

**The National Council
of Human Rights
and Social Justice**

Memo

To: United States Senator Corey Booker

From: Carol Cuadrado, Executive Director

cc: The National Council of Human Rights and Social Justice

Date: May 10, 2023

Re: Urgent Appeal to Amend CAPTA to Ban Child Marriage Nationwide

As our federal representative, we appeal to you for your consideration to amend the Child Abuse Prevention and Treatment Act (CAPTA) to ban child marriage in the United States, with no exceptions to the law. Our organization respectfully requests that you work with your legislative colleagues to legally end human rights abuse in the form of forced or arranged child marriages. Non-consensual underaged marriages produce devastating, lifelong repercussions for young girls, destroying their education, economic opportunities, and health. It increases the chances of becoming victims of domestic violence and forced servitude, with no legal rights or protections.

Research Question: How can amending the Child Abuse Prevention and Treatment Act (CAPTA) to explicitly ban child marriage nationwide address the current gaps in state laws and protect vulnerable minors from the lifelong negative impacts of forced and arranged marriages?

We found that between 2000-2018, at least 300,000 children married under age 18 throughout the United States. Many states do not track this data, and most legislators or the public are unaware that this practice is legal in many states. In the absence of federal law prohibiting underaged marriages with or without parental consent, each state has its own legislation. Some states have

laws allowing child marriages as early as 12 years of age, while states with no minimum age (0) reported marriages as early as age 10. Other states have varying minimum ages for males and females, with or without parental consent.

Unfortunately, the lack of legislative consistency and loopholes in existing state laws result in children being forced or arranged into marriages. Both boys and girls are subjected to this, but the majority of documented cases involve girls. From 2000-2018, data from states that collect it shows that 86% of the victims are girls and 14% are boys.

Even a day before her 18th birthday, a girl in the United States typically cannot leave home, enter a confidential domestic violence shelter, apply for social services, visit a healthcare provider, seek legal advice, or even file for divorce. This legal trap creates many catch-22s. A child rapist or domestic violence abuser has the legal right to harm a child who cannot represent herself in court, as minors cannot enter into legally binding contracts. In some cases, these marriages can turn into modern-day slavery or forced motherhood, leaving the child with no escape.

The alarming number of cases calls for legislative intervention and continued advocacy to prevent this human rights abuse. Researchers have reported extreme cases of child marriages in the U.S., including:

- In 2010 in Idaho, a 65-year-old man married a 17-year-old girl.
- In Alabama, a 74-year-old man married a 14-year-old girl.
- In Tennessee, three 10-year-old girls married men ages 24, 25, and 31.
- The youngest boy to marry was an 11-year-old who married a 27-year-old woman in Tennessee in 2006.

Forced and arranged marriages have devastating consequences, leading to emotional and physical traumas and negatively impacting quality of life. Forced marriage is widely recognized as a child or both parties marrying under adulthood age without consent, resulting in a lifetime of abuse, rape, domestic servitude, loss of reproductive, financial, and basic human rights, and sometimes forced motherhood. Arranged marriages, where consent is involved, may still be coercive if the minor is too young to make an informed decision or if they face pressure or threats.

Technically, child marriage is not legal in any U.S. state, as the minimum marriage age in most states is 18 (e.g., Alabama 19, Nebraska 19, Missouri 21, Puerto Rico 21), unless exceptional circumstances apply, such as court or parental consent or pregnancy. American foreign policy condemns child marriage and urges other countries to end it, while many are unaware that it continues in the U.S., partly due to the lack of data collection in many states.

Since 2015, advocacy efforts have led eight states to pass laws banning child marriage (with no exceptions) between 2018 and 2023. Unfortunately, marriage before 18 remains legal in at least 42 states. The policy failures or lack of legislative action by state and federal policymakers continue to fail our children and violate democratic principles of protection under the law.

Shocking loopholes in immigration law allow for American girls to be trafficked into other countries or children from other countries to be trafficked into the U.S. under the guise of marriage.

Nearly 9,000 petitions involving minors were approved by the U.S. between 2007 and 2017, with 95% of the younger parties being girls.

To identify and protect human trafficking victims, federal legislation such as the Justice for Victims of Trafficking Act of 2015 requires states to have new provisions and procedures. However, a legally binding marriage certificate can still serve as a "get out of jail free" card.

Some state governments have tried to close legal loopholes by automatically emancipating minors, but this can only be done after the marriage is legal, and the child may still face numerous challenges. Emancipation can also result in homelessness if parents refuse to take the child back.

In this modern era, teens can earn income through paid internships or part-time jobs, but they must be 18 to open a bank account independently. This presents a challenge for teens in forced marriages, as their adult spouse may control access to necessary identification and documents.

Common arguments for keeping child marriage legal often include cases of mature teens in love or pregnant teens wanting to marry. However, there is no harm in waiting to make a relationship legally binding, and resources and options should be provided to children escaping abusive homes rather than forcing them into marriage.

Unlike past generations, today's youth have greater opportunities for personal and professional growth. Our organization, committed to educating, creating awareness, and seeking public support for human rights and social justice issues, looks forward to engaging with elected representatives to influence policy in line with our mission to end early and forced child marriage in the U.S.

We believe banning child marriage with no exceptions on a federal level is the right course of action. Organizational advocacy has already led to policy changes in eight states and three territories over the past 4-5 years. With your support and legislative action, we can establish a standardized policy protecting all children.

Child marriage has severe implications, including high school dropout rates, lack of college graduation, poverty, and psychological disorders. These grave consequences for girls, women, and society underscore the need for amending CAPTA to close state and federal legal loopholes and protect vulnerable minors.

This measure will safeguard vulnerable populations, close legal loopholes, and remove the power from those who abuse children. There is no budgetary cost beyond fulfilling CAPTA's existing needs or allocating funds for awareness campaigns to engage stakeholders and support children in need.

Thank you for considering this urgent appeal.

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