’s legal sovereignty applies only to a marriage between two tribal members, or whether it extends to a marriage between a member and a non-member, remains a matter of legal debate nationwide.

<sup>4</sup> For a legal opinion on this issue, we recommend consulting Legislative Legal Services.