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H.148

Introduced by Representatives Ode of Burlington, Burke of Brattleboro,
Bluemle of Burlington, and Coffey of Guilford

Referred to Committee on

Date:

Subject: Domestic relations; marriage; age of eligibility

Statement of purpose of bill as introduced: This bill proposes to raise the age
to marry to 18 years of age.

An act relating to raising the age of eligibility to marry

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. SHORT TITLE~~

~~This act may be cited as the “Act to Ban Child Marriage.”~~

Sec. 2. 12 V.S.A. § 7151 is amended to read:

§ 7151. EMANCIPATED MINOR: DEFINITION; CRITERIA

(a) As used in this chapter:

(1) “Emancipated minor” means a minor who:

(A) has entered into a valid civil marriage prior to July 1, 2023,

~~whether or not such civil marriage was terminated by dissolution;~~

1 ~~(B) is on active duty with any of the U.S. Armed Forces of the~~
2 ~~United States of America; or~~

3 ~~(C) has been ordered emancipated pursuant to section 7155 of this~~
4 ~~title.~~

5 ~~(2) “Risk of harm” means a significant danger that a child will suffer~~
6 ~~serious harm other than by accidental means, which would be likely to cause~~
7 ~~physical injury, neglect, emotional maltreatment, or sexual abuse.~~

8 ~~(b) In order to become an emancipated minor by court order under this~~
9 ~~chapter, a minor at the time of the order must be a person who:~~

10 ~~(1) Is 16 years of age or older but under the age of majority.~~

11 ~~(2) Has lived separate and apart from ~~his or her~~ the minor’s parents,~~
12 ~~custodian, or legal guardian for three months or longer.~~

13 ~~(3) Is managing ~~his or her~~ the minor’s own financial affairs.~~

14 ~~(4) Has demonstrated the ability to be self-sufficient in ~~his or her~~ the~~
15 ~~minor’s financial and personal affairs, including proof of employment or ~~his or~~~~
16 ~~~~her~~ the minor’s other means of support. “Other means of support” does not~~
17 ~~include general assistance, Reach Up financial assistance, or relying on the~~
18 ~~financial resources of another person who is receiving such assistance or aid.~~

19 ~~(5) Holds a high school diploma or its equivalent or is earning passing~~
20 ~~grades in an educational program approved by the court and directed toward~~
21 ~~the earning of a high school diploma or its equivalent.~~

1 ~~(6) Is not under a legal guardianship or in the custody of the~~

2 Commissioner for Children and Families.

3 ~~(7) Is not under the supervision or in the custody of the Commissioner~~
4 ~~of Corrections.~~

5 Sec. 3. 18 V.S.A. § 5142 is amended to read:

6 § 5142. PERSONS NOT AUTHORIZED TO MARRY

7 The following persons are not authorized to marry, and a town clerk shall
8 not knowingly issue a civil marriage license, when:

9 ~~(1) either party is a person who has not attained majority, unless the~~
10 ~~town clerk has received in writing the consent of one of the parents of the~~
11 ~~minor, if there is a parent competent to act, or of the guardian of the minor~~
12 ~~under 18 years of age;~~

13 ~~(2) either party is under 16 years of age;~~

14 ~~(3) either of the parties party is mentally incapable of entering into~~
15 ~~marriage as defined in 15 V.S.A. § 514 understanding the nature of the conduct~~
16 ~~at issue;~~

17 ~~(4)(3) either of the parties party is 18 years of age or older and under~~
18 ~~guardianship, without the written consent of the party's guardian;~~

19 ~~(5)(4) [Repealed.]~~

20 ~~(6)(5) the parties are prohibited from marrying under 15 V.S.A. § 1a on~~
21 ~~account of consanguinity or affinity, or~~

1 ~~(7)(6) either of the parties party has a wife or husband living spouse, as~~

2 prohibited under 13 V.S.A. § 206 (bigamy).

3 Sec. 4. 33 V.S.A. § 5102(16)(A) is amended to read:

4 (16)(A) "Custody" means the legal status created by order of the court
5 under the authority of the juvenile judicial proceedings chapters for children
6 under 18 years of age that invests in a party to a juvenile proceeding or another
7 person the following rights and responsibilities:

8 * * *

9 (iv) the authority to make decisions that concern the child and are
10 of substantial legal significance, including the authority to consent to civil
11 marriage and enlistment in the U.S. Armed Forces; and the authority to
12 represent the child in legal actions.

13 * * *

14 Sec. 5. EFFECTIVE DATE

15 ~~This act shall take effect on July 1, 2023.~~

Sec. 1. SHORT TITLE

This act may be cited as the "Act to Ban Child Marriage."

Sec. 2. 12 V.S.A. § 7151 is amended to read:

§ 7151. EMANCIPATED MINOR; DEFINITION; CRITERIA

(a) As used in this chapter:

(1) "Emancipated minor" means a minor who:

*(A) has entered into a valid civil marriage prior to July 1, 2023,
whether or not such civil marriage was terminated by dissolution;*

*(B) is on active duty with any of the U.S. Armed Forces of the United
States of America; or*

*(C) has been ordered emancipated pursuant to section 7155 of this
title.*

*(2) “Risk of harm” means a significant danger that a child will suffer
serious harm other than by accidental means, which would be likely to cause
physical injury, neglect, emotional maltreatment, or sexual abuse.*

*(b) In order to become an emancipated minor by court order under this
chapter, a minor at the time of the order must be a person who:*

(1) Is 16 years of age or older but under the age of majority.

*(2) Has lived separate and apart from ~~his or her~~ the minor’s parents,
custodian, or legal guardian for three months or longer.*

(3) Is managing ~~his or her~~ the minor’s own financial affairs.

*(4) Has demonstrated the ability to be self-sufficient in ~~his or her~~ the
minor’s financial and personal affairs, including proof of employment or ~~his or
her~~ the minor’s other means of support. “Other means of support” does not
include general assistance, Reach Up financial assistance, or relying on the
financial resources of another person who is receiving such assistance or aid.*

(5) Holds a high school diploma or its equivalent or is earning passing grades in an educational program approved by the court and directed toward the earning of a high school diploma or its equivalent.

(6) Is not under a legal guardianship or in the custody of the Commissioner for Children and Families.

(7) Is not under the supervision or in the custody of the Commissioner of Corrections.

Sec. 2a. 12 V.S.A. § 7156 is amended to read:

§ 7156. EFFECT OF EMANCIPATION

(a) The order of emancipation shall recognize the minor as an adult for all purposes that result from reaching the age of majority, including:

(1) entering into a binding contract;

(2) litigation and settlement of controversies, including the ability to sue and be sued;

(3) buying or selling real property;

(4) establishing a residence except that an emancipation order may not be used for the purpose of obtaining residency and in-state tuition or benefits at the University of Vermont or the Vermont State Colleges;

(5) being prosecuted as an adult under the criminal laws of the State;

(6) terminating parental support and control of the minor and their rights to the minor's income;

(7) terminating parental tort liability for minor; and

(8) indicating the minor's emancipated status on driver's license or identification card issued by the State.

(b) The order of emancipation shall not affect the status of the minor in the applicability of any provision of law ~~which~~ that requires specific age requirements under the State or federal constitution or any State or federal law, including laws that require a person to be at least 18 years of age to marry and laws that prohibit the sale, purchase, or consumption of alcoholic beverages to or by a person under 21 years of age.

Sec. 3. 18 V.S.A. § 5142 is amended to read:

§ 5142. PERSONS NOT AUTHORIZED TO MARRY

The following persons are not authorized to marry, and a town clerk shall not knowingly issue a civil marriage license, when:

(1) ~~either party is a person who has not attained majority, unless the town clerk has received in writing the consent of one of the parents of the minor, if there is a parent competent to act, or of the guardian of the minor under 18 years of age;~~

(2) ~~either party is under 16 years of age;~~

(3) ~~either of the parties is mentally incapable of entering into marriage as defined in 15 V.S.A. § 514 party lacks capacity to understand the nature of the conduct at issue;~~

~~(4)(3) either of the parties party is 18 years of age or older and under guardianship, without the written consent of the party's guardian;~~

~~(5) [Repealed.]~~

~~(6)(4) the parties are prohibited from marrying under 15 V.S.A. § 1a on account of consanguinity or affinity; or~~

~~(7)(5) either of the parties party has a wife or husband living spouse, as prohibited under 13 V.S.A. § 206 (bigamy).~~

Sec. 4. 33 V.S.A. § 5102(16)(A) is amended to read:

(16)(A) "Custody" means the legal status created by order of the court under the authority of the juvenile judicial proceedings chapters for children under 18 years of age that invests in a party to a juvenile proceeding or another person the following rights and responsibilities:

* * *

(iv) the authority to make decisions that concern the child and are of substantial legal significance, including the authority to consent to ~~civil marriage and~~ enlistment in the U.S. Armed Forces, and the authority to represent the child in legal actions.

* * *

Sec. 5. REPEAL

18 V.S.A. § 5143 is repealed.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2023.