

States Take Action To Protect Children From Forced Marriages

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With the #MeToo movement shining a light on the practice of the exploitation of women, there is another area which is not in the forefront of the news but should also draw one's ire: marriage of minors.

Recently, in New Jersey and Delaware, laws have increased the legal marriage age to 18 in order to protect against the exploitation of children, by ending all child marriages and thus, protecting young females from being sexually exploited.

New Jersey and Delaware have banned all marriages under the age of 18, regardless of parental consent or judicial approval. A number of states are considering raising the marriage age but not necessarily to 18. As of October 2017, there are 25 states which set no minimum age for marriage. And, while the bills are gender neutral, the impetus on increasing the marriage age is to protect girls who are being married to adult males. Between 2000 and 2010, there were approximately 248,000 marriages of children under the age of 18 and 77% of them were where minor girls were married to adult men. In New Jersey, between 2000 and 2010, 1830 children were married-the youngest was only 13 years old. In Delaware, between the years 2000 and 2011, 200 minors were married and 90% of them were girls.

New Jersey and Delaware are not the only states that have deemed it important to protect adolescents from "forced" marriages as other states have addressed this issue as well. The fact that children can be married under age 18 in certain states with parental permission and no other oversight from courts such as the appointment of a guardian ad litem may be a surprise to many. In contested custody matters, for example, a court may appoint a guardian ad litem and will consider the best interest of the child when making a decision. When courts are presented with a request to marry, courts in only 17 states are required to consider the best interest of the minor. While other states include "best interest"

language in the statutes, the specific language in those states permits a court to put other parties' interests (i.e. the intended spouse, minor's parents, etc.) before the best interests of the minor.

Thus, if there is parental consent, marriage between a 15-year-old female and a 19-year-old male becomes acceptable. What in other instances would be categorized as rape (statutory or otherwise, an act which society has determined to be morally repugnant), becomes legitimized.

The consequences to a minor marrying before the age of 18 are many. For instance, girls who marry between 16 and 19 are three times more likely to become victims of domestic violence. Additionally, women who marry as children experience more psychiatric disorders and are more likely to drop out of high school and less likely to graduate from college. While these consequences are very pessimistic for the futures of certain young women, one could also imagine scenarios where parents sell their daughters into marriage to obtain money for various reasons-certainly a more dire consequence of a child marriage.

New Jersey has taken the steps to do what it can to protect young women against these bleak outcomes.