



# CHILD MARRIAGE IN THE UNITED STATES: A Serious Problem With a Simple First-Step Solution

## TAHIRIH JUSTICE CENTER

The Tahirih Justice Center is a national, non-profit organization that aims to end violence against women and girls through direct legal and social services, policy advocacy, and training and education. Tahirih serves courageous survivors of abuses such as domestic violence, rape, female genital mutilation/cutting, human trafficking, “honor” violence, and forced marriage.

Through our specialized **Forced Marriage Initiative (FMI)**, Tahirih is leading efforts at the federal and state levels to tackle forced marriage as a domestic problem impacting U.S. citizen and immigrant women and girls from diverse backgrounds. Since launching the FMI in 2011, Tahirih has worked on over 500 forced marriage cases involving U.S. women and girls.

## CHILD MARRIAGE IN THE UNITED STATES: AN OVERVIEW

- Based on state marriage license data recently obtained by advocates<sup>1</sup> and expanded upon by PBS Frontline, well over **20,000 children under age 18 were married between 2000 and 2015 in America**. 87% of them were girls, and 86% married adults.<sup>2</sup>
- **Drilling down on these statistics in any given state over that time period exposes more alarming findings.** For example, records pulled from the Virginia Department of Health showed that clerks had issued marriage licenses to pregnant girls as young as age 13, and that girls were sometimes married to men who were decades older. Similar records from Maryland show that, because of the ages and age differences of the parties and because a pregnancy was involved, dozens of children were statutory rape victims married to their rapists. Texas Department of Health records revealed judicially-approved marriages of girls as young as 12, and thousands of girls married to men who were significantly older.<sup>3</sup>
- **Children under age 18 face many practical obstacles when they try to resist or escape forced marriages.**

**State laws can also work against them.** Before a girl reaches the “age of majority,” when she gains the rights of a legal adult, she may be legally unable to take critical steps to protect herself. Depending on the state, she may not be able to leave home, stay in a shelter, file for a protective order, or even file for divorce on her own. Child protective services may also be legally unable to protect a minor from a forced marriage or from an abusive spouse once married.

- **Most U.S. states have laws that seem to set the minimum age of marriage at 18, but then allow for exceptions to the rule that can drop the true minimum age much lower in practice.** In fact, 25 states have no age “floor,” meaning that as long as exceptions are met, a child of any age may be married. Many other aspects of current state laws put children at acute risk of forced marriages and other abuse and exploitation. For example, in several states, a court clerk can approve all underage marriage license applications. Only 13 states involve judges in every case. Even in states that require judges to be involved at least in some cases, few provide any meaningful guidance for a judge’s decision making or put any other safeguards in place to protect the child from harm.<sup>4</sup>

## CHILD MARRIAGE IN THE UNITED STATES: INCREASING RISKS, LIMITING OPTIONS

Child marriage denies young people more than the right to decide if, when, and whom to marry – it denies them the opportunity to lead healthy and fulfilling lives.

In addition to the extensive global data about the many harms of child marriage (including its linkages to maternal and child mortality, domestic and sexual violence and human trafficking, and HIV infection), **mounting U.S.-specific evidence demonstrates the devastating, lifelong consequences that can result from child marriage, including:**

- **Family instability.** Between 70-80% of marriages involving individuals under age 18 end in divorce. For teen mothers, getting married and later divorcing can *more than double* the likelihood of poverty, making them worse off than their counterparts who do not marry as teens.<sup>5</sup>
- **Curtailed education and constrained work opportunities.** A girl's education can be interrupted or discontinued when she marries, limiting her ability to become financially independent in the event of domestic violence or divorce. Women who marry in their teens tend to have more children, earlier, and more closely spaced, which can prevent them from accessing education and work opportunities.<sup>6</sup> Women who marry before the age of 19 are 50% more likely to drop out of high school and four times less likely to graduate from college. Not surprisingly, then, a woman who marries young is a striking 31 percentage points more likely to live in poverty when she is older.<sup>7</sup>
- **Diminished mental and physical health.** A major study of U.S. women who married as children found they experienced higher rates of psychiatric disorders (in some cases, nearly 3 times as high as those who married as adults), and were more likely to seek health services.<sup>8</sup> Other research has shown that they are more likely to experience a range of serious medical problems.<sup>9</sup>

These substantial personal costs can also mean tremendous inter-generational and social costs.<sup>10</sup>

The acute vulnerability of girls and young women in the U.S. to physical, emotional or verbal abuse<sup>11</sup> also raises major red flags with respect to child marriage:

- Nationally, girls and young women aged 16-24 experience the highest rates of intimate partner violence among all such victims, and girls aged 16-19 face victimization rates *almost triple the national average*.<sup>12</sup> Yet in most states, while girls aged 16-17 make up the vast majority of children who are being married, they are *least protected* by minimum marriage age laws, as court clerks can issue them marriage licenses based on parental consent alone.
- The younger the adolescent, the more likely it is that if they are sexually active, they have experienced coercive sex – this is the core understanding that underlies statutory rape laws.<sup>13</sup> Yet in many states, statutory rape laws are set aside by other state laws that permit marriages of adolescents younger than the legal age of consent to sex.
- In addition, “[b]eing physically or sexually abused makes teen girls six times more likely to become pregnant.”<sup>14</sup> Yet several states have express pregnancy exceptions to their minimum marriage ages. Such provisions fail to grasp that the pregnancy may be the result of rape and abuse. Granting the marriage license could subject a pregnant teen to further rape and abuse, and moreover, isolate her from help.

**For all of these reasons, Tahirih urges the elimination of child marriage throughout the United States – as a critical first step, by setting the minimum legal marriage age at the age of majority.**

## ENDNOTES

1. See statistics from 38 states that provided records on the marriages of minors from 2000 to 2010, cited in Nicholas Kristof, "11 Years Old, A Mom, and Pushed to Marry Her Rapist in Florida," (*New York Times*: May 26, 2017) available at <https://www.nytimes.com/2017/05/26/opinion/sunday/it-was-forced-on-me-child-marriage-in-the-us.html>. Unchained At Last led this effort to collect state marriage license data, with contributions by Tahirih on several states (assisted pro bono by the law firm of Hogan Lovells).
2. See statistics cited in Anjali Tsui, Dan Nolan, and Chris Amico, "Child Marriage in America: By the Numbers" (*PBS Frontline*: July 6, 2017), available at <http://apps.frontline.org/child-marriage-by-the-numbers/>.
3. See Tahirih Justice Center, "Child Marriage in America: Current Laws Are Failing to Protect Vulnerable Children and Teens," February 20, 2016, available at <http://www.tahirih.org/news/child-marriage-happens-in-the-u-s-too/>; see also Tahirih Justice Center, *Falling Through the Cracks: How Laws Allow Child Marriage to Happen in Today's America*, August 2017, available at <http://www.tahirih.org/pubs/falling-through-the-cracks-how-laws-allow-child-marriage-to-happen-in-todays-america/>.
4. See Tahirih Justice Center, *Falling Through the Cracks: How Laws Allow Child Marriage to Happen in Today's America*, August 2017, p. 35, available at <http://www.tahirih.org/pubs/falling-through-the-cracks-how-laws-allow-child-marriage-to-happen-in-todays-america/>. In 2016, after a legislative campaign led by the Tahirih, Virginia became the first state in the nation to limit marriage to adults age 18 or older, with a narrow exception only for court-emancipated minors age 16 or older who have been given the full legal rights of adults. In June 2017, Texas and New York also signed bipartisan bills into law that limit marriage to legal adults and establish meaningful safeguards against forced marriage.
5. See research cited by College of William & Mary Law School Professor Vivian E. Hamilton, in "The Age of Marital Capacity: Reconsidering Civil Recognition of Adolescent Marriage" (*Boston University Law Review*: December 2012) 92 B. U. L. Rev. 1817, 1820 and at n. 10, 11, and 15, available at <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=2467&context=facpubs>.
6. See, e.g., Naomi Seiler, "Is Teen Marriage a Solution?" (Center for Law and Social Policy, April 2002), at pp. 7-9, available at <http://www.clasp.org/resources-and-publications/archive/0087.pdf>.
7. See Gordon B. Dahl, "Early Teen Marriage and Future Poverty," *Demography* (August 2010: 47(3): 689-718), available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3000064/>.
8. See Yann Le Strat, Caroline Dubertet & Bernard Le Foll, "Child Marriage in the United States and Its Association with Mental Health in Women" 128 *Pediatrics* 524 (September 2011), available at <http://pediatrics.aappublications.org/content/pediatrics/early/2011/08/24/peds.2011-0961.full.pdf>.
9. See Matthew E. Dupre and Sarah O. Meadows, "Disaggregating the Effects of Marital Trajectories on Health," *Journal of Family Issues* (Vol. 28, No. 5, May 2007, 623-652), at pp. 646-647 ("Results show that females who marry before age 19 years or experience one or more divorces are at an increased risk of developing a serious health condition"), available at <http://journals.sagepub.com/doi/pdf/10.1177/0192513X06296296>; see also Bridget M. Kuehn, "Early Marriage Has Lasting Consequences on Women's Mental Health," news@JAMA (August 29, 2011), medical news posts by *The Journal of the American Medical Association* ("research has linked such early marriages to a higher risk of HIV or other sexually transmitted infections, cervical cancer, unintended pregnancy, maternal death during childbirth, and abortion; early marriage is also associated with malnutrition among offspring"), available at <http://newsatjama.jama.com/2011/08/29/early-marriage-has-lasting-consequences-on-women%e2%80%99s-mental-health/>.
10. A major study co-sponsored by the Centers for Disease Control and Prevention found a powerful relationship between adverse emotional experiences as children on our physical and mental health as adults. See information about the "Adverse Childhood Experiences" ("ACEs") Study at <http://www.cdc.gov/NCCDPHP/ACE>, <http://www.cdc.gov/violenceprevention/acestudy/about.html>, and <http://www.cdc.gov/violenceprevention/acestudy/findings.html>. These findings suggest that not only individuals who themselves marry as children, but also the children produced of such marriages, may be more susceptible to lifelong health problems.
11. See Centers for Disease Control and Prevention, information about Teen Dating Violence, available at [http://www.cdc.gov/violenceprevention/intimatepartnerviolence/teen\\_dating\\_violence.html](http://www.cdc.gov/violenceprevention/intimatepartnerviolence/teen_dating_violence.html).
12. See [www.loveisrespect.org](http://www.loveisrespect.org) factsheet available at [http://www.loveisrespect.org/pdf/Dating\\_Abuse\\_Statistics.pdf](http://www.loveisrespect.org/pdf/Dating_Abuse_Statistics.pdf).
13. See "Statutory Rape: A Guide to State Laws and Reporting Requirements," prepared by The Lewin Group for the U.S. Dept. of Health and Human Services, December 15, 2004, p. 1, available at <http://aspe.hhs.gov/hsp/08/sr/statelaws/report.pdf>, citing research findings that almost three-quarters of women who had intercourse before age 14, and 60 percent who did so before age 15, reported having a forced sexual experience.
14. See [www.loveisrespect.org](http://www.loveisrespect.org) factsheet available at [http://www.loveisrespect.org/pdf/Dating\\_Abuse\\_Statistics.pdf](http://www.loveisrespect.org/pdf/Dating_Abuse_Statistics.pdf).

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