

Pass H631: Let's End Child Marriage in Vermont

Child marriage is a significant problem in Vermont. The marriage age is 18¹ but the law includes an alarming loophole: A parent may enter a 16- or 17-year-old into marriage merely by signing a form, without any input from the teen.²

Dangers in the Current Law

- The law provides no recourse for teens whose parents are forcing them into an unwanted marriage.
- Minors are automatically emancipated upon marriage,³ likely ending their parents' financial obligation to them, regardless of the minors' level of financial independence.⁴ This can lead to teen homelessness, especially since 70-80% of marriages before age 18 end in divorce.⁵

Devastating Consequences of Child Marriage

- Even mature 16 or 17-year-olds can easily be forced into marriage or forced to stay in a marriage before they attain the rights of adulthood at age 18.⁶ They cannot easily leave home,⁷ enter a shelter,⁸ retain an attorney⁹ or independently bring a legal action.¹⁰
 - While marriage gives minors some "rights of adulthood,"¹¹ these rights are limited – they do not extend, for example, to federal or state laws with specific age requirements¹² – and they arrive too late, only after a minor has endured the trauma of a forced marriage.
- Child marriage, even at 16 or 17, is a recognized "human rights abuse"¹³ that destroys girls' health, education and economic opportunities,¹⁴ and increases their risk of experiencing violence.¹⁵
- Those who marry before 18 have a 70-80% chance of divorcing – and teen mothers who marry and then divorce are more likely to suffer economic deprivation and instability than teen mothers who stay single.¹⁶

Alarming Statistics

- Some 289 children were married in Vermont between 2000 and 2021,¹⁷ and about 80% were girls wed to adult men an average of 4.96 years older.¹⁸
- Two of the children were age 15, even though marriage is not allowed before age 16.¹⁹ Further, the spouse of one of the 15-year-olds could otherwise have been charged with a sex crime, but the marriage license became a get-out-of-jail-free card for a would-be child rapist.^{20 21} A clearly defined marriage age of 18, without loopholes, could help prevent this.

H631: Commonsense Solution

Vermont can solve this problem by passing H631 and eliminating the dangerous loophole that allows minors to be entered into marriage. States and territories across the U.S. are moving to pass legislation to this effect, since it costs nothing, harms no one and ends a human rights abuse. For more information, visit www.unchainedatlast.org.

¹ 18 Vermont Statutes Annotated (V.S.A.) § 5142.

² 18 V.S.A. § 5142(1). Note that only one parent's signature is required.

³ 12 V.S.A. § 7151(a)(1)(A).

⁴ 12 V.S.A. § 7156(a)(6).

⁵ Vivian Hamilton, *The Age of Marital Capacity: Reconsidering Recognition of Adolescent Marriage*, William & Mary Law School Scholarship Repository (2012).

⁶ 1 V.S.A. § 173: The age of adulthood is 18.

⁷ 13 V.S.A. § 1311(a)(2); 33 V.S.A. § 5102(3); 33 V.S.A. § 5301: an unemancipated minor who leaves home is considered a "runaway" and a "child in need of care or supervision"; 33

V.S.A. § 5301; 33 V.S.A. § 5304: an officer may take a child who has run away into custody.

⁸ 13 V.S.A. § 1311(b): Domestic violence shelter staffers could be criminally prosecuted for sheltering or aiding a runaway minor. See also 13 V.S.A. § 5303(c)-(d): designated shelters for runaway youth may house minors for only 21 days unless an officer seeks an emergency care order; 33 V.S.A. §§ 5303: The entire purpose of the designated shelter is to reunite the minor with their parents; 33 V.S.A. §§ 5303(b): designated shelters are not confidential.

⁹ 1 V.S.A. § 173: "Persons of the age of 18 years shall be considered of age and until they attain that age, shall be minors"; 12 V.S.A. § 7156(a)(1): An emancipated minor shall be recognized as an adult for purposes of entering into a binding contract.

¹⁰ Vermont Rules of Civil Procedure § 17(b). Note, though, that a 16- or 17-year-old may independently seek a protective order, per 15 V.S.A. §§ 1102; 1103.

¹¹ 12 V.S.A. § 7156(a). Minors are emancipated upon marriage and should be allowed to independently file for divorce and also seek relief from abuse against family or household members, including parents or spouses. See 12 V.S.A. § 7156 (a)(2): An emancipated minor shall be recognized as an adult for purposes of litigation and settlement of controversies, including the ability to sue and be sued; 15 V.S.A. § 1103: "A minor 16 years of age or older, or a minor of any age who is in a dating relationship as defined in subdivision 1101(2) of this chapter, may file a complaint [for relief from abuse] under this chapter seeking relief on his or her own behalf."

¹² 12 V.S.A. § 7156(b).

¹³ U.S. Department of State, et al., *United States Global Strategy to Empower Adolescent Girls* (March 2016).

¹⁴ Fraidy Reiss, *Child Marriage in the United States: Prevalence and Implications*, Journal of Adolescent Health (December 2021).

¹⁵ Individuals in the U.S. who were married before age 18 report high rates of physical, sexual, financial or emotional abuse during their marriage as well as unwanted or unplanned pregnancies. See: Aditi Wahi et al., *The Lived Experience of Child Marriage in the United States*, Social Work Public Health (12 February 2019). Note that this is consistent with global trends. See, for example: Rachel Kidman, *Child Marriage and Intimate Partner Violence: A Comparative Study of 34 Countries*, International Journal of Epidemiology (April 2017).

¹⁶ Vivian Hamilton, *The Age of Marital Capacity: Reconsidering Recognition of Adolescent Marriage*, William & Mary Law School Scholarship Repository (2012).

¹⁷ Based on Unchained's analysis of marriage-license data from the Vermont Department of Health for 2000 to 2021. See Fraidy Reiss, *Child Marriage in the United States: Prevalence and Implications*, Journal of Adolescent Health (December 2021).

¹⁸ Based on Unchained's analysis of marriage-license data from the Vermont Department of Health for 2000 to 2021. Note that the average age difference is based on data for the period 2000 to 2019.

¹⁹ *Id.*

²⁰ Alissa Koski, et. al., *Child Marriage or Statutory Rape?*, Journal of Adolescent Health (pending publication).

²¹ 13 V.S.A. § 3252(c): Consensual sex with a person under age 16 is a crime unless the parties are married or the perpetrator is younger than 19 and the victim is at least 15. Note that one of the 15-year-olds was married to an 18-year-old before this "close-in-age exception" became law in May 2006.