

Bill as Introduced

HB 1202 - AS INTRODUCED

2006 SESSION

06-2376
05/04

HOUSE BILL

1202

AN ACT

relative to the minimum age required for marriage.

SPONSORS:

Rep. Mitchell, Ches 7; Rep. Rosenwald, Hills 22

COMMITTEE:

Children and Family Law

ANALYSIS

This bill increases the minimum age required for marriage to 16.

Explanation:

Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Six

AN ACT relative to the minimum age required for marriage.

Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 1 Marriageable; Minimum Age Increased. Amend RSA 457:4 to read as follows:
- 2 457:4 Marriageable. No male [~~below the age of 14 years and no~~] or female below the age of [13]
- 3 16 years shall be capable of contracting a valid marriage, and all marriages contracted by such
- 4 persons shall be null and void.
- 5 2 Effective Date. This act shall take effect January 1, 2007.

Committee Minutes

CHILDREN AND FAMILY LAW

HB 1202

RECOMMENDED FOR FUTURE LEGISLATION

October 26, 2006

The committee voted 14-1 to recommend HB 1202 for further legislation. It requests that collateral issues be included in any proposed future bills, so that this area is addressed comprehensively.

14-1

Rep. Mary Stuart Gile

HB 1202 relative to the minimum age required
for marriage

The committee voted 14-1 to recommend

HB 1202 for further legislation, ~~Collateral issues
should be included if + when this bill is introduced.~~

~~+~~ requests that collateral issues be included in
any proposed ~~legis~~ ^{future} bills, so that ~~ancillary issues are~~
so that this area is, Rep Mary Stuart Gile
addressed comprehensively.

OK
EPM

Speakers

Hearing Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 1202

BILL TITLE: relative to the minimum age required for marriage.
DATE: January 10, 2006
LOB ROOM: 206 **Time Public Hearing Called to Order:** 1:20 p.m.
Time Adjourned: 1:55 p.m.

(please circle if present)

Committee Members: Reps. Morap, (McRae), Julie Brown, Birkford, Itse, Gargasz, E. Blanchard, Cady, B. Ham, Souza, (Foots), B. Richardson, Grassie, (Gile), Ginsburg, Flockhart, Matarazzo and Walz.

Bill Sponsors: Rep. Mitchell, Ches 7; Rep. Rosenwald, Hills 22

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Bonnie Mitchell—Prime sponsor

Rep. Cindy Rosenwald—Co-Sponsor—she has a daughter who just turned 16. She said she had noticed an e-mail from her daughter, then age 14, to a friend saying Matt was in love with her and she was in love with him. A week later she mentioned that she and Matt had broken up. She said she was more interested in what to wear each day than in Matt. Married minors are no longer considered dependents on their parents' insurance.

Sam Langley of Boscowen—Opposes—He doesn't think this bill should become a statute. He says it is important to consider the individuals involved. He has an aunt who was married at age 13. She had 6 children by the time she was 21. She and his uncle remained married until his death a few years ago. (That marriage took place in the 1930's) He could support a bill requiring a psychological evaluation plus court approval for those under the age of 18. He would be willing to be contacted for further information if the committee wished.

Rep. Mitchell—responding to a question, she believes this is an important bill for this time. One of the criteria should be the seriousness of marriage which would be part of the discussion. There have been no marriages of 14year olds dating back 5 years. She has no statistics going back earlier. She prefers age 18 but believes this is a beginning.

Respectfully submitted by

Barbara Hull Richardson

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

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1:55
~~1:20~~ p.m.

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(please circle if present)

Committee Members: Reps. Moran, McRae, Julie Brown, Bickford, Utse, Gargasz, E. Blanchard, Cady, B. Ham, Souza, Foote, B. Richardson, Grassie, Gile, Ginsburg, Flockhart, Matarazzo and Walz.

Bill Sponsors: Rep. Mitchell, Ches 7; Rep. Rosenwald, Hills 22

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

* Rep. Bonnie Mitchell - prime sponsor

Rep. Andy Rosenwald, co-sponsor - She has a daughter who just turned 16. She said she had noticed an E-mail from her daughter's ^{then agent} TDA friend saying Matt was in love with her + she was in love with him. A week later she mentioned that she and Matt had broken up. She said she was more interested in what to wear each day than in ^{Matt} married minors are no longer considered dependents on their parents' insurance.

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Rep. Mitchell - Responding to a question, she believes this is an important bill for this time. One of the criteria should be the seriousness of marriage which would be a part of the discussion. There have been no marriages of 14 year olds dating back 5 years. She has no statistics going back earlier. She prefers age 18 but believes this is a beginning.

Sub-Committee Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

SUBCOMMITTEE WORK SESSION ON HB 1202

BILL TITLE: relative to the minimum age required for marriage.

DATE: September 28, 2006

Subcommittee Members: Reps. Blanchard, Cady, and Gile

Comments and Recommendations:

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

RECOMMEDED FOR
FUTURE LEGISLATION

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Elizabeth Blanchard
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

SUBCOMMITTEE WORK SESSION ON HB 1202

BILL TITLE: relative to the minimum age required for marriage.

DATE: September 28, 2006

Subcommittee Members: Reps. Blanchard, Cady, and Gile (Cady absent)

Comments and Recommendations: Recommend for ~~future~~ future
Legislation

Amendments: None

Sponsor: Rep. ~~Boonie Mitchell~~ OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.
Subcommittee Chairman/Clerk

Elizabeth D. Blanchard

Testimony

FILE COPY

Chairman Moran, members of the committee. My name is Rep. Bonnie Mitchell, from Jaffrey and my cosponsor is Rep. Cindy Rosenwald from Nashua. We're here today to testify in favor of raising the legal age for marriage from 13 for girls and 14 for boys to 16 for both males and females.

Current marriage law, RSA 457:4-9 states that: "a male or female who has reached the age of 18 can marry without parental permission. A female between the age of 13 and 17 years and a male between the age of 14 and 17 years can be married only with the permission of their parent (guardian) and a waiver. This waiver (RSA 457:6,27) is issued when 'good/special cause' is shown and is issued by a justice of the superior court or judge of probate within the county where the marriage is to take place. A female below the age of 13 and a male below the age of 14 are not allowed to marry under any conditions.

There has been a lot of talk recently about marriage, but very little about the fact that it is legal for children to marry in New Hampshire. Kansas is the only other state in the Union with the legal marriage age this low. (Massachusetts has since changed the age both with or without parental consent to 18.) As you can see from the handout "Marriage Laws of the Fifty States", there is a variety of conditions in each state for underage marriage. Most states recognize 18 as the unobstructed age to marry.

Marriage is a relationship between individuals, which has formed the foundation of the family for most societies. It can include legal, social, and religious elements, but has existed in our culture for hundreds if not thousands of years. Marriage provides a building block for the foundation to raise families, accumulate wealth, and provide stability to a society. It is an important institution in our contemporary culture and carries with it many rights and obligations. It is not a relationship for children. Our children cannot drive until they are 16, drink until they are 21 and must wear a seat belt if they are under 18. Yet a legal relationship that can produce children, make medical decisions on each other's benefit, maintain life and disability insurance on the other, hold property as tenants in common, and can become legally obligated to financially support the other..... This right is now given to 13-year-old children.

I was made aware of this anomaly by one of my constituents. This woman was appalled, as am I, by this cavalier attitude toward an institution that appears to be held so sacrosanct by so many of our citizens. Even the United

take legislative action to specify a minimum age for marriage, "which in any case shall not be less than 15." This was directed to all members including Third World countries.

You might raise the question of pregnancy of the female. While this is a legitimate question, teenage pregnancies are the topic of another societal problem and not the issue of this legislation. Marriage is not the solution to this or any of societies other problems that we are now solving with underage marriage.

While I would like to see the minimum age raised to 18 with mandatory counseling, I would like to begin the investigation of this issue with this legislation.

Bill Bolton, Director of Vital Records, gave me a breakdown of all marriages with the corresponding ages over the last 5 years. No one has gotten married at 13 or 14, but the legal marriage age legislated by a state makes a statement regarding the attitude that government has toward a subject. I would like for New Hampshire to state that children should not be allowed to marry. Our children should be protected and given time to prepare themselves for marriage, parenthood and good citizenship.

BENEFITS FOR MINORS WHO ARE MARRIED

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In general, most states offer various forms of the following:

- To not be forced to testify in court against each other
- The right to make medical decisions on each other's behalf
- To seek wrongful death compensation
- To access the spouse's estate in the absence of a will upon his/her death
- To maintain life and disability insurance on the spouse
- To be eligible for worker's compensation death benefits
- To automatically hold property as tenants in common

In most states, when a minor marries legally, he or she is considered to be partially emancipated (RSA 132:24 IV) which defines an "emancipated minor" as "any minor female who is or has been married or has by court order otherwise been freed from the care, custody and control of her parents. "Partially" refers to the fact that she cannot vote until 18, make an organ donation until 18, execute a living will or a durable power of attorney until age 18, or drink alcohol until age 21, specific actions which are regulated by NH law.

In NH, a legally married minor is allowed to engage in sex with his or her legal spouse. RSA 632-A3, 4 makes sex with a "minor" other than a legal spouse" a felony.

With respect to consent to medical treatment, NH has a few statutes that specifically allow married minors to make decisions without parental involvement. RSA 132:24 and 25 allows emancipated minors to obtain an abortion, RSA 571-C: 1 allows any married minor regardless of age to donate blood. RSA 318-B: 12-a allows person's 12 years of age to submit to drug abuse treatment. RSA 141-C: 18 allow a person 14 years of age or older to seek treatment for sexually transmitted disease without parental involvement. Most hospitals and medical providers allow married minors to consent to their own treatment.

In addition, minors who marry are no longer considered "dependents" and are not eligible to be covered under their parent's health insurance.

Marriage Laws in the USA

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Marriage Laws in the USA - by Age

In the United States, all but two states require a couple be age 18 in order to marry without parental consent. Nebraska sets the age at 19 and Mississippi at the time of this writing (May 2003). A few states will waive this requirement if there is a pregnancy involved, but the couple may still have to have court approval.

* This is not intended to encourage teenage marriages; just to serve as a guide of the current state laws.

Alabama: If either of you are under 18, you will need a certified copy of birth certificate. Both parents must be present with identification, or if you have a guardian they must be present with a court order and identification. If your parents are deceased, proper evidence of such must be provided. Individuals under the age of 14 may not marry.

Alaska: If either of you are under 18, you will need certified copy of birth certificate, both parents must be present with identification, or if you have a guardian they must be present with a court order and identification.

Arizona: If you are 16 or 17 years old, you must have the notarized consent of your parents or legal guardian. If you are under 16, you must have the consent of your parents or legal guardian as well as a court order.

Arkansas: Under 18 requires consent of both sets of parents.

Bahamas: If you are under 18, you will need parental consent.

California: If either the bride or groom is under 18, at least one of the parents, or legal guardian, must appear with the couple. Certified copies of birth certificates are required. The couple must also schedule an appointment with a marriage counselor and then appear before a superior court judge.

Colorado: If you are 16 or 17, you will need consent of both parents (or guardian having legal custody), or guardian, or seek judicial approval. If you are 18 or older, you must be at least 16 weeks pregnant.

Judicial Court Order along with parental consent is necessary.

Connecticut: If under sixteen years of age, the written consent of the judge of probate for the district where the minor resides must be obtained. Written consent is needed if under 18 years of age.

Delaware: You will need signed parental consent forms provided by the Peace office if you are under 18 years of age.

District of Columbia: You will need signed parental or guardian consent if you are under 18 years of age. If you are under 16 years of age, you cannot marry in the District of Columbia.

Florida: If an individual is under 18 years of age, but older than 16 years, a marriage license can be obtained with parental consent. If a minor's parents are both deceased and there is not an appointed guardian, he/she may apply for a marriage license. A minor who has been previously married may also apply for a license. A minor who swears that they have a child or are expecting a child may apply for a license if the pregnancy has been verified by a written statement from a licensed physician.

Georgia: If you are 16 or 17 years old, you may apply if accompanied by your parents who have given written consent. If the bride is pregnant, no parental consent is required if you submit a statement from a licensed physician that the bride is pregnant.

Hawaii: If you are 16 or 17 years of age, you must have the written consent of both of your parents, legal guardian, or the family court. If you are 15 years old, you will not only need the written consent of both of your parents or legal guardian, but also the written approval of a judge of the family court. You must obtain the necessary consent forms from a marriage license agent.

Idaho: If you are 16 or 17 years of age, you will need to have a certified copy of your original birth certificate, or a passport, or a driver's license or state identification card. You must be accompanied by one of your parents or your legal guardian. If you have written parental consent on the Affidavit of Consent to Marriage and you are under 16 years of age, you will also need a court order.

Illinois: If you are 16 or 17 years of age, you will have to provide a certified copy of your birth certificate along with some other sort of identification showing your birth. You will also need to have the sworn consent from each parent, legal guardian or a judge - in person - before the county clerk at the time of the application. If your parent is deceased, you will need to show a death certificate or proof of guardianship, or a court order waiving consent. A legal guardian will also show a certified copy of the guardianship papers. If you are under 16 years of age, you cannot get married.

Indiana: A certified copy of your birth certificate is required. If you are 16 or 17 years old you must apply for the license with both parents (or the person with custody). They will need to sign the consent portion of the application. If

16 or 15 years old, you must petition the Circuit Court via a "Permission form.

Iowa: Under 18 applicants (16 or 17 years of age) need to have parents

Kansas: Any applicant who is under age 18 must have either: - Notarized consent of all then living parents and legal guardians, or notarized, written consent of one parent or legal guardian and consent of a district court judge.

Kentucky: The age is 18 or above, if you are 16 or 17 years old, you must have the consent of your parents or legal guardian.

Louisiana: If either party to the marriage is between the ages of 16 and 17, the presence and signatures of both parents are required. If a parent has sole custody in a divorce, a certified copy of the judgment must be presented. If either party is under the age of 16, a court order is required in order to obtain a license.

Maine: Applicants must be over 18 years old. A license shall not be issued to anyone under the age of 16 without written parental consent and the written consent of a judge.

Maryland: Parental consent is needed if under 18 years of age. If you are between 16-18 years of age, one of your parents or guardian must be notified and provide written consent. If you are under 16 years of age, you will need the written consent of your custodial parent or guardian and the written consent of a judge of the Orphans' Court Division of the Court of Common Pleas. If you are under 18, pregnant or have a child, and show a certificate from a licensed physician stating you are pregnant or have had a child, the parental consent requirement may be waived.

Massachusetts: Age 18 years or older. A birth certificate may be required to show proof of age. $\frac{3}{4}$ If either party is under 18, a court order from a probate or district court where the minor resides must be obtained before the marriage intentions can be filed.

Michigan: Applicants 16 years of age may marry with parental or legal guardian written consent. Applicants under the age of 15 with parental consent at a court permission. 'Marriage of a Minor': The legal marriage of a minor "shall not release such minor from parental control."

Minnesota: Applicants between the ages of 15 and 18 must have the consent of a parent, guardian or the judge of juvenile court. $\frac{3}{4}$ Applicants younger than 15 needs the written consent of a parent or guardian and the consent of a juvenile court judge.

Mississippi: Parental consent is needed if under 21 years of age. If parents or guardians do not give consent at time of application, they will be notified by certified mail. The marriage application will be held for three (3) days. Marriage licenses cannot be issued to males under 17, or females under 15 years of age. If the clerk receives a signed authorization from the parents, this minimum

requirement can be waived.

Missouri: A person under age 18 cannot marry without the consent of the custodial parent or guardian. «¾A person under age 15 cannot marry with approval of a judge in the county where the marriage license is sought. The statute states that the judge should grant approval only upon a showing of "cause" and that unusual conditions make the marriage "advisable." Persons lacking mental capacity to consent to marriage cannot marry without court approval.

Montana: If you are 16 or 17 years old, you must have the consent of both parents unless only one parent has legal custody of you. Both of you, as well as the parent, will also have to attend at least two counseling sessions that are at least 30 days apart. This has to be done with a designated counselor who will then have to provide a letter that states the names of the couple, their ages, the date of the counseling sessions, and what the counselor thinks about their possible marriage.

Nebraska: Under 19 -- A notarized consent form must be signed by the legal guardian giving consent to the marriage of the minor. Nebraska will issue a marriage license if either applicant is under 17 years of age.

Nevada: If you are 16 or 17 years old, you must have one parent or legal guardian present. A notarized written permission is also acceptable. It must be written in English and needs to state the name, birth date, age of the minor along with the relationship of the person giving consent. The notary must certify that the parent or guardian personally appeared before or was subscribed to. If you are under 16, marriage can be authorized only by court order if a request has been filed by either parent or legal guardian.

New Hampshire: A female between the age of 13 and 17 years and a male between the age of 14 and 17 years can be married only with the permission of their parent (guardian) and a waiver. A female below the age of 13 and a male below the age of 14 are not allowed to marry under any conditions. If both are nonresidents of NH and are below the age of 18 they cannot be married under any conditions.

New Jersey: Applicants under 18 can marry if both parents consent to the marriage. The consent must be given under oath in front of two witnesses. 16 or younger parties may marry with parental consent and/or permission of a judge. Younger parties may obtain license in case of pregnancy or birth of child.
Females: 16 or younger parties may marry with parental consent and/or permission of judge. Younger parties may obtain license in case of pregnancy or birth of child.

New Mexico: Parental consent if 16 or 17 years of age. Court order if 15 or younger. (There is no waiting period as in most states and marriage licenses issued are valid immediately and do not expire.)

New York: If you are 16 or 17 years of age, you will need to have a notarized parental consent form filled out by both parents. If you are either 14 or 15 years of age, you will need to have a court order.

age, you will need to show the written consent of both parents and a judge of the local Supreme Court or a judge of the local Family Court. Applicants under 14 years of age cannot marry. Only one parent's consent will be accepted if one parent is deceased or has been missing for over a year, or if one parent has full custody from a divorce proceeding. Your parents or guardians must give their consent in person before the town or city clerk or some other authorized official. If you are out of state, a notarized affidavit is acceptable but has to be accompanied by a certificate of authentication when the consent is filed in New York State.

North Carolina: Applicants 18 to 20 must present a certified copy of the birth certificate. Applicants 16 and 17 must present a consent form signed by a parent, individual, agency or institution having legal custody or serving as a legal guardian of the underage party. (birth certificate is also required). The consent form must be notarized. Applicants 14 and 15 must provide a certified copy of the court order authorizing the marriage. A certified copy of the birth certificate is also required. A marriage license may not be issued to applicants under 14 years of age.

North Dakota: If a person is between sixteen and eighteen years of age, a marriage license may not be issued without the consent of the parents or legal guardian. This requires a notarized statement.

Ohio: If you are 18 to 21 years of age, you will need to show your birth certificate. Persons aged 16-17 must have consent to marry from parents or legal guardian and may have to contact the Probate Court. Additionally, the Judge may require the minors to state that they have received marriage counseling that is satisfactory to the court. Section 3101.05 also mentions how the court views marriage with a pregnant minor.

Oklahoma: If you are under 18, your parents must appear at the courthouse with you to sign a consent form. Minors must wait three days before the marriage license is valid.

Oregon: Under 18: Anyone not yet 17 years of age cannot be legally married in the State of Oregon. A seventeen year old can be married if they have the consent of their parent's or guardian's consent (State Consent form needed).

Pennsylvania: If under 18 years of age applicants may marry with the consent of a parent or guardian. Applicants must present Birth Certificate plus an additional \$5.00. Okay, if under 16 years of age with the approval of a Judge of the County Court, as well as parent or guardian.

Rhode Island: Under 18: A Minor's Permit to marry must be completed. If the female applicant is 16 or 17 years of age. The permit must be signed and notarized in the presence of the City or Town Clerk or any clerk employed by the City or Town office. ³/₄A female under age 16 and a male under age 18 cannot secure a marriage license in the State of Rhode Island without the approval of the County Court.

South Carolina: If you are under 18, you will need a certified copy of your birth certificate.

certificate and a notarized statement of parental consent. The minimum female is 14 and it is 16 for a male.

South Dakota: Applicants 16 and 17 must have parental consent. South law does not permit marriage of those under 16.

Texas: The age is 18 without from a parent or your legal guardian. If under age of 16, the law requires that the couple receives a court order before allowed to marry.

Tennessee: If either party is under the age of 18, they must be accompanied by parents. If under the age of 16, Tennessee law requires that the couple obtain a court order before being allowed to marry.

Utah: The law states that marriage at the age of 18 years and above do not require parental consent. For those aged 16-17, parental consent is necessary. For those 15 years old, the following requirements must be met: Parental consent must be obtained. Approval from Juvenile Court is necessary. The court must conclude that the marriage is voluntary and in the best interests of the minor.

Vermont: If you are at least 16, but under 18, you will need the consent of a parent or guardian.

Virginia: If either of you are under 18 years of age, you must have written, notarized consent from a parent or your legal guardian.

Washington: If under the age of 18, proof of age is required (birth certificate or driver's license). Additionally, the parent or guardian must be present to sign the application form. If under 17, written permission from the family court must be obtained.

Washington DC: Both applicants must be at least 18 years old to obtain a marriage license. With parental consent, the male must be at least 16 years old and the female must be at least 16 years old. Parental consent must be either in person or by notarized letter.

West Virginia: If either of you are under 18 years of age, you must have written consent (in person or written) of a parent or guardian. If written, the consent can be notarized. There may be special provisions for an underage bride who is pregnant.

Wisconsin: If either the bride or groom is under 18, you must have written, notarized consent from his or her parents or guardian. There is a Consent form available to be signed by parents or guardian before a County Clerk.

Wyoming: Applicants must be at least 18 years old or with written parental consent. Applicants under 16 years of age only with court order.

NEW HAMPSHIRE
MARRIAGE AGES BY GROUP
2000 - 2004

FILE COPY

| GROOM'S AGE | 2000 | 2001 | 2002 | 2003 | 2004 |
|-------------|------|------|------|------|------|
| 16 | 1 | 0 | 1 | 0 | 0 |
| 17 | 2 | 0 | 2 | 2 | 2 |
| 18 | 38 | 53 | 41 | 34 | 30 |
| 19 | 87 | 102 | 78 | 96 | 64 |
| 20 | 128 | 159 | 160 | 148 | 131 |
| 21 - 25 | 1738 | 1852 | 1855 | 1774 | 1617 |
| 26 - 35 | 4461 | 4365 | 4305 | 4215 | 4248 |
| 36 - 45 | 2320 | 2311 | 2352 | 2246 | 2309 |
| 46 - 55 | 1174 | 1187 | 1205 | 1191 | 1256 |
| 56 - 65 | 440 | 432 | 413 | 463 | 552 |
| 66 - 75 | 157 | 146 | 133 | 124 | 144 |
| >75 | 58 | 67 | 34 | 39 | 43 |
| | | | | | |
| | | | | | |
| | | | | | |
| BRIDE'S AGE | 2000 | 2001 | 2002 | 2003 | 2004 |
| 15 | 2 | 1 | 1 | 0 | 0 |
| 16 | 5 | 0 | 5 | 2 | 0 |
| 17 | 15 | 16 | 10 | 16 | 11 |
| 18 | 124 | 157 | 155 | 142 | 100 |
| 19 | 229 | 216 | 183 | 176 | 177 |
| 20 | 294 | 317 | 285 | 269 | 223 |
| 21 - 25 | 2363 | 2481 | 2511 | 2423 | 2301 |
| 26 - 35 | 4144 | 4049 | 4020 | 3956 | 4107 |
| 36 - 45 | 2084 | 2101 | 2129 | 1989 | 1975 |
| 46 - 55 | 950 | 988 | 940 | 977 | 1073 |
| 56 - 65 | 298 | 247 | 258 | 298 | 333 |
| 66 - 75 | 67 | 76 | 69 | 70 | 78 |
| >75 | 29 | 25 | 13 | 14 | 18 |

Marriage Laws of the Fifty States, District of Columbia and Puerto Rico

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This table links to the marriage laws of the states and attempts to summarize some of their salient points. Those interested in the marriage law of a particular jurisdiction should review its law directly rather than rely on this summary which may not be fully accurate or complete.

Related LII materials include:

- the LII "Law about ..." marriage page
- the LII pages summarizing the divorce laws of the states and the adoption laws of the states
- the State Statutes by Topic page
- the LII State Law pages

| State | Common Law Marriage | Age of consent to marry | | Medical exams | | Marriage license | |
|--------------------------------------|---------------------|--------------------------------|------------------------------|--------------------------------------|-----------------------|-------------------------------|---|
| | | Age with parental consent | Age without parental consent | Max. period between exam and license | Scope of medical exam | Waiting period before license | Duration of license validity (expiration) |
| Alabama- Title 30, Chapter 1 | Yes | 14 a, b | 18 | - | - | - | 30 days |
| Alaska- Title 25, Chapter 5 | No | 16 c | 18 | - | - | 3 days, d | 3 months |
| Arizona- Chapter 1, Article 1 | No | 16 c (2) | 18 | - | - | - | 1 year |
| Arkansas- Title 9, Subtitle 2, § 11 | No | Male-17 c, e Female-16 c, e | 18 | - | - | f | - |
| California- Family Code, §§ 300-500 | No | b, g | 18 | 30 days, d, h | - | - | 90 days |
| Colorado- §§ 14-2-105 thru 14-2-110 | Yes | 16 c | 18 | - | - | - | 30 days |
| Connecticut- Title 46b, § 815e | No | 16 c (2) | 18 | - | l | 4 days, d | 65 days |
| Delaware- Title 13, Chapter 1 | No | Male-18 e Female-16 e | 18 | - | - | 24 hours, j | 30 days |
| Florida- Title 43, Chapter 741 | No | 16 a, e | 18 | - | - | - | 60 days |
| Georgia- §§ 19-3-1 thru 19-3-68 | No gg | 16 e, k | 18 | - | i | 3 days, l | 30 days |
| Hawaii- § 572 | No | 15 k | 18 | - | - | ---- | 30 days |
| Idaho- § 32-301 thru 32-501 | No gg | 16 c | 18 | - | m, n | - | - |
| Illinois- Chapter 750, CS 5, Part II | No | 16 o | 18 | - | p | 1 day | 60 days |
| Indiana- Title 31, | No gg | 17 e | 18 | - | q | - | 60 days |

| | | | | | | | |
|---|-------|-----------------------------|----------------------|--------------|----|--------------|---------------------------|
| Article 11 | | | | | | | |
| Iowa- Chapter 595 | Yes | 16 k | 18 | - | - | 3 days | - |
| Kansas- Chapter 23, Article 1 | Yes | Male-14 k Female-12 k | 18 | - | - | 3 days, d | 6 months |
| Kentucky- Chapter 402 | No | 18 k | 18 | - | - | - | 30 days |
| Louisiana- Title IV, Chapter 1 (Civil Code 86) | No | 18 c | 18 | 10 days | - | - | - |
| Maine- Title 19, Chapter 23 | No | 16 c | 18 | - | - | 3 days, d, f | 90 days |
| Maryland- §§ 2-201 thru 2-503 | No | 16 e, r | 18 | - | - | 48 hours, d | 6 months |
| Massachusetts- Title III, Chapter 207 | No | Male-14 k Female-12 k | 18 | 3-60 days, s | - | 3 days, f | 60 days |
| Michigan- Chapter 551 | No | 16 | 18 | - | - | 3 days, d | 33 days after application |
| Minnesota- Chapter 517 | No | 16 k | 18 | - | - | 5 days, d | 6 months |
| Mississippi- Title 93, Chapter 1 | No | g, k | Male-17 Female-15 | 30 days | t | 3 days, d | - |
| Missouri- Chapter 451 | No | 15 u | 18 | - | - | - | 30 days |
| Montana- Title 40, Chapter 1 | Yes | 16 k | 18 | - | t | - | 180 days |
| Nebraska- Chapter 42 | No | 17 | 19 | - | i | - | 1 year |
| Nevada- Title 11, Chapter 122 | No | 16 c | 18 | - | - | - | 1 year |
| New Hampshire- Title 43, Chapter 457 | No | Male- 14 v Female- 13 v | 18 | - | - | 3 days, d, f | 90 days |
| New Jersey- Title 37 | No | 16 c, e | 18 | - | - | 72 hours, d | 30 days |
| New Mexico- Chapter 40, Article 1 | No | 16 e, u | 18 | 30 days | t | - | - |
| New York- Chapter 14, Articles 1 and 2 | No | 16 v | 18 | - | w | 24 hours | 60 days |
| North Carolina- Chapter 51 | No | 16 e | 18 | - | - | - | - |
| North Dakota- Chapter 14-03 | No | 16 | 18 | - | - | - | 60 days |
| Ohio- Title 31, Chapter 3101 | No gg | Male-18 k Female-16 c, e | 18 | - | - | 5 days, d, x | 60 days |
| Oklahoma- 43-3 | No gg | 16 c, e | 18 | 30 days, d | t | y | 30 days |
| Oregon- Title 11-106 | No | 17 z | 18 | - | - | 3 days, d | 60 days |
| Pennsylvania- Title 23, Part 1 | No gg | 16 u | 18 | 30 days | t | 3 days, d | 60 days |
| Rhode Island- Title 15, Chapters 15-1 thru 15-3 | Yes | Male-18 u Female-16 u | 18 | - | aa | - | 3 months |

| | | | | | | | |
|--|-----|--------------------------------------|--------------------------|------------|----|---------------|---------|
| South Carolina- Title 20, Chapter 1 | Yes | Male- 16 e Female-14 e | 18 | - | - | 1 day | - |
| South Dakota- Title 25, Chapters 1 and 2 | No | 16 e | 18 | - | - | - | 20 days |
| Tennessee- Title 36, Chapter 3 | No | 16 u | 18 | - | - | 3 days, d, bb | 30 days |
| Texas- Title 1, Subtitles A and B | Yes | 14 k, v | 18 | - | - | cc | 30 days |
| Utah- Title 30, Chapter 1 | Yes | 14 a | 18 dd | - | - | - | 30 days |
| Vermont- Title 15, Chapter 1 | No | 16 k | 18 | 30 days, d | t | 1 day, d | - |
| Virginia- Title 20, Chapter 2 | No | 16 a, e | 18 | - | ee | - | 60 days |
| Washington- Title 26, Chapter 4 | No | 17 u | 18 | - | ff | 3 days | 60 days |
| West Virginia- Chapter 48, Article 1 | No | 18 e | 18 | - | t | 3 days, d | - |
| Wisconsin- Chapter 765 thru 767 | No | 16 | 18 | - | n | 5 days, d | 30 days |
| Wyoming- Title 20, Chapter 1 | No | 16 u | 18 | - | i | - | - |
| District of Columbia- Division VIII, Title 46, Subtitle 1, Chapter 4 | Yes | 16 a | 18 | 30 days | t | 3 days, d | - |
| Puerto Rico | No | Male-18 c, e, u Female-16 c, e, u | Male- 21 Female- 21 e | - | t | - | - |

---- indicates that the authors of this table were unable to locate any information regarding the topic

- (a) Parental consent not required if minor was previously married.
- (b) Other statutory requirements apply.
- (c) Younger parties may marry with parental consent.
- (c) (2) Younger parties may marry with parental and judicial consent.
- (d) Waiting period may be avoided
- (e) Younger parties may obtain license in case of pregnancy or birth of child.
- (f) Parties must file notice of intention to marry with local clerk.
- (g) No age limits
- (h) When unmarried man and unmarried woman, not minors, have been living together as man and wife, they may, without health certificate, be married upon issuance of appropriate authorization.
- (i) Venereal disease and rubella (for female)
- (j) Residents, before expiration of 24 hour waiting period; non-residents, before expiration of 96 hour waiting period.
- (k) Parental consent and/or permission of judge required.
- (l) Unless parties are 18 years of age or more, or female is pregnant, or applicants are the parents of a living child born out of wedlock.
- (m) Rubella for female; there are certain exceptions, and district judge may waive medical examination on proof that emergency exists.
- (n) Applicants must receive information on AIDS and certify having read it.
- (o) Judicial consent may be given when parents refuse to consent.
- (p) Venereal diseases; test for sickle cell anemia given at request of examining physician.
- (q) Any unsterilized female under 50 must submit with application for license a medical report stating whether she had immunological response to rubella, or a written record that the rubella vaccine was administered on or after her first birthday. Judge may by order dispense with these requirements.

- (r) If parties are at least 16 years of age, proof of age and consent of parties in person are required. If a parent is ill an affidavit by the incapacitated parent and a physician's affidavit required.
- (s) Doctor's certificate must be filed 30 days prior to notice of intention.
- (t) Venereal diseases. In WV and OK, Circuit court judge may waive requirement
- (u) Younger parties may obtain license in special circumstances.
- (v) Below age of consent parties need parental consent and permission of judge, no younger than 14 for males and 13 for females.
- (w) Tests for sickle cell may be required.
- (x) Applicants under age 18 must state that they have had marriage counseling.
- (y) If one or both parties are below the age for marriage without parental consent, three day waiting period.
- (z) If a party has no parent residing within state, and one party has residence in state for six months, no permission required.
- (aa) Physical examination and blood test required; offer of HIV counseling required.
- (bb) Unless parties are over 18 years of age.
- (cc) 72 hour waiting period following issuance of license.
- (dd) Authorizes counties to provide for premarital counseling as a requisite to issuance of license to persons under 18 and persons previously divorced.
- (ee) Required offer of HIV test, and/or must be provided with information on AIDS and tests available.
- (ff) No exam required, but parties must file affidavit of non-affiliation with contagious venereal disease.
- (gg) No common-law marriage can be entered into, but these states recognize common law marriages that were entered into before these dates:
 - Georgia- entered into prior to January 1, 1997 are recognized,
 - Idaho- entered into prior to January 1, 1997 are recognized,
 - Indiana- entered into prior to January 1, 1958 are recognized,
 - Ohio- entered into prior to October 10, 1991 are recognized,
 - Oklahoma - entered into prior to November 1, 1998 are recognized, current situation unclear,
 - Pennsylvania- entered into prior to September 17, 2003 (see PNC Bank Corp. v. W.C.A. B., 831 A.2d 1269 (Pa. Cmwith. 2003) or possibly January 1, 2005 (see 2004 House Bill No. 2719) are recognized.

Source: Based in part on a chart in the World Almanac and Book of Facts, World Almanac Books, 1999. Entries have been updated through a review of the statutes and links added to permit direct consultation of the state statutes.

Voting Sheets

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 1202

BILL TITLE: relative to the minimum age required for marriage.

DATE: January 11, 2006

LOB ROOM: 206

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Gile

Seconded by Rep. Blanchard

Vote: 14-1 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Barbara H. Richardson, Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 1202

BILL TITLE: relative to the minimum age required for marriage.

DATE: 1/11/06

LOB ROOM: 206

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Gile*

Seconded by Rep. *Blanchard*

Vote: *14-1* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Barbara H. Richardson, Clerk

CHILDREN AND FAMILY LAW

Bill #: HB 1202 Title: Relative to The minimum age required for marriage

PH Date: 1 / 10 / 06 Exec Session Date: 1 / 11 / 06

Motion: Interim Study Amendment #: _____

| MEMBER | YEAS | NAYS |
|---------------------------------|------|------|
| Moran, Edward P, Chairman | ✓ | |
| McRae, Karen K, V Chairman | ✓ | |
| Brown, Julie M | | ✓ |
| Bickford, David A | ✓ | |
| Gargas, Carolyn M | ✓ | |
| Itse, Daniel C | ✓ | |
| Blanchard, Elizabeth D | ✓ | |
| Ham, Bonnie D | | |
| Souza, Kathleen F | | |
| Cady, Harriet E | ✓ | |
| Bettencourt, David J | ✓ | |
| Foote, Sheila A | ✓ | |
| Richardson, Barbara Hull, Clerk | ✓ | |
| Grassie, Anne C | | |
| Gile, Mary Stuart | ✓ | |
| Ginsburg, Ruth | ✓ | |
| Flockhart, Eileen C | ✓ | |
| Matarazzo, Anthony P | ✓ | |
| Walz, Mary Beth | | |

TOTAL VOTE:
Printed: 12/19/2005

14-1

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 1202

BILL TITLE: relative to the minimum age required for marriage.

DATE: October 25, 2006

LOB ROOM: 206

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

RECOMMENDED FOR
FUTURE LEGISLATION

Moved by Rep. Gile

Seconded by Rep. Brown

Vote: 14-1 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Barbara H. Richardson, Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 1202

BILL TITLE: relative to the minimum age required for marriage.

DATE: October 25, 2006

LOB ROOM: 206

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Crile - further legislation*

Seconded by Rep. *Brown*

Vote: *14-1* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Barbara H. Richardson, Clerk

CHILDREN AND FAMILY LAW

Bill #: HB 1202 Title: relative to the minimum age required for marriage

PH Date: 1 / 10 / 06 Exec Session Date: 10 / 25 / 06

Motion: further legislation needed Amendment #: _____

| MEMBER | YEAS | NAYS |
|---------------------------------|------|------|
| Moran, Edward P, Chairman | ✓ | |
| McRae, Karen K, V Chairman | ✓ | |
| Brown, Julie M | ✓ | |
| Bickford, David A | ✓ | |
| Gargasz, Carolyn M | | |
| Itse, Daniel C | ✓ | |
| Blanchard, Elizabeth D | | |
| Souza, Kathleen F | | ✓ |
| Cady, Harriet E | ✓ | |
| Bettencourt, David J | | |
| Foote, Sheila A | ✓ | |
| Richardson, Barbara Hull, Clerk | ✓ | |
| Grassie, Anne C | ✓ | |
| Gile, Mary Stuart | ✓ | |
| Ginsburg, Ruth | ✓ | |
| Flockhart, Eileen C | ✓ | |
| Matarazzo, Anthony P | ✓ | |
| Walz, Mary Beth | ✓ | |
| | | |
| TOTAL VOTE: <u>14-1</u> | | |

Committee Report

COMMITTEE REPORT

COMMITTEE: **Children and Family Law**

BILL NUMBER: **HB 1202**

TITLE: relative to the minimum age required for marriage.

DATE: {Type DATE} CONSENT CALENDAR YES NO

- OUGHT TO PASS
- OUGHT TO PASS WITH AMENDMENT
- INEXPEDIENT TO LEGISLATE
- REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT (Include Committee Vote)

HB 1202 proposes to increase the minimum age required for marriage to 16. Current NH law allows males of 14 years and females of 13 years to marry with parental consent. A review of data for 2000-2004 indicated 6 teenagers married in that five year period. The committee felt the bill needs more work and following a review of marriage laws in the U.S.A by age, voted to refer to Interim Study.

Vote 14-1.

Rep. Mary Stuart Gile
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Children and Family Law

HB 1202, relative to the minimum age required for marriage. **REFER TO COMMITTEE FOR INTERIM STUDY**

Rep. Mary Stuart Gile for Children and Family Law: HB 1202 proposes to increase the minimum age required for marriage to 16. Current NH law allows males of 14 years and females of 13 years to marry with parental consent. A review of data for 2000-2004 indicated 6 teenagers married in that five year period. The committee felt the bill needs more work and following a review of marriage laws in the U.S.A by age, voted to refer to Interim Study. **Vote 14-1.**

Burb

NB1202 proposed to increase the minimum age required for marriage to 16. Current NN law allows males of 14 years and females, 13 years to marry with parental consent. A review of data for the period 2000-2004 indicated 16 teenagers married in that 5 year period. The committee felt the bill needs more work & following a review of Marriage Laws in the USA - by Age. Voted to Refer to Interim Study.

Mary Stuart Cole

14-1

12 P.M.

Consent