

1 H.148

2 An act relating to raising the age of eligibility to marry

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

4 Sec. 1. SHORT TITLE

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

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

7 § 7151. EMANCIPATED MINOR; DEFINITION; CRITERIA

8 (a) As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 § 7156. EFFECT OF EMANCIPATION

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

20 (1) entering into a binding contract;

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

3 (3) buying or selling real property;

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

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

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

10 (7) terminating parental tort liability for minor; and

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

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

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

2 § 5142. PERSONS NOT AUTHORIZED TO MARRY

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

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

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

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

13 (4)(3) ~~either of the parties~~ party is 18 years of age or older and under
14 guardianship, without the written consent of the party's guardian;

15 (5) ~~[Repealed.]~~

16 (6)(4) the parties are prohibited from marrying under 15 V.S.A. § 1a on
17 account of consanguinity or affinity; or

18 (7)(5) ~~either of the parties~~ party has a wife or husband living spouse, as
19 prohibited under 13 V.S.A. § 206 (~~bigamy~~).

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

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

6 * * *

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

11 * * *

12 Sec. 5. REPEAL

13 18 V.S.A. § 5143 is repealed.

14 Sec. 6. EFFECTIVE DATE

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