

A NATIONAL OVERVIEW OF CHILD MARRIAGE DATA AND LAW

2022

CHILDUSA



The Sean P. McIlmail Statute of Limitations Research Institute



2022 REPORT ON CHILD MARRIAGE IN THE UNITED STATES

A National Overview of Child Marriage Data and Law

March 13, 2023

LEAD AUTHOR

Professor Marci A. Hamilton, Esq.
Founder & CEO, CHILD USA
Professor of Practice in Political Science
University of Pennsylvania
mhamilton@childusa.org
(215) 539-1906

CONTRIBUTING AUTHORS

Jessica Schidlow, Esq., Legal Director
Carina Nixon, Esq., Senior Staff Attorney
Alice A. Bohn, Esq.
Andrew Ortiz, MSSP, Director Social Science

CHILD USA is the leading national nonprofit think tank fighting for the civil rights of children. Our mission is to employ in-depth legal analysis and cutting-edge social science research to protect children, prevent future abuse and neglect, and bring justice to survivors.

© 2023 CHILD USA

TABLE OF CONTENTS

I. INTRODUCTION: AN OVERVIEW OF CHILD MARRIAGE	1
A. The Global Prevalence of Child Marriage	1
B. The Prevalence of Child Marriage in the United States.....	3
C. Negative Consequences of Child Marriage.....	4
D. A Brief Summary of International Child Marriage Law.....	9
E. Child Marriage Law in the United States.....	11
II. STATE-BY-STATE OVERVIEW OF CHILD MARRIAGE LAWS	16
A. U.S. Child Marriage at a Glance	16
B. Historical Overview of State Laws	19
Alabama	19
Alaska.....	19
Arizona	20
Arkansas	21
California.....	21
Colorado	22
Connecticut	23
Delaware.....	23
Florida	24
Georgia	24
Hawaii	25
Idaho.....	25
Illinois.....	26
Indiana.....	26
Iowa.....	27
Kansas	27

Kentucky	28
Louisiana	29
Maine.....	30
Maryland	30
Massachusetts.....	31
Michigan.....	32
Minnesota.....	32
Mississippi.....	33
Missouri.....	33
Montana.....	34
Nebraska.....	34
Nevada.....	35
New Hampshire.....	36
New Jersey	36
New Mexico	37
New York.....	37
North Carolina.....	38
North Dakota.....	39
Ohio	39
Oklahoma	40
Oregon.....	40
Pennsylvania	40
Rhode Island.....	41
South Carolina.....	42
South Dakota.....	42
Tennessee	42
Texas	43
Utah	44

two UN conventions that form the bedrock of the international community's progress in eradicating child marriage. While the United States signed the CRC, it is the only country that has yet to ratify it, preserving its status as a "Signatory" instead of a "State Party" to the Convention.⁵⁷ The United States also stands alone as the only country in the Western hemisphere, and the only industrialized democracy, that has not ratified the CEDAW.⁵⁸ By refusing to ratify, the United States withholds its consent to be bound by these conventions, and thus avoids being held accountable to the international community for any violations. On the national level, there is no federal law banning child marriage; as a result, marriage is governed by the States under the federalist legal structure.

State autonomy over the issue of child marriage means that the United States lacks national consensus regarding proper and effective child marriage laws. This decentralized system creates a legal framework in which certain states strongly protect against child marriage while others maintain lax laws that facilitate the practice. For instance, state laws vary widely on the legal minimum age for marriage. Delaware, Massachusetts, Minnesota, New Jersey, New York, Pennsylvania, and Rhode Island have banned child marriage by establishing a minimum marriage age of eighteen,⁵⁹ while states with more lenient laws—such as California, Mississippi, New Mexico, Oklahoma, Washington, West Virginia, and Wyoming—have no legally enforced

⁵⁷ *Status of Ratification Interactive Dashboard: Convention on the Rights of the Child*, OFF. OF THE UNITED NATIONS HIGH COMM'R FOR HUMAN RIGHTS, <https://indicators.ohchr.org/> (last visited Sept. 30, 2022).

⁵⁸ *Id.*

⁵⁹ *About Child Marriage in the U.S.*, UNCHAINED AT LAST, <http://www.unchainedatlast.org/laws-to-end-child-marriage/> (last visited Sept. 30, 2022).

