

# Child Marriage **FACT SHEET**

## WHAT IS CHILD MARRIAGE?

Child marriage is the marriage of a minor below the legal age of majority, which in most states in the United States is 18. The U.S. Department of State recognizes all marriages before 18 as a human rights abuse.

## WHAT ARE THE DANGERS OF CHILD MARRIAGE?

Child marriage severely limits opportunities to health, education, and economic freedom. It also increases risk of domestic violence. Given these factors, one case of child marriage is one too many.

William & Mary Law Professor Vivian Hamilton has extensively studied the effects of child marriage in the United States. She finds the following in her report “The Age of Marital Capacity: Reconsidering Civil Recognition of Adolescent Marriage”:

- Marriages entered into before the age of 18 have a 70-80% likelihood of ending in divorce;
- Women who marry before 19 are 50% more likely to drop out of high school than their unmarried counterparts and 4x less likely to complete college;
- Women who marry young are 31% more likely to live in poverty later in life than women who delay marriage;
- Women who married at 18 or before had a 23% greater risk of disease onset, including heart attack, diabetes, cancer, and stroke.

## DOES THIS HAPPEN IN THE UNITED STATES?

Yes. Between 2000-2018, it is estimated that 297,033 children were married in the United States, with most of these marriages being girls wed to adult men (source: Unchained At Last). AHA Foundation has worked with potential victims and survivors of child marriage across the United States and know that this is a reality for countless children in the U.S.

## WHAT COMMUNITIES PRACTICE CHILD MARRIAGE? WHO IS MOST AT RISK?

Child marriage is not limited to one religion, ethnicity, or community. We have helped potential victims and survivors from a wide range of backgrounds. We do know that girls are the most vulnerable and most likely to be forced into marriage before 18.

## IS CHILD MARRIAGE LEGAL IN THE UNITED STATES?

There are only 7 states in the United States that completely ban child marriage with no exceptions: Delaware, New Jersey, Minnesota, Rhode Island, New York, Pennsylvania, and Massachusetts. The remaining 43 states allow some form of marriage below the age of 18 with exceptions such as parental consent or judicial approval. Several states, including Arizona, Connecticut, Florida, Kentucky, New Hampshire, New York, Tennessee, Texas, and Virginia have taken steps to limit child marriage, but still have dangerous loopholes that allow for some form of it within their borders.

## WHY SHOULD 18 BE THE MINIMUM AGE OF MARRIAGE?

**The AHA Foundation advocates for a hard minimum age of marriage at the age of majority in each state, which is typically 18, with no exceptions.** Marriage is a serious legal contract, and we believe that it should be reserved for those who have reached the age of majority and has full access to all rights bestowed upon them at the age of majority.

Minors may not have the resources to find a way out of the situation if they are forced into an underage marriage. They face significant legal and practical barriers if they try to leave home, enter a domestic violence shelter, retain an attorney, file a legal action such as divorce, etc.

Further, the AHA Foundation knows that child marriage is often forced marriage; we have seen that minors approaching the age of 18 are most at risk of being forced into a marriage. This type of situation is often triggered when the minor is about to graduate from high school or turn 18, as a way for parents to permanently maintain control of their child. Minors deserve to be protected until they reach the age of majority and have access to the rights they need to protect themselves from an unwanted marriage.

## WHAT ARE SOME OF THE DANGEROUS LOOPHOLES IN STATE LAW THAT ALLOW FOR CHILD MARRIAGE?

There are a variety of loopholes that allow for marriage below the age of 18 in different states, all of which are dangerous. Some of the most common exceptions include:

1 PARENTAL CONSENT	2 JUDICIAL APPROVAL	3 PREGNANCY EXCEPTION
In many states, one or both parents can approve a marriage for their underage child. This exception is dangerous because there are no mechanisms possible to ensure that the required parental consent is not in fact parental coercion. Children who have not yet reached the age of majority can easily be forced or coerced into marriage or trapped in an abusive marriage. Minors being coerced into marriage may fear familial violence should they refuse to comply, or they may be physically or emotionally manipulated into accepting an unwanted marriage.	Numerous states allow for marriage before 18 if judicial approval is provided; however, this is again dangerous for the minor because it is unlikely that a minor being forced into a marriage will disclose this to a judge. This loophole puts the onus of reporting an unwanted marriage to the judge on the minor, an unfair burden. Like the parental consent exception, minors might fear violence at home if they reveal the truth to a judge or might be manipulated into accepting the unwanted marriage.	Another exception that some states have is a pregnancy exception, which allows a pregnant minor to marry. However, not only should pregnant girls be protected just as much as every other minor from the dangers of child marriage, this pregnancy exception is frequently used to cover up rape. Pregnant teens are also more vulnerable to being forced into an unwanted marriage and less likely to return to school and complete their education.

## ARE THERE ANY FEDERAL PROTECTIONS THAT COULD BE ADDED TO PROTECT CHILDREN FROM MARRIAGE?

Currently, there is no minimum age in place for a U.S. citizen to sponsor an individual to come to the U.S. with a spousal or fiancé(e) visa. This means that a child of any age can petition the U.S. government to allow a spouse or fiancé(e) to immigrate to the United States. This loophole leaves minors with U.S. citizenship vulnerable to forced marriage with non-citizens, as their parents can offer citizenship through their child as a dowry or bride price.