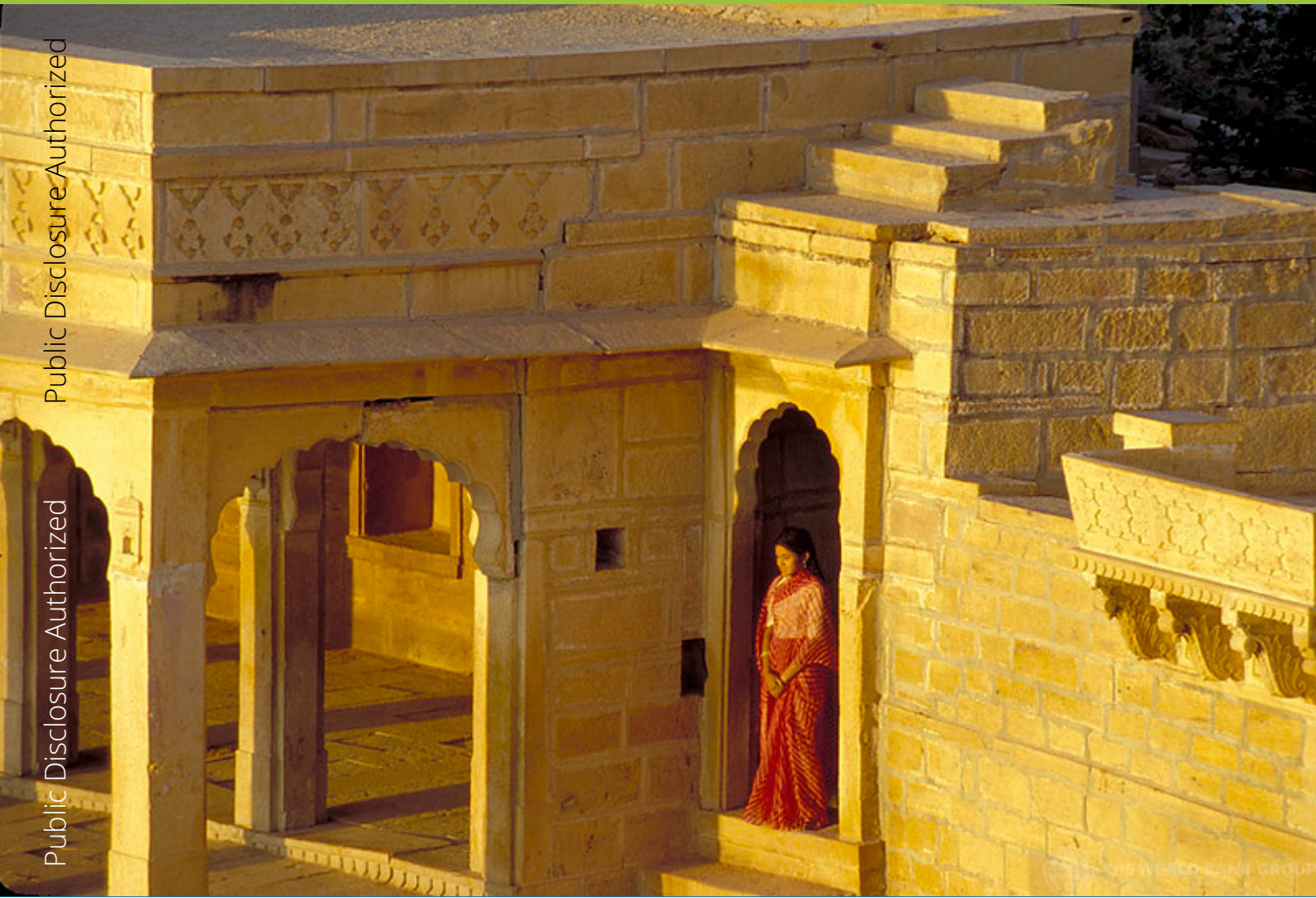




Compendium of International and National Legal Frameworks on Child Marriage

SECOND EDITION, JUNE 2022

Volume III of VI



COMPENDIUM OF INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS ON
CHILD MARRIAGE

**COMPENDIUM OF INTERNATIONAL AND NATIONAL
LEGAL FRAMEWORKS ON CHILD MARRIAGE**

Volume III of VI

JUNE 2022

THE WORLD BANK GROUP

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Cover Photo

Woman in doorway. India. © Photo: World Bank / Curt Carnemark.

This compendium – developed in the framework of the Empowering Women by Balancing the Law (EWBL) initiative of the Legal Vice Presidency of the World Bank – is a working document intended as reference tool for anyone interested in the topic of child marriage (development practitioners, lawyers, community leaders, academics, researchers, students, etc.). It does not constitute an exhaustive treatment of the legal framework on child marriage and may be updated from time to time.

COMPENDIUM OF INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS ON
CHILD MARRIAGE

Volume III of VI

**This Compendium on Child Marriage is divided in VI volumes.
Each volume should be observed as part of the whole.**

ACKNOWLEDGMENTS

The initial idea for this compendium came out in 2016 of a collaboration between the Legal Vice Presidency and the Education Global Practice at the World Bank on the role of law to end child marriage. The discussions took place within the context of a global study being conducted by the World Bank and the International Center for Research on Women on the economic and social costs of child marriage with funding from the Bill and Melinda Gates Foundation and the Children Investment Fund Foundation, as well as additional support from the Global Partnership for Education under a grant for work on out of school children.

In 2022, the Empowering Women by Balancing the Law (EWBL) initiative of the Legal Vice Presidency of the World Bank decided to update and upgrade the first edition of the Compendium. The EWBL aims to advance gender equality through substantive legal contributions to promote gender inclusivity in the law. It is rooted in the conviction that gender equality and equity under the law are preconditions for enabling women's full participation in society and for countries to achieve tangible development outcomes. However, to date, billions of women and girls worldwide face systemic barriers due to outdated and discriminatory laws that hinder their rights and opportunities.

We wish to thank the following organizations and individuals for their outstanding contribution, assistance, and guidance on this project.

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FOREWORD

Millions of women around the world continue to experience violence because of their gender. Gender-based violence (GBV) is a pandemic that is often intractable and knows no boundaries.

The United Nations Declaration on the Elimination of Violence Against Women states that “violence against women is a manifestation of historically unequal power relations between men and women” and that it is “one of the most crucial social mechanisms by which women are forced into a subordinate position compared with men”. This violence comes in many forms and includes child marriage, female genital mutilation, intimate partner violence, sexual violence during conflict, and sexual harassment among others.

The marriage of children, which affects girls overwhelmingly, is widely recognized in international and regional agreements as an extreme violation of a number of fundamental human rights. It is directly addressed as a development issue by the international community within UN Sustainable Development Goal (SDG) 5.3 “to eradicate all harmful practices such as early and forced marriage and female genital mutilation”. UNICEF estimates that 25 million child marriages have been prevented over the last decades thanks to multisectoral efforts. Still, today, 21% of girls are married before their 18th birthday—that is 1 in 5 girls in the world—and UNICEF estimates that at the current rate of efforts, more than 110 million girls will be married during their childhood before 2030.

Child marriage affects not only millions of women and girls in the world directly, but the practice also drastically impacts the development of entire societies. Child marriage is correlated with other forms of GBV such as female genital mutilation and sexual abuse, lower rates of school participation and educational achievement for girls, weaker health outcomes, higher incidence of domestic violence, lower rates of female labor force participation, higher rates of poverty and wider gaps of inequalities.

This Compendium has been developed with the conviction that for economies to reach peaceful, just and inclusive societies, they must accelerate action towards enacting and promoting enforcement of gender equality legislation, including the prohibition of child marriage. The law can be an extremely effective empowerment tool: it condemns practices that are no longer tolerated in society and protects the rights of those who in the absence of the law would otherwise be victims of intersectional forms of discrimination. For justice and the rule of law to work, better knowledge of the law, better promotion of the law and better law enforcement are crucial.

We hope that this Compendium can participate in the protection of women and girls’ fundamental rights and the promotion of strong, peaceful, and just societies, as well as to the achievement of our mission to end poverty and promote shared prosperity.

June 15, 2022

J. Clifford Frazier
Interim Senior Vice President and Group General Counsel

DISCLAIMERS AND LIMITATIONS

This Compendium is based on information on international and regional instrument on child marriage as well as domestic law, regulation, and policy as they relate to child marriage and as available online, offline, or both, based on information collected from research conducted, verified, and updated up to June 2022. Because this Compendium is carried out primarily based on information publicly available online, it has more than several hundred URLs and links to publicly available laws, regulations, and electronically published documents. Links to international and regional treaties, agreements, conventions, and other documents are hyperlinked in the title of said treaty, agreement, convention or other document. Similarly, links to national legislations are hyperlinked in the title of said legislation. All referenced URLs and links were checked at the time when they were inserted into the footnotes or in the hyperlinks. There is no guarantee as to their future accessibility. There is also no guarantee as to the continued accuracy of any information included in this Compendium after the last date on which it was verified. The findings, interpretations, and conclusions expressed in this work do not necessarily reflect the views of The World Bank.

This Compendium is limited to 194 countries (54 countries in Africa; 44 countries in Asia; 14 countries in Oceania; 23 countries in North and Central America ; 12 countries in South America ; 47 countries in Europe).

"I'll Marry When I Want."

I'll marry when I want.

My mother can't force me to marry.

My father cannot force me to marry.

My uncle, my aunt, my brother or sister, cannot force me to marry.

No one in the world can force me to marry.

I'll marry when I want.

Even if you beat me, even if you chase me away, even if you do anything bad to me, I'll marry when I want.

I'll marry when I want, but not before I am well educated, and not before I am all grown up.

I'll marry when I want.

Eileen Piri, 13 years old, Malawi¹

¹ Extracted from TED Talk of Memory Banda, Memory Banda, A warrior's cry against child marriage, July 2 2015 available at http://www.ted.com/talks/memory_banda_a_warrior_s_cry_against_child_marriage/transcript

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THE AMERICAS

NORTH AND CENTRAL AMERICA

ANTIGUA AND BARBUDA

The Marriage (Amendment) Act, 2019

[...]

AN ACT to amend the Marriage Act, Cap. 261, to prohibit the marriage of persons under the age of eighteen, and for incidental and connected purposes. [...]

3. Amendment of section 25 - The principal Act is amended in section 25 as follows –

(a) by repealing the section heading thereof and replacing it with the following: “25. Marriages of persons under 18”;

(b) by deleting the word “fifteen” and replacing it with the word “eighteen”.¹

4. Repeal of section 26

The principal Act is amended by repealing section 26 in its entirety.

5. Repeal of section 35 The principal Act is amended by repealing section 35 in its entirety.

6. Amendment to section 37

The principal Act is amended in section 37 by repealing subsection 2(g).

7. Amendment to section 41

The principal Act is amended in section 41 by repealing subsection 2(c).

8. Amendment to section 45 Section 45 of the principal Act is amended by repealing subsection (1) and replacing it as follows –

“(1) Any person may enter an objection to the issue of a Registrar-General’s certificate on the ground of there being a legal impediment to the marriage between the parties.”

10. Amendment of section 63

The principal Act is amended by repealing section 63 in its entirety.

11. Repeal of Second Schedule

The principal Act is amended by repealing the Second Schedule in its entirety.

BAHAMAS

Statute Law of the Bahamas, 2008

¹ Article 25 of the principal (amended) Act stated: “A marriage solemnized between persons either fifteen. of whom is under the age of fifteen shall be null and void.” See Marriage Act, Chapter 261, available at <http://laws.gov.ag/wp-content/uploads/2018/08/cap-261.pdf> (last visited June 2022).

CHAPTER 120 - MARRIAGE

20. (1) Persons who have reached the age of eighteen years and widowers and widows may marry without the consent of others.

(2) When a person under eighteen years of age, not being a widower or widow intends to marry, the persons or person mentioned in Schedule M to this Act shall have authority to consent to the marriage of such person, and such consent is hereby required, except as provided in subsection (3) of this section.

(3) If the parent or guardian whose consent is necessary is non compos mentis, or unreasonably withholds consent to the marriage of any person, or if no person authorised under this Act to give consent to a marriage is resident in the Bahamas or is easily accessible, either party to the intended marriage may refer the matter to the Supreme Court which shall decide upon the same in a summary way, and if the proposed marriage appears upon examination to be proper the Supreme Court shall certify the same, and such certificate shall be as good and effectual as if the necessary consent had been given.

(4) Where either of the parties to a marriage is under eighteen years of age not being a widower or widow, and is married under this Act without the consent of the person having authority to consent, it shall be lawful for the Supreme Court, on an information by the AttorneyGeneral, to declare a forfeiture of all interest in any property acquired by such marriage by the other party thereto, and to secure the same for the benefit of the party so under eighteen years of age, and of the issue of the marriage.

21. (1) Any person may notify his objection to an intended marriage by giving notice of objection to the registrar or marriage officer publishing the notice or banns.

(2) A registrar or marriage officer shall disregard all objections to an intended marriage not appearing on the face of the notice, unless — (a) they are stated prior to the issuing of the certificate of publication; (b) they are stated in writing by the person making the same; (c) the person making the same appears personally to lodge the same with the registrar or marriage officer, and in his presence makes and subscribes a declaration as nearly as may be in the form set forth in Schedule H to this Act, which the registrar or marriage officer shall endorse on the written statement of objections.

(3) With regard to objections timely and duly made as above provided, the following provisions shall apply where the objection does not set forth a legal impediment to a marriage between the parties intending to solemnize marriage or a refusal of consent on the part of any person whose consent is required to such marriage, the registrar or marriage officer shall suspend the issue of his certificate pending decision upon the objection, and make such inquiry thereabout as he sees fit, and himself decide thereupon; (b) where the objection sets forth any legal impediment to a marriage between the parties, or any refusal of consent on the part of any person whose consent is required to such marriage, the registrar or marriage officer shall refer the matter to the Supreme Court (which shall decide upon the same in as summary a way and as expeditiously as the circumstances of the case will permit), and shall suspend the issue of his certificate until he receives a certified copy of the Supreme Court's decision to the effect that the parties are not in respect of the said objection disqualified from contracting such marriage, or where the objection is in the nature of a refusal of consent that such refusal of consent is unreasonable and ought not to interfere with such marriage.

(4) If it appears to the Supreme Court that the objection in case of an objection to a marriage, was frivolous and vexatious the court may condemn the party making it to pay, in addition to costs and all civil damages to which he may be liable a fine of eighty dollars, to be enforce in the same way as a judgment of the Supreme Court.

[...]

47 (1) Every officer under this Act who makes default in strictly complying with the provisions thereof, whether by omission or commission, shall be guilty of an offence and shall be liable on summary conviction to a penalty of eighty dollars.

(2) This section shall extend to and include persons who have ceased to hold office under this Act, in relation to any offence as aforesaid of which they may have been guilty while holding or on ceasing to hold such office.

(3) No person shall be prosecuted under this section without the written permission of the Attorney-General.

50. (1) A marriage solemnized between persons either of whom is under the age of fifteen years shall, subject to the provisions of this section, be void.

(2) Notwithstanding the provisions of subsection (1) of this section, the Supreme Court may upon the application of either party to an intended marriage who has reached the age of thirteen years but is under the age of fifteen years, and upon good cause shown, by order grant a dispensation and in such case the intended marriage may be lawfully solemnized.

(3) Every application shall be heard and decided by a judge of the Supreme Court in a summary way.

(4) Nothing in this section contained shall affect the validity of any marriage solemnized before the seventh day of April, 1967.

[Statute Law of the Bahamas, 2008](#)

CHAPTER 84 – PENAL CODE

485. Whoever performs or witnesses as a marriage officer the ceremony of marriage, knowing that he is not duly qualified to do so, or that any of the matters required by law for the validity of the marriage has not happened or been performed, so that the marriage is void or unlawful on any ground, shall be liable to imprisonment for seven years.

486. Whoever in any declaration, certificate, licence, document or statement required by law to be made or issued for the purposes of a marriage, declares, enters, certifies or states any material matter which is false, shall, if he does so without having taken reasonable means to ascertain the truth or falsity of the matter, be liable to imprisonment for one year, or shall, if he does so knowing that the matter is false, be liable to imprisonment for five years.

487. Whoever endeavours to prevent a marriage by pretence that his consent thereto is required by law, or that any person whose consent is so required does not consent, or that there is any legal impediment to the performing of the marriage, shall, if he does so knowing that such pretence is false or without having reason to believe that it is true, be liable to imprisonment for two years.

[Child Protection Act, 2010](#)

2. In this Act, unless the context otherwise requires — [...]

"child" means, unless provided otherwise in this Act a person below the age of eighteen years;

[...]

PART I - RIGHTS OF THE CHILD

3. (1) Whenever a determination has to be made with respect to — (a) the upbringing of a child; or [...] the child's welfare shall be the paramount consideration.

[...]

(3) In determining any question relating to circumstances set out in paragraphs (a) and (b) of subsection (1), the court or any other person shall have regard in particular to — (a) the ascertainable wishes and feelings of the child concerned considered in the light of his or her age and understanding; (b) the child's physical, emotional and educational needs; (c) the likely effects of any changes in the child's circumstances; (d) the child's age, sex, background and any other circumstances relevant in the matter; (e) any harm that the child has suffered or is at the risk of suffering; (f) where relevant, the capacity of the child's parents, guardians or other persons involved in the care of the child in meeting his or her needs.

4. A child shall have the right — [...]

(c) to exercise, in addition to all the rights stated in this Act, all the rights set out in the United Nations Convention on the Rights of the Child (the Convention) subject to any reservations that apply to The Bahamas and with appropriate modifications to suit the circumstances that exist in The Bahamas with due regard to its laws.

5. (1) A child is entitled to live with his parents or guardian save as provided by this or any other Act.

(2) It shall be the duty of any person having the charge, care or custody of a child to use his best efforts — (a) to protect the child from discrimination, violence, abuse and neglect; [...]

BARBADOS

Marriage Act, 1979 (as amended)

CHAPTER 218A

4. (1) A marriage solemnised between persons either of whom is under the age of 16 years is void.

(2) Nothing in subsection (1) affects the validity of a marriage solemnised before 23rd April, 1979, and any such marriage is or becomes valid in any case where, if this Act had not been passed, it would be or would have become valid.

5. [...]

(2) marriage solemnised between two persons is void where —

[...]

(c) the consent thereto of either person is not a real consent because—

(i) it was obtained by duress or fraud; [...]

20. (1) Marriage licences shall be issued by the Minister or other person authorised by the Minister by instrument in writing to issue marriage licences.

(2) An application for a marriage licence shall be made in writing to the Minister in the prescribed form and shall state (a) the names and surnames of the persons intending to marry, the age, and profession [...]

(3) When either of the persons intending to marry is a minor a licence shall not be issued until the consent to the marriage required by section 26 has been first obtained.

(4) An application under subsection (2) shall be signed by both persons intending to marry and shall be accompanied by such evidence of the statements contained therein as the Minister requires. [...]

PART V - Provisions relating to minors

26. (1) Where one of the persons intending to marry is a minor, banns of marriage shall not be published nor shall a marriage licence or magistrate's certificate be issued under this Part until the consent of the person specified in the Second Schedule is obtained.

(2) The consent referred to in subsection (1) is not required in respect of a person who is a widow, widower or divorced.

(3) If a consent to a marriage required by subsection (1) cannot be obtained because a person who may give it (a) is non compos mentis or otherwise incapable of so doing; (b) is out of Barbados, or cannot be found in Barbados, or is otherwise not available; or (c) unreasonably refuses to do so, a Judge may, in his discretion, on application being made to him by originating summons by either person intending to marry, make an order dispensing with the consent required by subsection (1).

(4) An application may be made under subsection (3) without the intervention of a next friend.

[...]

33. No person who solemnises or purports to solemnise a marriage is subject to any action or liability by reason of there having been any legal impediment to the marriage unless at the time he performed the ceremony he was aware of the impediment.

34. Notwithstanding section 5, if the parties to a marriage solemnised in good faith and intended to be in compliance with this Act are not under a legal disqualification to contract such marriage and after such solemnisation have lived together and cohabited as man and wife, such marriage shall be deemed a valid marriage, notwithstanding that the person who solemnised the marriage was not authorised to solemnise marriages, and notwithstanding the absence of, or any irregularity or insufficiency in, the publication of banns, or the issue of a marriage licence or magistrate's certificate under Part IV.

[...]

38. Any person who knowingly makes any false statement in any document required under this Act is guilty of an offence and liable on summary conviction to a fine of \$1 000 or imprisonment for 12 months or both.

[...]

40. Any person who refuses or without reasonable cause omits to enter in a register any particulars relating to a marriage or intended marriage which he is by this Act or any other law required so to enter is guilty of an offence and liable on summary conviction to a fine of \$500 or imprisonment for 6 months or both.

[Minors Act, 1974](#)

Repeal of section 3 of Act 1958-19.

4. Section 3 of the Infants Act, 1958 is hereby repealed and the following section substituting therefor: "3 (1) A person shall attain full age on attaining the age of eighteen instead of on attaining the age of twenty one; and a person shall attain full age on the date this Act comes into force if he has then already attained the age of eighteen but not the age of twenty one. [...]"

BELIZE

[Marriage Act, 2000](#)

CHAPTER 174

Part 2

4.-(1) A marriage solemnized between persons either of whom is under the age of fourteen shall be void.

[...]

5.-(1) Subject to this section, consent to the marriage of an infant shall be obtained in accordance with the following provisions-

- (a) if both the infant's parents are alive and living together, consent shall be obtained from both parents;
- (b) if the infant's parents are living apart and the infant is living with one parent, consent shall be obtained from the parent with whom the infant is living;
- (c) if the parents are living apart and the infant is not living with either, consent shall be obtained-
 - (i) from both parents in any case where they are, or have been married to each other, unless the consent of one parent is dispensed with by a magistrate;
 - (ii) from the mother, in any case where the parents have never been married;
- (d) if one of the parents is dead and the parents had at any time been married to each other, consent shall be obtained from the surviving parent or any other person who is the legal guardian of the infant; if both parents are dead and they had at any time been married to each other, consent shall be obtained from any person who is the legal guardian of the infant;
- (f) if the infant's parents had never been married to each other and one or both of them is dead, consent shall be obtained from the mother if she is alive or from any person who is the legal guardian of the infant if the mother of the infant is dead.

5.-(2) Where the marriage of an infant, not being a widower or widow, is intended to be solemnized after the publication of banns of matrimony, then, if any person whose consent to the marriage is required under this Act openly and publicly declares or causes to be declared, in the registered building in which the banns are published, at the time of the publication, his dissent from the intended marriage, the publication of banns shall be void.

5.-(3) Persons who may have attained the age of eighteen years and widowers and widows may marry without the consent of others.

6.-(1) If-

- (a) the person whose consent is necessary to a marriage is non compos mentis, or absent from Belize, or otherwise incapable as aforesaid of consenting, or refuses his or her consent; or
 - (b) there is no one capable of consenting,
- the person wishing to marry may apply by petition to a justice of the Supreme Court, who is hereby empowered to proceed upon the petition in a summary way

6.-(2) If upon examination, the marriage proposed appears to be proper, the judge shall judicially declare that the marriage is proper and order that it be solemnized forthwith.

6.-(3) Every marriage duly solemnized in pursuance and under the authority of any such order shall be as good, valid and effectual to all intents and purposes whatever, as if the consent had been given by the person whose consent is required. [...]

34. Where either of the parties, not being a widower or widow, is an infant, the licence shall not be granted until the consent of one of the persons mentioned in section 5 (1) (a) to (f) has been first obtained according to the circumstances of the case.

58. If any person, except in the case mentioned in Part VII, knowingly or willfully intermarry under this Act-

[...]

- (c) without a license by the Minister; or
 - (d) on the authority of a certificate which is void under this Act; or [...],
- the marriage shall be void

[Criminal Code, 2011](#)

Title XVII

315. Every person who goes through the ceremony of marriage, or any ceremony which he represents to be a ceremony of marriage, knowing that the marriage is void on any ground and that the other person believes it to be valid, shall be liable to imprisonment for seven years.

317. Every person who performs or witnesses as a marriage officer the ceremony of marriage, knowing that,

[...]

(b) any of the matters required by law for the validity of such marriage has not happened or been performed;

(c) the marriage is void or unlawful on any ground,
shall be liable to imprisonment for seven years.

318. Every person who in any declaration, certificate, license, document or statement, required by law to be made or issued for the purposes of a marriage, declares, enters, certifies or states, any material matter which is false shall,

(a) if he does so without having taken reasonable means to ascertain the truth or falsity of such matter, be liable to imprisonment for one year;

(b) if he does so knowing that such matter is false, be liable to imprisonment for five years.

CANADA

FEDERAL

[Civil Marriage Act, 2005 \(as amended\)](#)

Consent required

2.1 Marriage requires the free and enlightened consent of two persons to be the spouse of each other.

Minimum age

2.2 No person who is under the age of 16 years may contract marriage.

Marriage of non-resident persons

5 (1) A marriage that is performed in Canada and that would be valid in Canada if the spouses were domiciled in Canada is valid for the purposes of Canadian law even though either or both of the spouses do not, at the time of the marriage, have the capacity to enter into it under the law of their respective state of domicile.

Marginal note: Retroactivity

(2) Subsection (1) applies retroactively to a marriage that would have been valid under the law that was applicable in the province where the marriage was performed but for the lack of capacity of either or both of the spouses to enter into it under the law of their respective state of domicile.

[Criminal Code, 1985](#)

Forced marriage

293.1 Every person who celebrates, aids or participates in a marriage rite or ceremony knowing that one of the persons being married is marrying against their will is guilty of

- (a) an indictable offence and liable to imprisonment for a term of not more than five years; or
- (b) an offence punishable on summary conviction.

Marriage under age of 16 years

293.2 Every person who celebrates, aids or participates in a marriage rite or ceremony knowing that one of the persons being married is under the age of 16 years is guilty of

- (a) an indictable offence and liable to imprisonment for a term of not more than five years; or
- (b) an offence punishable on summary conviction.

Marriage contrary to law

295 Every person who, being lawfully authorized to solemnize marriage, knowingly solemnizes a marriage in contravention of federal law or the laws of the province in which the marriage is solemnized is guilty of

- (a) an indictable offence and liable to imprisonment for a term of not more than two years; or
- (b) an offence punishable on summary conviction.

[Age of Majority and Accountability Act, 1990 \(as amended\)](#)

Age of majority

1. Every person attains the age of majority and ceases to be a minor on attaining the age of eighteen years

BRITISH COLUMBIA

[Marriage Act, 1996 \(as amended\)](#)

Consent required to marriage of person under 19 years of age

28 (1) Except as provided in subsections (2) to (4), a marriage of a minor, other than one who has been married before and whose spouse has died, must not be solemnized, and a licence must not be issued, unless consent in writing to the marriage is first given

- (a) by all of the minor's living parents who have guardianship of that minor,
- (b) if the minor has no living parents who have guardianship of that minor, by a guardian of that minor, or
- (c) if the minor has no living parents and no guardian, by the Public Guardian and Trustee or the Supreme Court.

(2) If a person whose consent under this section is required to a marriage is outside British Columbia, or unreasonably or from undue motives refuses or withholds consent to the marriage, or if his or her location is unknown and the court is satisfied that the location has not been found after a diligent search, the person in respect of whose marriage consent is required may apply by petition to the Supreme Court for a declaration under this section.

(3) The court must hear the petition in a summary manner, and if the marriage proposed appears on cause shown to be proper,

- (a) the court must declare it to be proper, and
- (b) the declaration is as effectual for all purposes as if the person whose consent is required had consented to the marriage.

(4) If a person whose consent is required under this section is a mentally disordered person, the Public Guardian and Trustee may consent to the marriage, if the proposed marriage appears to be proper.

(5) Before a licence is issued authorizing the solemnization of the marriage, the consent required by subsection (1) or the declaration of a court under subsections (2) and (3) must be filed

(a) with the issuer of marriage licences, or

(b) if the marriage is to be solemnized by a religious representative after publication of banns, with the religious representative.

(6) A marriage of a minor must not be solemnized, and a licence must not be issued, unless a certificate of birth or other satisfactory proof of age has been produced

(a) to the issuer of marriage licences, or,

(b) if the marriage is to be solemnized after the publication of banns, to the religious representative.

Marriage of person under 16 years of age

29 (1) Except as provided in subsections (2) and (3), a marriage of any person under 16 years of age must not be solemnized, and a licence must not be issued.

(2) If, on application to the Supreme Court, a marriage is shown to be expedient and in the interests of the parties, the court may, in its discretion, make an order authorizing the solemnization of and the issuing of a licence for the marriage of any person under 16 years of age.

(3) An order made under this section is subject to the observance of section 28, and must be filed in a manner similar to that provided in section 28 (5) in respect of a consent or declaration.

Validity of marriages preserved

30 Nothing in section 28 or 29 invalidates a marriage.

ONTARIO

Marriage Act, 1990 (as amended)

Who may marry

5 (1) Any person who is of the age of majority may obtain a licence or be married under the authority of the publication of banns, provided no lawful cause exists to hinder the solemnization. R.S.O. 1990, c. M.3, s. 5 (1).

Idem

(2) No person shall issue a licence to a minor, or solemnize the marriage of a minor under the authority of the publication of banns, except where the minor is of the age of sixteen years or more and has the consent in writing of both parents in the form prescribed by the regulations. R.S.O. 1990, c. M.3, s. 5 (2).

Giving of consent

(3) The consent referred to in subsection (2) is not required in respect of a minor who was previously married and whose marriage was terminated by death or divorce. R.S.O. 1990, c. M.3, s. 5 (3); 2005, c. 5, s. 39 (1).

Idem

(4) Where one of the parents of a minor is dead or both parents are living apart, the consent required by subsection (2) may be given by the parent having actual or legal custody of the minor. R.S.O. 1990, c. M.3, s. 5 (4).

Idem

(5) Where both parents of a minor are dead or are voluntary or involuntary patients in a psychiatric facility, the consent required by subsection (2) may be given by a lawfully appointed guardian or an acknowledged guardian who has brought up or who for the three years immediately preceding the

intended marriage has supported the minor. R.S.O. 1990, c. M.3, s. 5 (5); 2001, c. 13, s. 20; 2008, c. 14, s. 55.

Idem

(6) Where a minor is made a ward of someone other than a parent by order of a court or under any Act, the consent required by subsection (2) may be given by the lawful guardian of the minor or person responsible for exercising the rights and duties of a guardian of the minor. R.S.O. 1990, c. M.3, s. 5 (6).

Application to dispense with consent

6 (1) Where a person whose consent is required by section 5 is not available or unreasonably or arbitrarily withholds consent, the person in respect of whose marriage the consent is required may apply to a judge without the intervention of a litigation guardian for an order dispensing with the consent. R.S.O. 1990, c. M.3, s. 6 (1).

Powers of judge

(2) The judge shall hear the application in a summary manner and may, in his or her discretion, make an order dispensing with the consent required by section 5. R.S.O. 1990, c. M.3, s. 6 (2).

[COSTA RICA](#)

[Family Code, 1973 \(as amended\)](#)

Art. 14 (7). A marriage is legally impossible:

[...]

7) of a person below the age of eighteen years.

Art. 27. If, in the opinion of the official officiating over the marriage, a legal impediment is proven, the official shall suspend the celebration of the marriage until the impediment is legally dispensed.

Art. 64. The nullity of a marriage provided in Article 14 of this law shall be declared ex officio. The Civil Registry shall not record a marriage of persons under eighteen years of age.

[Criminal Code, 1970](#)

Art. 176. Those who marry knowing that there is an impediment that causes the absolute nullity of the marriage shall be punished with imprisonment from six months to three years.

Art. 177. Those who marry knowing that there is an impediment that causes the absolute nullity of the marriage shall be punished with imprisonment from two to six years when they conceal this information from the other spouse.

Art. 179. A public official who knowingly authorizes a marriage of those included in the preceding articles shall be punished with the penalty determined in those articles, increased by one third in accordance with the judgment of the Judge. If the official acts out of guilt, the penalty shall be fifteen to sixty days fine.

[CUBA](#)

[Family Code, 1975](#)

ARTICLE 3.

The female and the male over 18 years of age are authorized to formalize marriage. Consequently, those under 18 years of age are not authorized to formalize the marriage. Notwithstanding the provisions of the preceding paragraph, exceptionally, and for justified reasons, authorization to formalize the marriage may be granted to those under 18 years of age, provided that the female is at least 14 years old and the male is 16 years old. This exceptional authorization can be granted by:

- 1) The father and the mother jointly, or one of them if the other has died or is deprived of parental authority;
- 2) the adopter(s) when the minor has been adopted;
- 3) the guardian, if the minor is subject to guardianship;
- 4) maternal or paternal grandparents, indistinctly, in the absence of the above, preferring those who live at the same address with the minor;
- 5) only one of those empowered, when the other who must give it jointly with him is prevented from doing so;
- 6) the court, if for reasons contrary to the principles and norms of the socialist society, the authorized persons refuse to grant the authorization. In case of denying the authorization any of those who must grant it jointly with another, those interested in getting married or one of them or a brother or sister of legal age of any of them may urge the competent popular court to grant the required authorization. The court, in an oral hearing, will hear the opinion of all the interested parties and the prosecutor and, taking into account the social interest and that of the contracting parties, will decide what is appropriate without further recourse.

ARTICLE 4.

They cannot contract marriage:

[...]

- 3) females under 14 years of age and males under 16 years of age.

ARTICLE 45.

Formalized marriages shall be null:

- 1) when any of the prohibitions indicated in articles 4 and 5 are infringed;
- 2) when [...] there was coercion or intimidation that vitiates consent;
- 3) when requirements that this Code requires for its validity are infringed upon.

ARTICLE 46.

The action to request the annulment of the marriage corresponds:

- 1) to any of the spouses and to the prosecutor in the cases of subsections 1) and 3) of the previous article;
- 2) to the spouse who has suffered the error, coercion or intimidation in the case of subparagraph 2) of the previous article.

ARTICLE 47.

The action for the annulment must be brought within six months from the formalization of the marriage, in the cases provided for in article 3 and paragraph 2) and 3) of article 45.

After six months have passed without the action being exercised, the marriage will be automatically validated.

DOMINICA

[Marriage Act, 1910 \(as amended\)](#)

Chapter 35:01

Section 29. [...]

(2) Any marriage solemnised or celebrated between persons either of whom is under the age of sixteen years shall be null and void.

Section 30. (1) Where either of the parties, not being a widower or widow is under the age of eighteen years, no marriage shall take place between them until the consent:

(a) of the father (if then living) of the party so under age; or

(b) if the father is dead, of the guardian or guardians of the person of the party so under age, lawfully appointed, or one of them; or

(c) if there is no such guardian or guardians, of the mother if living and unmarried; or

(d) if there is no mother living and unmarried, then of a guardian or guardians of the person appointed by the High Court or a Judge thereof,

has been first obtained; and when there is no person capable of consenting, the marriage may be sanctioned as prescribed in section 31.

(2) Persons who have reached the age of eighteen years and widowers and widows may marry without the consent of others.

Section 31. In case any parent or guardian whose consent is necessary to a marriage is non compos mentis, or absent from the State, or otherwise incapable as aforesaid of consenting, or withholds his, her, or their consent to any marriage, or in case there is no person capable of consenting, it shall be lawful for any person desirous of marriage, to whose marriage the consent is necessary but cannot be given, or is withheld, to apply, by petition, to a Judge of the High Court, who is hereby empowered to proceed upon the petition in a summary way, and, in case the marriage proposed shall, upon examination, appear to him to be proper, the Judge shall judicially declare, by his order in writing, that the marriage is proper and may be solemnised or celebrated forthwith; and every marriage duly solemnised in pursuance or under the authority or direction of such order shall be as good, valid, and effectual, to all intents and purposes whatsoever, as if the consent as aforesaid had been duly given thereto

Section 40. (1) Where either of the parties, not being a widower or widow is under the age of eighteen years, no such licence shall be granted until the consent:

(a) of the father (if then living) of the party so under age; or

(b) if the father is dead, of the guardian or guardians of the person of the party so under age, lawfully appointed, or one of them; or

(c) if there be no such guardian or guardians, of the mother if living and unmarried; or

(d) if there is no mother living and unmarried, then of a guardian or guardians of the person, appointed by the High Court or a Judge thereof;

has been first obtained.

Section 42. (1) Any persons intending marriage who desire to obtain the licence shall apply to the Minister therefor by petition.

(2) The petition shall state:

[...]

(f) where either of the parties, not being a widower or widow, is under the age of eighteen years, that the consent of the person or persons whose consent to the marriage is required under this Act has been obtained.

DOMINICAN REPUBLIC

Law No. 1/21 (modifying and repealing various provisions of the Civil Code and Law No. 659 of 1944 on Civil Status Acts) Prohibiting marriage between persons under 18 years of age, 2021

Article 1.

Object. The purpose of this law is to prohibit people under the age of eighteen from getting married, by amending and repealing various provisions of the Civil Code and the Civil Status Acts.

Article 2.

Area of application. This law will be applicable throughout the national territory.

Article 3.- Modification of article 144 of the Civil Code.

Article 144 of the Civil Code of the Dominican Republic is modified as follows:

"Art.144.- Persons under eighteen years of age may not marry under any circumstances."

Article 5.- Modification of article 76 of the Civil Code. Article 76 of the Civil Code is modified as follows:

"Art. 76.- The marriage certificate will include:

- 1) The names, surnames, profession, age, place of birth and domicile of both spouses; [...]
- 6) The declaration of the contracting parties that they accept each other as spouses and the declaration that the marital status officer has made of their union; [...]

Article 6.-

Modification of article 56 of Law No. 659, on Civil Status Acts.

"Art. 56.- REGULATIONS THAT APPLY TO THE CELEBRATION OF THE MARRIAGE.

1) MINIMUM AGE TO CONTRACT MARRIAGE.

Only people who have reached the age of 18 and have legal capacity.

2) CONSENT FORM.

Consent must be given in writing, by authentic act or under private signature, duly legalized unless the persons that should give it attends the marriage and their consent is recorded in the marriage certificate.

[...]

Article 8.- Modification of article 60 of Law No. 659, on Civil Status Acts.

Article 60 of Law No. 659, on Civil Status Acts, is modified as follows.

"Art. 60.- OF THE OPPOSITIONS TO THE MARRIAGE.

1) PEOPLE WHO MAY OPPOSE THE MARRIAGE:

They have the right to oppose the celebration of the marriage:

a) The person already married to one of the parties;

2) FORMALITIES OF THE OPPOSITION.

Every act of opposition must state the quality by virtue of which the opponent has the right to formulate it; [...] unless it is done at the request of an ascendant, it must contain the reasons for the opposition;

[...] The Court of First Instance will pronounce its ruling on the claim within ten days. If there is an

appeal, it will be decided within ten days of the placement. If the opposition is dismissed, the opponents, except ascendants, may be sentenced to compensation for damages.”

Civil Code

Article 388. A minor is understood to be an individual of either sex who is not eighteen years of age.

Law on Civil State Acts, 1944

Art. 55

[...]

2) LACK OF CONSENT.

There is no marriage when there is no consent.

[...]

Article 56.

REGULATIONS THAT APPLY TO THE CELEBRATION OF THE MARRIAGE.

1) OF THOSE HAVING THE AGE OF MAJORITY.

Those over twenty-one years of age who have legal capacity, can marry freely without having to obtain the parental consent.

2) UNDER 21 YEARS OF AGE.

Those under twenty-one years of age may not marry without the consent of their parents or the surviving parent.

3) DEATH OF THE PARENTS. THE GRANDPARENTS.

If the parents have died, or are unable to express their will, the grandparents will replace them; and if there is disagreement between the grandfather and grandmother in the same line, the consent of the grandfather shall prevail. [...]

If the parents or grandparents do not exist, or it is impossible for them to consent, those under twenty-one years of age cannot marry without the consent of the family council.

4) FORM OF CONSENT.

Consent must be given in writing, by authentic act or under private signature, duly legalized unless the persons that must give it attend the marriage and state their consent in the record.

[...]

7) FINE FOR NOT MENTIONING IN THE CERTIFICATE OF MARRIAGE CONSENT OF PARENTS, GRANDPARENTS, ETC.

The civil officials in charge of solemnizing marriages, who have proceeded to celebrate the marriage of minors, without the record or certificate of marriage mentioning the consent of parents, grandparents or of the family council will be, at the request of the interested parties, or the prosecutor made to the court of first instance of the place where the marriage was celebrated, sentenced to a fine of not less than \$200.00 nor greater than \$600.00 pesos.

8) CONSENT OF THE PARENTS OR GUARDIANS FOR THE MARRIAGE OF NATURAL CHILDREN.

All provisions relating to legitimate children are applicable to legally recognized natural children.

9) AD-HOC GUARDIAN.

The unrecognized natural child, or the one who has already been recognized but lost his/her parents, may not marry before the age of twenty-one without obtaining prior consent of a guardian appointed ad-hoc by the mayor of the municipality where the interested party resides. [...]

[Law No. 24-97 introducing amendments to the Penal Code and the Code for the Protection of Boys, Girls and Adolescents, 1997](#)

PARAGRAPH III.- KIDNAPPING, TRANSFER AND HIDING OF BOYS, GIRLS AND ADOLESCENTS

[...]

Art. 355.- Any individual who takes away from the house of family, guardians or caregivers, a boy or a girl under the age of eighteen, by any means other than those enunciated in the previous article, will incur the penalty of one to five years of imprisonment and a fine of five hundred to five thousand pesos. The individual who, without exercising violence, impregnates a young woman under eighteen years of age shall incur the same penalties previously expressed.

The penalty shall always be the maximum of the prison and the fine when the guilty party and the abducted or seduced young woman are bound by affinity in the second degree or by kinship in third degree and reclusion when the same are bound by less than second degree of kinship.[...]

Art. 356. - In the event that the seducer marries the aggrieved party, the latter may only be prosecuted on the complaint of the persons who have the quality to demand the annulment of the marriage, and be convicted only after this annulment has been pronounced. [...]

EL SALVADOR

[Family Code, 1993](#)

Art. 14 (1) The following cannot contract marriage:

1) Persons under the age of eighteen years;
[...]

Art. 25. If any person denounces any legal impediment or prohibition to contract marriage, the authorizing official will not proceed to its celebration and with notice of the interested parties will send the marriage file to the judge, in order to decide on the complaint.

Art. 90 (4) The following are causes of the absolute nullity of the marriage:

[...]

4) Its having been contracted when there existed one of the impediments expressed in this Code.

Art. 91. Absolute nullity of the marriage must be declared ex-officio by the judge when it manifestly appears during the course of a proceeding; it can be petitioned by either of the parties, by the Attorney General of the Republic, or by any interested person.

[Penal Code, 1974](#)

Art. 192. Anyone who marries concealing the existence of an impediment shall be punished with imprisonment from six months to one year.

Art. 194. A notary or public official who knowingly authorizes an illegal marriage shall be punished with imprisonment from six months to one year and special disqualification for the same period.

GRENADA

[Marriage Act, 1903 \(as amended\)](#)

MARRIAGE ACT - CHAPTER 184

Section 3 Non-compliance with the Act prevents a marriage from having any effect in law

- (1) A marriage solemnised in Grenada otherwise than under the provisions of this Act shall have no legal effect.
[...]
- (2) If either of the parties at the time of the solemnisation of the marriage ceremony between them is under the age of sixteen years, the marriage shall be void.

Section 20. Procedure when the consent of a parent or guardian is required

- (1) Persons who have reached the age of eighteen years and widowers and widows may marry without the consent of others.
- (2) Where a person under eighteen years of age not being a widower or widow intends to marry, the father, or if the father is dead the lawful guardian or guardians, or if there be no such guardian, the mother of such person shall have authority to consent to the marriage of such person, and such consent is hereby required unless there is no person authorised to give it resident in Grenada.
- (3) If the parent or guardian whose consent is necessary is non compos mentis, or unreasonably withholds consent to the marriage of any person, either party to the intended marriage may refer the matter to a Judge of the High Court who shall decide upon the same in a summary way, and if the proposed marriage appears upon examination to be proper the Judge shall certify the same, and his or her certificate shall be as good and effectual as if the necessary consent had been given.
- (4) Where either of the parties to a marriage is under eighteen years of age, not being a widower or widow, and is married under this Act without the consent of the person having authority to consent, it shall be lawful for the High Court, on an information by the Attorney-General, to declare a forfeiture of all interest in any property acquired by such marriage by the other party thereto, and to secure the same for the benefit of the party so under eighteen years of age, and of the issue of the marriage.

Section 47. Penalty for non-compliance with the provisions of this Act

- (1) Every officer under this Act who makes default in strictly complying with the provisions thereof, whether by omission or commission, shall be guilty of an offence and liable to a fine of one thousand dollars.
- (2) This section shall extend to and include persons who have ceased to hold office under this Act in relation to any offence as aforesaid of which they may have been guilty while holding or on ceasing to hold such office.
- (3) No person shall be prosecuted under this section without the written permission of the Attorney-General.

[Criminal Code, 1958 \(as amended\)](#)

CRIMINAL CODE - CHAPTER 72A

Section 423. Unlawfully performing marriage ceremony

Whoever performs or witnesses as a marriage officer the ceremony of marriage, knowing that he or she is not duly qualified to do so, or that any of the matters required by law for the validity of the marriage has not happened or been performed, so that the marriage is void or unlawful on any ground, shall be liable to imprisonment for seven years.

GUATEMALA

[Civil Code, 1963 \(as amended\)](#)²

Art. 81 (Capacity to marry). [modified through Article 1 of Decree No. 8-2015]
Eighteen (18) years of age is established as the minimum age for marriage.

Art. 82. Age exception. [abrogated through Article 1 of Decree No. 13-2017]

Art. 83 Prohibition of marriage. [modified through Article 2 of Decree No. 13-2017]
Marriage of minors under eighteen (18) years of age may not be contracted or authorized in any way.

Art. 84. Judicial Authorization. [abrogated through Article 3 of Decree No. 13-2017]

Art. 89. [sections 1 and 2 abrogated through Article 4 of Decree No. 13-2017]

Art. 90. (Sanctions).

If, notwithstanding the provisions of the previous article, the marriage is celebrated, it will be valid, but both, the official and the persons guilty of the infraction will be responsible in accordance with the law and the persons referred to in paragraphs 4 and 5, will lose the administration of the property of the minors, and may not succeed them by intestate.

Art. 91. If the official involved in the act becomes aware of the existence of any legal impediment, either by reason of his own motion or by complaint from the Public Prosecutor's Office or any person, he will order the suspension of the matrimonial proceedings and may not continue them until the interested parties obtain a favorable resolution by the competent authority. If the denunciation is not ratified, it will be null and void.

[Penal Code, 1973](#)

Art. 181. Abduction. Anyone who, for sexual purposes, abducts or holds a woman without her consent or by using violence or deception shall be punished with imprisonment of two to five years.

² Código Civil (last amended by article 2 of Decree 13-2017, [13-2017.pdf \(congreso.gob.gt\)](#) and Decree 8-2015, [decreto-8-2015-reformas-al-cc3b3digo-civil-en-el-tema-de-la-proteccc3b3n-a-la-mujer-y-a-la-nic3b1a.pdf \(wordpress.com\)](#) (last visited June 2022).

Art. 182. Abduction with consent. Anyone who abducts or holds a woman over the age of twelve and under the age of sixteen, for sexual, marriage or concubinage purposes, with her consent, shall be punished with imprisonment from six months to one year.

Art. 183. Aggravated abduction. In any case, the penalty shall be four to ten years of imprisonment if the abductee is under twelve years of age.

Art. 200. Marriage of the offended with the offender. In the crimes included in chapters I, II, III and IV above, the criminal responsibility of the active subject or the penalty, where appropriate, will be extinguished by the legitimate marriage of the victim with the offender, provided that the victim is over twelve years of age and, in any case, with the prior approval of the Public Prosecutor's Office.

Art. 202 Third. Human Trafficking. It is an offence of human trafficking to recruit, transport, transfer, retain, harbor or receive one or more persons for the purpose of exploitation.

Whoever commits this crime will be punished with imprisonment of eight to eighteen years and a fine of three hundred thousand to five hundred thousand *quetzales*.

In no case will the consent given by the victim of trafficking or by his legal representative be taken into account.

For the purposes of the crime of trafficking in persons, the following shall be understood as the purpose of exploitation: The prostitution of others, any other form of sexual exploitation, forced labor or services, [...] forced pregnancy or **forced or servile marriage**.

Art. 227. Concealment of Impediment. Those who marry knowing that there is an impediment that causes its absolute nullity will be punished with imprisonment of two to five years.

Article 230. Illegal celebration. Whoever, without being legally authorized, celebrates a marriage, civil or religious, will be sanctioned with a fine of two hundred to two thousand *quetzales* without limitation to the sanctions that correspond to other crimes in which he may have incurred.

HAITI

[Civil Code, 1825](#)

Art. 133. A man before the age of eighteen and a woman before the age of fifteen may not enter into marriage. Nevertheless, it is open to the President of Haiti to grant age exemptions on serious grounds.

Art. 136. A son who has not reached the age of twenty-five years and a daughter who has not reached the age of twenty-one years may not enter into marriage without the consent of their father and mother: in the event of dissent, the consent of the father is sufficient.

Art. 139. Those who have reached the age of majority fixed by article 136 are required, before entering into marriage, to request, by a respectful and formal act, the consent of their father and mother, or that of their forefathers when their father and mother have died, or are unable to express their will.

Art. 144. Civil registrars who have solemnized marriages contracted by sons who have not reached the age of twenty-five years, or by daughters who have not reached the age of twenty-one years, without the consent of the father and mother, that of the ancestors, and that of the family council if they are required, shall be at the diligence of the parties concerned and of the Government Commissioner at the civil court

of the place where the marriage has been solemnized, sentenced to the fine laid down in Article 178 and, in addition, to imprisonment for a period not less than six months.

Art. 168 Marriage contracted without the consent of the father and mother, forefathers or the family council, in cases where such consent was necessary, may be challenged only by those whose consent was required, or by the spouse who needed such consent.

Art. 170. Any marriage contracted in contravention of the provisions contained in art. 133, 135, 149 and 150 may be challenged either by the spouses themselves, by all those who have an interest in them, or by the Public Prosecutor's Office.

[Penal Code, 1938](#)

Art. 154 When, for the validity of a marriage, the law prescribes the consent of the father, mother or other persons, and the registrar has not ascertained the existence of such consent, he shall be punished by a fine of sixteen gourdes to sixty-four gourdes, and by imprisonment of at least six months and one year or more.

Art. 156 The penalties laid down in the preceding articles against civil registrars shall be applied to them, even if the nullity of their acts has not been requested or has been covered; all without prejudice to the higher penalties imposed in the event of collusion, and without prejudice also to the other criminal provisions of Act No.6 of the Civil Code on Marriage.

HONDURAS

[Family Code, 1984 \(as amended\)](#)

TITLE II - Of the functioning of the family

CHAPTER I - Of marriage

Article 11

The right of men and women, who naturally have the quality of such, to marry each other, as well as the legal equality of spouses, is recognized.

Only the civil marriage celebrated before a competent official and with the conditions required by law is valid. [...]

CHAPTER II - Of fitness for marriage

Article 16³

The age of majority is obtained upon reaching the age of twenty-one (21). Only those of legal age are free to marry.

However, men and women over eighteen (18) years of age may contract marriage, provided that there is authorization granted in accordance with this Code.

³ Decree 44-2017 repealed the third paragraph of Article 16 of the Family Code, which exceptionally allowed the marriage of minors under 18 years of age.

Article 17

Authorization for minors to marry must be given by:

- 1) The father and mother jointly, or one of them who exercises parental authority;
- 2) The maternal or paternal grandparents, indistinctly, in the absence of the parents, preferring those who live in the same address with the minor;
- 3) The adopter(s), when the minor has been adopted;
- 4) The guardian, if the minor is subject to guardianship; and,
- 5) The competent judge, when any of the persons in charge of authorizing it denies it without just cause, and the minor is over eighteen (18) years of age.

Article 18

The reasons that may justify the dissent of the persons to whom refers the previous article may not be other than the following:

- 1) The existence of a legal impediment or incapacity;
- 2) Serious danger to the health of the minor to whom the authorization is denied or of the offspring;
- 3) Licentious living, immoderate passion for forbidden games, habitual drunkenness or tendency to the consumption of drugs and narcotics by the person with whom the minor plans to marry;
- 4) Those who intend to marry lack current means and the capacity to acquire them.

Article 21

It is forbidden to celebrate the marriage:

- 1) Of minors who have not obtained the consent of the persons called to grant it in the cases determined by law.

[...]

Article 22

If, notwithstanding the provisions of the previous article, the marriage is celebrated, it will be valid, but both the official or those who authorize the marriage, as well as the persons guilty of the infraction, will be responsible in accordance with the law.

Article 25

The minors who intend to marry will appear accompanied by the people who, in accordance with this Code, must grant their consent [...] in the same act [...]

Consent may also be given by means of writing signed by the grantor and authenticated by a notary.

In cases of judicial authorization, the corresponding resolution shall be certified.

In addition, the interested parties must present their birth certificates or, if this is not possible, certification of the judicially declared age.

Article 39. The competent official or notary will not authorize the celebration of the marriage when it is not produced:

[...]

- 2) The document that proves the existence of consent in the case of minors; [...]

CHAPTER II - Of the annulment of the marriage

Article 228

Marriage is void:

- 1) When contracted by those who lack the legal capacity to do so;

2) When contracted through error in the person, coercion or intimidation that vitiates consent; [...]

Article 230. The right to request nullity in cases referred to in points 1 and 2 of Article 228 may only be exercised by the affected spouse within six (6) months of the marriage.

[Criminal Code \(Decree No. 144-83\)](#)

Article 279 – Celebration of Invalid Marriage

Who, with knowledge of its invalidity, contracts marriage, must be punished with the penalty of provision of public utility services or service to victims from six (6) months to one (1) year, or a fine of one hundred and fifty (150) to three hundred (300) days.

Whoever commits the acts described in the preceding paragraph must be exempt from punishment if the marriage was subsequently validated.

Article 280 – Invalid Marriage Authorization

Whoever authorizes a marriage prohibited by law or without the concurrence of the necessary requirements for its validity, must be punished with the penalty of provision of public utility services or services to victims from eight (8) months to one (1) year or a fine of two hundred (200) to five hundred (500) days.

If these acts are carried out by professionals, by a public official or employee, the penalty of special disqualification from employment or public office or from the exercise of the profession must also be imposed for the time of two (2) to four (4) years.

The previous sentences must be lowered by a fourth (1/4) when the cause of nullity is dispensable.

[Code of Childhood and Adolescence, 1996](#)

Article 1.

The provisions contained in this Code are of public order and the rights that they establish in favor of children are inalienable and intransigible. For all legal purposes, a child is understood as any person under the age of eighteen.

Legal childhood includes the following periods: Childhood that begins with birth and ends at twelve (12) years in males, and fourteen (14) years in females, and adolescence that begins at the ages mentioned and ends at eighteen (18) years.

Those over this age but under twenty-one (21) years of age take the name of adult minors. In case of doubt about the age of a child, while establishing her effective age it will be presumed that a girl has not reached eighteen (18) years of age.

Article 11.

Children have the right to life, health, social security, dignity, personal freedom, freedom to express their opinions, nationality, identity, name and image, education, culture, sports, recreation and free time, the environment and natural resources, the family, and to others indicated by the Convention on the Rights of the Child, this Code and other general or special laws.

JAMAICA

The Marriage Act, 1979

3.

[...]

(2) A marriage solemnized between persons either of whom is under the age of sixteen years shall be void. [...]

24. Persons who have reached the age of eighteen years of age and widowers or widows may marry without the consent of others. Where a person under eighteen years of age not being a widower or widow intends to marry, the father, or if the father is dead the lawful guardian or guardians, or if there is no such guardian the mother, if unmarried, of such person shall have authority to consent to the marriage of such person, and such consent is hereby required unless there is no person authorized to give it resident in this Island.

If the parent or guardian whose consent is necessary is *nun compos mentis*, or unreasonably withholds consent to the marriage of any person, either party to the intended marriage may refer the matter to a Judge of the Supreme Court who shall decide upon the same in a summary way, and if the proposed marriage appears upon examination to be proper, the Judge shall certify the same, and his certificate shall be as good and effectual as if the necessary consent had been given.

Where either of the parties to a marriage is under eighteen years of age, not being a widower or widow, and is married under this Act without the consent of the person having authority to consent, it shall be lawful for the Supreme Court, on an information by the Attorney-General, to declare a forfeiture of all interest in any property acquired by such marriage by the other party thereto, and to secure the same for the benefit of the party so under eighteen years of age, and of the issue of the marriage

55. Every officer under this Act who makes default, and every person who has held and has ceased to hold any office under this Act, who, while holding or on ceasing to hold such office has made default in strictly complying with the foregoing provisions of this Act, whether by omission or commission, shall be guilty of an offence against this Act, and shall be liable on summary conviction to a penalty not exceeding one million dollars.

68. Whoever performs or as a Marriage Officer, witnesses, the ceremony of marriage, knowing that he is not duly qualified to do so, or that any of the matters required by law for the validity of such marriage has not happened or been performed or that the marriage is void or unlawful on any ground, shall be liable to imprisonment for seven years.

MEXICO

Federal Civil Code, 1928 (as amended)

TITLE IV

CHAPTER VII - Of Marriage Certificates

Article 103.- The marriage certificate will then be drawn up, stating:

I. The names, surnames, age, occupation, domicile and place of birth of the contracting parties;

II. If they are of legal age;

[...]

IV. The consent of the contracting persons; [...]

Article 104.- The [future spouses] who maliciously declare a false statement, the witnesses who maliciously affirm the accuracy of their statements or their identity, and the medical doctors who falsely produce the certificate referred to in article 98 of the Federal Civil Code, will be denounced to the Public Ministry for the exercise of the corresponding criminal action.

Article 110. The Civil Registry Judge authorizing a marriage having knowledge that there is legal impediment, or that it has been denounced, will be punished according to the Criminal Code.

Article 113. The Judge of the Civil Registry who receives a marriage request is fully authorized to demand from the [future spouses], under oath, all the declarations that they deem appropriate in order to ensure their identity, legal age and fulfillment of the requirements to marry. [The former] may also demand statements under oath from the persons that the parties interested in marrying may present as their marriage witness and from the medical doctors who sign the certificate required by the Federal Civil Code.

TITLE V

CHAPTER II - Of the Requirements to contract Marriage

Article 148. To get married it is necessary to have turned eighteen years of age.

Article 156. They are impediments to celebrate the marriage contract:

I. The lack of age required by law;

[...]

VII. Force or grave fear. In the event of kidnapping, the impediment between the kidnapper and the kidnapped person subsists, as long as the latter is not returned to a safe place, where she can freely express her will; [...]

CHAPTER IX – Marriages Null and Illegal

Article 235.- They are causes of nullity of a marriage:

[...]

III. That it has been held in violation of the provisions of articles 97, 98, 100, 102 and 103. [...]

Article 265. Those who violate article 264 of the Federal Civil Code, as well as those who, being of legal age, marry a minor, will incur the penalties indicated in the Criminal Code on this matter.

NICARAGUA

[Family Code, 2014](#)

Art. 21

They have full exercise of the capacity to acquire rights, enter into obligations and freely dispose of their person and property:

[...]

(b) Persons emancipated by marriage or by judicial declaration of the age of majority or by authorization of the father or mother; and

c) The mother and father under eighteen and over sixteen years.

Art. 54

A man and a woman who have reached the age of eighteen are legally eligible to marry.

In spite of the provisions of the preceding paragraph, the legal representatives of adolescents between the ages of sixteen and eighteen, may grant them authorization to enter into marriage.

If there is a conflict with respect to the aforementioned authorization, it will be resolved in a judicial proceeding, for which the opinion of the interested parties, the National Office of the Procurator for the Family and the Ministry of the Family, Adolescence and Children will be heard.

Art. 57. Absolute Impediments.

The following may not marry or declare a de facto union:

a) Children and adolescents under sixteen years of age;
[...]

Art. 58. Relative Impediments.

The following may not marry:

[...]

c) Adolescents under eighteen and over sixteen years of age, who do not have the authorization of the legal representative.

Art. 60. Effects of the celebration of marriage under impediment.

A marriage contracted by means of the existence of an absolute impediment shall be declared null and void at the request of a party or even ex officio by a judicial authority, at any time after its conclusion; the one concluded by the existence of a relative or prohibitive impediment will be voidable, at the request of the interested party.

Art. 61. Validity of marriage celebrated under relative or prohibitive impediment.

The marriage celebrated under relative or prohibitive impediment will be valid without requiring an express declaration, due to the fact that the parties remain voluntarily united after one month of having knowledge of the vice or ceased the facts that motivated it.

Art. 158. For all cases set forth in this Code concerning marital impediments, the spouses and persons who authorize marriage, as well as witnesses who have committed false testimony, shall be subject to the sanctions established in the Criminal Code.

[Penal Code, 2007](#)

Art. 182 Trafficking of persons for the purpose of slavery, sexual exploitation or adoption

[...]

If the victim is a person under eighteen years of age, or a person with a disability, or the act is committed by a relative, guardian or person in charge of education, guardianship or custody, spiritual guide or permanently shares the family home of the victim, or mediates a relationship of trust, the penalty shall be from ten to twelve years in prison. [...]

PANAMA

[Family Code, 1994 \(as amended\)](#)

Art. 33. The following cannot contract marriage:

1. Persons under the age of eighteen years.

[...]

Art. 35. Marriage is prohibited:

1. To persons under eighteen years of age.

[...]

Art. 36. Marriage entered into in violation of the prohibitions of the previous article is valid, but the parties, without prejudice to the provisions of the Criminal Code, shall be subject to the following rules:

1. Marriage agreements entered into by the spouses shall be null and void and neither of them may receive anything from the other by donation or inheritance. [...]

Art. 89. A minor with capacity to marry can enter into matrimonial contracts, both before and after the marriage, but he must be assisted by the person whose consent is necessary to contract marriage.

Art. 224. The grounds of nullity of a marriage are:

[...]

(2) The existence of an impediment of those mentioned in Articles 33 and 34 of this Code.

Art. 225. Nullity of marriage is of two kinds: relative nullity and absolute nullity.

Relative nullity takes place in the cases provided in Article 33, with exception of what is provided in number 2, and in the cases of numbers 3, 4, and 5 of Article 224.

Absolute nullity proceeds in the case provided in number 2 of Article 33, in the cases provided in Article 34, and in the case of number 1 of Article 224.

[Penal Code, 2007](#)

Art. 209. Those who marry knowing that there is an impediment that causes absolute nullity will be punished with imprisonment from six months to one year or its equivalent in days - fine or weekend arrest. If any of the parties conceals from the other that there is an impediment that causes absolute nullity, they will be punished with imprisonment of one to two years or its equivalent in days-fine or weekend arrest. The same sanction shall apply to anyone who simulates marriage with a person, provided that it harms third parties.

Art. 210. Whoever, knowing that there is an impediment that causes absolute nullity, authorizes the marriage referred to in the previous article, the same sanction indicated in that article will be applied. If you act guiltily, the penalty shall be fifty to one hundred and fifty days- fine.

ST. KITTS AND NEVIS

[Marriage Act, 1915 \(as amended\)](#)

Restriction in case of minority.

28. (1) Where either of the parties, not being a widower or widow is under the age of eighteen years, no marriage shall take place between them until the consent of the persons or person required by this Act has been first obtained. (Amended by Act 7 of 1987)

(2) The consent required to the marriage of an infant under this section shall, in the case of a marriage intended to be solemnised on the granting of a licence by the Attorney-General or in the case of a marriage intended to be solemnised after the publication of banns, be that of the persons or person mentioned in the Second Schedule: Provided that—

(a) if the marriage officer is satisfied that the consent of any person whose consent is so required cannot be obtained by reason of absence or inaccessibility or by reason of his or her being under any disability, the necessity for the consent of that person shall be dispensed with, if there is any other person whose consent is also required; and if the consent of no other person is required, the High Court may, on application being made, consent to the marriage, and the consent of the Court so given shall have the same effect as if it had been given by the person whose consent cannot be obtained;

(b) if any person whose consent is required refuses his or her consent, the High Court may, on application being made, consent to the marriage, and the consent of the Court so given shall have the same effect as if it had been given by the person whose consent is so refused.

(3) A marriage solemnised between persons either of whom is under the age of sixteen shall be void: Provided however that the Attorney-General or his or her representative may, in his discretion, if, for serious reasons, he or she considers it to be in the interest of the intending spouses so to do, grant a licence to marry to any person under the age of sixteen but over the age of fifteen; and the exercise of such discretion by the Attorney-General or his or her representative shall not be inquired into by any Court provided all the necessary consents to such marriage have been previously obtained by the parties thereto.

Restriction in case of minority.

36. Where either of the parties, not being a widower or widow, is under the age of eighteen years, no licence or special licence shall be granted until the consent of the persons or person required by subsection (2) of section 28 has been first obtained.

Case of marriage between minors after publication of banns.

51. No marriage officer who solemnises any marriage after due publication of banns as aforesaid between persons, both or one of whom not being a widow or widower are or is at the time of such marriage under legal age, shall be answerable or responsible or liable to any pain, penalty or proceeding, for having solemnised such marriage without the consent of the parents or guardians or other persons, if any, whose consent is required by law, unless such parents or guardians, or other persons, or one of them, shall forbid the marriage, and give notice thereof in writing to such marriage officer before he or she has solemnised the same.

Celebration by Registrar of a void marriage.

60. Any marriage officer, being a Registrar-General or Magistrate, who knowingly and wilfully celebrates or permits to be celebrated in his or her office any marriage in this Act declared to be null and void commits a misdemeanour and on conviction shall be liable to imprisonment with or without hard labour for any term not exceeding two years.

[...]

SECOND SCHEDULE

(Section 28(2))

Consent required to the Marriage of a Minor

Consent to the marriage of a minor shall be obtained in accordance with the following provisions—

- (a) if both the minor’s parents are alive and living together, consent shall be obtained from both parents;
- (b) if the minor’s parents are living apart and he or she is living with one parent, consent shall be obtained from the parent with whom he or she is living;
- (c) if the parents are living apart and the minor is not living with either, consent shall be obtained from both parents unless the consent of one parent is dispensed with by a Judge of the High Court;
- (d) if one of the parents is dead, consent shall be obtained from the surviving parent and any other person who is the legal guardian of the minor;
- (e) if both parents are dead consent shall be obtained from any person who is the legal guardian of the minor.

(Substituted by Act of 1987)

ST. LUCIA

Civil Code, 1957 (as amended)

81. (Subst. 34-1956) A marriage solemnized between persons either of whom is under the age of sixteen years is null and void.

85. (Subst. 34-1956) Where the marriage of a minor, not being a widower or a widow, is intended to be solemnized the consent of the person or the persons hereunder is required.

89. When any person whose consent is necessary to a marriage is absent, of unsound mind, or otherwise incapable of consenting or refuses consent, the Judge may on petition give valid consent.

213. Persons of either sex are minors until they attain the full age of twenty-one years.

Criminal Code (revised to 2005)

181. CAUSING MARRIAGE BY FORCE OR DURESS

(1) A person who, by use of force or duress, causes any other person to marry against his or her will is liable on conviction on indictment to imprisonment for 2 years.

(2) Any person who knowing that a person has committed an offence under subsection (1) aids and abets the unlawful detention of the person, or otherwise aids and abets the execution of the intent with which that offence was committed, also commits that offence.

182. FALSE DECLARATIONS OR STATEMENTS FOR PURPOSES OF MARRIAGE

A person who in any declaration, certificate, licence, document, or statement required by law to be made or issued for the purposes of a marriage, declares, enters, certifies, or states any material particular which is false, if he or she does so without having taken reasonable means to ascertain the truth or falsity of such matter, is liable on conviction on indictment to imprisonment for one year, or, if he or she does so knowing that such matter is false, is liable on conviction on indictment to imprisonment for 5 years.

183. FALSE IMPEDIMENT TO MARRIAGE

A person who endeavours to prevent a marriage by pretence that his or her consent thereto is required by law, or that any person whose consent is so required does not consent or that there is any legal impediment to the performing of such marriage if he or she does so knowing that such pretence is false or without having reason to believe that it is true, is liable on conviction on indictment to imprisonment for 2 years.

184. FALSE SOLEMNIZATION OF MARRIAGE

A person who performs or witnesses as a marriage officer the ceremony of marriage, knowing that he or she is not qualified so to do, or that any of the requirements of law for the validity of the marriage has not been fulfilled, or that the marriage is void or unlawful on any other ground, is liable on conviction on indictment to imprisonment for 7 years.

185. FEIGNED MARRIAGE

A person who goes through the ceremony of marriage, or any ceremony which he or she represents to be a ceremony of marriage, knowing that the marriage is void on any ground and that the other person believes it to be valid, is liable on conviction on indictment to imprisonment for 7 years.

ST. VINCENT AND THE GRENADINES

Marriage Act (Chapter 173), arts. 4 (1), 25 (1)-(3), 50.

[Law of Minors Act, 1988 \(as amended\)](#)

(Chapter 232)

36. Marriage settlements by minors

(1) A minor may, upon or in contemplation of his marriage, with the sanction of the High Court, make a valid and binding settlement or contract for a settlement of all or any part of his property, or property over which he has any power of appointment, whether real or personal, and whether in possession, reversion, remainder or expectancy.

(2) Every conveyance, appointment or assignment of such real or personal estate, or contract to make a conveyance, appointment or assignment thereof, executed by the minor, with the approbation of the High Court, for the purpose of giving effect to such settlement, shall be valid and effectual as if the person executing the same were of the full age of eighteen years.

TRINIDAD AND TOBAGO

[Miscellaneous Provisions \(Marriage\) Act, 2017](#)⁴

3. The Marriage Act is amended—

[...]

(e) by repealing section 23 and substituting the following section:

23 (Age at which a person may contract marriage)

(1) The age at which a person is capable of contracting a marriage is eighteen years.

(2) A marriage shall not be solemnised by a Marriage Officer or District Registrar if either of

⁴ Amending the [Marriage Act of 1923](#).

the parties to the marriage is under eighteen years of age.

(3) Where a marriage is contracted by proxy, the parties on whose behalf the proxy is contracting shall be in compliance with subsection (1).

(4) Nothing in subsection (1) affects the validity of a marriage solemnised before the commencement of the Miscellaneous Provisions (Marriage) Act, 2017, and any such marriage is valid or becomes valid in any case where, if the Act had not come into force, it would be, or would have become valid.

[...]

(l) in section 36— (i) by deleting the words “null and” wherever they occur; and (ii) by inserting after subsection (2), the following subsections:

“ (3) Subject to subsection (4), if any party to a marriage is under eighteen years of age at the time of the solemnizing of the marriage, the marriage shall be void.

(4) Nothing in subsection (3) affects the validity of a marriage solemnized before the commencement of the Miscellaneous Provisions (Marriage) Act, 2017, and any such marriage is valid or becomes valid in any case where, if that Act had not come into force, it would be, or would have become valid.”;

(m) in section 37, by deleting all the words after the words “Registrar General,” and substituting the words “commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years.”;

[...]

(r) by inserting after section 41, the following new sections:

41A. Any person who knowingly and wilfully makes any false declaration or signs or marks any false application, notice or certificate, required by this Act, for the purpose of the registration of any marriage, and any person who wilfully makes, or causes to be made, for the purpose of being inserted in any register of marriages any false statement with regard to any of the particulars required by this Act to be known and registered, commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years.

41B. (1) A person who knowingly and wilfully solemnises the marriage of a person who is under eighteen years of age commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years.

(2) A person who is convicted under subsection (1) shall cease to be eligible to hold a licence or to solemnise any marriage. [...]

[Sexual Offences Act, 1986 \(as amended\)](#)

20. (Abduction of a female) A person who takes away or detains a female person against her will with intent:

(a) to marry her or to have sexual intercourse with her; or

(b) to cause her to marry or to have sexual intercourse with a male person,

is guilty of an offence and is liable on conviction to imprisonment for ten years.

UNITED STATES

ALABAMA

[Code of Alabama, Title 30, Chapter 1 Marriage](#)

Section 30-1-4 Minimum age for contracting marriage.

A person under the age of 16 years is incapable of contracting marriage.

Section 30-1-5 Consent of parents required for marriage of certain minors.

If a person intending to marry is at least 16 years of age and under 18 years of age and has not had a former wife or husband, the consent of a parent or guardian of the minor to the marriage shall be required. Evidence of consent shall be in the form of an affidavit signed by a parent or guardian, notarized, and filed with the probate court.

Section 30-1-6 Solemnization of marriage of parties under age of consent or within prohibited degrees, etc.

Any person solemnizing the rites of matrimony with the knowledge that either party is under the age of legal consent, or within the degrees prohibited by law, must, on conviction, be fined not less than \$1,000.

Section 30-1-9.1 Requirements for marriage; validity; construction with other laws.

(a) On August 29, 2019, and thereafter, the only requirement for a marriage in this state shall be for parties who are otherwise legally authorized to be married to enter into a marriage as provided in this section. [...]

(b) The marriage document required to be executed by the parties shall contain information to identify the parties as set forth in Section 22-9A-6, as well as the following minimum information:

(1) The full legal names of both of the parties.

(2) A notarized affidavit from each party declaring all of the following:

[...]

b.1. The affiant is at least 18 years of age; or

2. The affiant is at least 16 and under 18 years of age and has the consent of a parent or guardian.

[...]

Section 30-1-18 Probate judge to notify district attorney of offenses under chapter.

It is the duty of the judge of probate to give notice to the district attorney of all offenses under this chapter.

ALASKA

[Alaska Statutes, Title 25, Chapter 5 Marriage Code](#)

25.05.011. Civil contract

(a) Marriage is a civil contract entered into by one man and one woman that requires both a license and solemnization. The man and the woman must each be at least one of the following:

(1) 18 years of age or older and otherwise capable;

[...]

(b) A person may not be joined in marriage in this state until a license has been obtained for that purpose as provided in this chapter. A marriage performed in this state is not valid without solemnization as provided in this chapter.

25.05.171. Persons Capable of Consenting to Marriage: Minimum Ages, and Consent of Parents or Guardian.

(a) A person who has reached the age of 16 but is under the age of 18 shall be issued a marriage license if the written consent of the parents, the parent having actual care, custody, and control, or a guardian

of the underaged person is filed with the licensing officer issuing the marriage license under AS 25.05.111 .

(b) A superior court judge may grant permission for a person who has reached the age of 14 but is under the age of 18 to marry and may order the licensing officer to issue the license if the judge finds, following a hearing at which the parents and minor are given the opportunity to appear and be heard, that the marriage is in the best interest of the minor and that either

- (1) the parents have given their consent; or
- (2) the parents are
 - (A) arbitrarily and capriciously withholding consent;
 - (B) absent or otherwise unaccountable;
 - (C) in disagreement among themselves on the question; or
 - (D) unfit to decide the matter.

25.05.341. Misrepresentation.

A person who misrepresents a fact required to be stated on the application for a license or a form related to it, or a licensing officer who issues a marriage license having reason to believe that any material fact has been misrepresented, is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$500.

ARIZONA

[Arizona Revised Statutes, Title 25 Marital and Domestic Relations](#)

25-102. Consent required for marriage of minors

A person who is at least sixteen years of age and who is under eighteen years of age may marry only if one of the following is true:

The person has received an emancipation order pursuant to title 12, chapter 15 or from a court in another state and the person's prospective spouse is not more than three years older than the person.

The parent or guardian who has custody of the person consents to the marriage and the person's prospective spouse is not more than three years older than the person.

Persons who are under sixteen years of age shall not marry.

The clerk of the superior court may not issue a license to a person who is under eighteen years of age and who does not meet the requirements of subsection A of this section.

25-112. Marriages contracted in another state; validity and effect

A. Marriages valid by the laws of the place where contracted are valid in this state, except marriages that are void and prohibited by section 25-101.

B. Marriages solemnized in another state or country by parties intending at the time to reside in this state shall have the same legal consequences and effect as if solemnized in this state, except marriages that are void and prohibited by section 25-101.

C. Parties residing in this state may not evade the laws of this state relating to marriage by going to another state or country for solemnization of the marriage.

25-128. Unlawful acts of person authorized to solemnize marriages; classification

A. It is unlawful for any person who is authorized to solemnize marriages to:

1. Knowingly participate in or by his presence sanction the marriage of a person under the age of eighteen years who obtained a marriage license without consent in writing of the parent or guardian lawfully entitled to give consent.

[...]

25-129. Unlawful acts of person authorized to issue marriage license or make marriage records; classification

A. It is unlawful for a clerk of the superior court to knowingly issue a marriage license to a person under the age of eighteen years without the consent in writing of the parent or guardian lawfully entitled to give consent.

[...]

ARKANSAS

[Arkansas Code, Title 9 Family Law, Chapter 11 Marriage](#)

9-11-102. Minimum age -- Parental consent.

(a) Every male who has arrived at the full age of seventeen (17) years and every female who has arrived at the full age of seventeen (17) years shall be capable in law of contracting marriage.

(b)

(1)(A) However, males and females under the age of eighteen (18) years shall furnish the clerk, before the marriage license can be issued, satisfactory evidence of the consent of the parent or parents or guardian to the marriage.

(B) As used in subdivision (b)(1)(A) of this section, "satisfactory evidence" means a verified affidavit signed in the presence of a notary that states that the parent or parents or guardian of the minor consents to the marriage.

(2)(A) The consent of both parents of each contracting party shall be necessary before the marriage license can be issued by the clerk unless the parents have been divorced and custody of the child has been awarded to one (1) of the parents exclusive of the other, or unless the custody of the child has been surrendered by one (1) of the parents through abandonment or desertion, in which cases the consent of the parent who has custody of the child shall be sufficient.

(B) The consent of the parent may be voided by the order of a circuit court on a showing by clear and convincing evidence that:

(i) The parent is not fit to make decisions concerning the child; and

(ii) The marriage is not in the child's best interest.

(c) There shall be a waiting period of five (5) business days for any marriage license issued under subdivision (b)(2) of this section.

(d) If a child has a pending case in the circuit court, a parent who files consent under subsection (b) of this section shall immediately notify the circuit court, all parties, and attorneys to the pending case.

§ 9-11-103. Minimum age — Exception

(1) If an application for a marriage license is made where one (1) or both parties are under eighteen (18) years of age but older than sixteen (16) years of age and the female is pregnant, both parties may appear before a judge of the circuit court of the district where the application for a marriage license is being made.

(2) Evidence shall be submitted as to:

(A) The pregnancy of the female in the form of a certificate from a licensed and regularly practicing physician of the State of Arkansas;

(B) The birth certificates of both parties; and

(C) Parental consent of each party who may be under the minimum age.

(3) Thereupon, after consideration of the evidence and other facts and circumstances, if the judge finds that it is to the best interest of the parties, the judge may enter an order authorizing and directing the county clerk to issue a marriage license to the parties.

(4) The county clerk shall retain a copy of the order on file in the clerk's office with the other papers.

(b) However, if the female has given birth to the child, the court before whom the parties are to appear, if satisfied that it would be to the best interests of all the interested parties and if all the requirements of subsection (a) of this section are complied with, with the exception of the physician's certificate as to the pregnancy, may enter an order authorizing and directing the county clerk to issue a marriage license as provided in subsection (a) of this section.

§ 9-11-104. Minimum age — Lack of parental consent or misrepresentation of age — Annulment

In all cases in which the consent of the parent or parents or guardian is not provided, or there has been a misrepresentation of age by a contracting party, the marriage contract may be set aside and annulled upon the application of the parent or parents or guardian to the circuit court having jurisdiction of the cause.

§ 9-11-105. Marriage of underage parties voidable

(a) The marriage of any male under the full age of seventeen (17) years and the marriage of any female under the full age of sixteen (16) years is voidable.

(b) All marriages contracted prior to March 26, 1964, where one (1) or both parties to the contract were under the minimum age prescribed by law for contracting marriage are declared to be voidable only and shall be valid for all intents and purposes unless voided by a court of competent jurisdiction.

(c) All marriages contracted between July 30, 2007, and April 2, 2008, in which one (1) or both parties to the contract were under the minimum age prescribed by law for contracting marriage are voidable only and are valid for all intents and purposes unless voided by a court of competent jurisdiction.

§ 9-11-209. Proof of age — Parental consent

a) Any person applying for the license to marry another may introduce the parent or guardian of himself or herself or the other party, or the certificate of the parent or guardian duly attested, to prove to the satisfaction of the clerk that the parties to the marriage are of lawful age.

(b) In case either or both of the parties to the marriage are not of lawful age, it shall be the duty of the clerk, before issuing the license, to require the party applying therefor to produce satisfactory evidence of the consent and willingness of the parent or guardian of the party to the marriage, which shall consist of either verbal or written consent thereto.

(c) If there are any doubts in the mind of the clerk as to the evidence of the consent and willingness of the parent or guardian of the party applying for the license or if the clerk is in doubt as to the true age of the party so making application, the clerk may require the applicants to furnish a copy of their birth certificates as proof of lawful age or may require the parties to make affidavit to the genuineness of the consent granted or to the correctness of the ages given. The affidavit so made shall be filed in the clerk's office for public inspection.

CALIFORNIA

[California Family Code, Division 3 Marriage](#)

301. Two unmarried persons 18 years of age or older, who are not otherwise disqualified, are capable of consenting to and consummating marriage.

302. (a) An unmarried person under 18 years of age may be issued a marriage license upon obtaining a court order granting permission to the underage person or persons to marry, in accordance with the requirements described in Section 304.

(b) The court order and written consent of at least one of the parents or the guardian of each underage person shall be filed with the clerk of the court, and a certified copy of the order shall be presented to the county clerk at the time the marriage license is issued.

303. If it appears to the satisfaction of the court by application of a minor that the minor requires a written consent to marry and that the minor has no parent or has no parent capable of consenting, the court may make an order consenting to the issuance of a marriage license and granting permission to the minor to marry, in accordance with the requirements described in Section 304. The order shall be filed with the clerk of the court and a certified copy of the order shall be presented to the county clerk at the time the marriage license is issued.

304. (a) In determining whether to issue a court order granting permission to marry pursuant to Section 302 or 303, the court shall do all of the following:

(1) Require Family Court Services to separately interview the parties intending to marry and, if applicable, at least one of the parents or the guardian of each party who is a minor. If more than one parent or guardian is interviewed, the parents or guardians shall be interviewed separately.

(2) Require Family Court Services to prepare and submit to the court a written report, containing any assessment of potential force, threat, persuasion, fraud, coercion, or duress by either of the parties or their family members relating to the intended marriage. The report shall also contain recommendations of Family Court Services for either granting or denying the parties permission to marry. If Family Court Services knows or reasonably suspects that either party is a victim of child abuse or neglect, Family Court Services shall submit a report of the known or suspected child abuse or neglect to the county child protective services agency.

(3) After receiving the report of the assessments of Family Court Services, as described in paragraph (2), separately interview in camera each of the parties prior to making a final determination regarding the court order.

(4) Consider whether there is evidence of coercion or undue influence on the minor.

(b) If the court issues an order granting the parties permission to marry pursuant to Section 302 or 303, and if one or both of the parties are 17 years of age or younger, the parties shall be eligible to request a marriage license no earlier than 30 days from the time the court order was issued.

(c) As part of the court order granting permission to marry under Section 302 or 303, the court shall, if it considers it necessary, require the parties to the prospective marriage of a minor to participate in premarital counseling concerning social, economic, and personal responsibilities incident to marriage. The parties shall not be required to confer with counselors provided by religious organizations of any denomination. In determining whether to order the parties to participate in the premarital counseling, the court shall consider, among other factors, the ability of the parties to pay for the counseling. The court may impose a reasonable fee to cover the cost of premarital counseling provided by the county or the court. The fees shall be used exclusively to cover the cost of the counseling services authorized by this section.

(d) (1) Only for purposes of completing the document described in Section 102233 of the Health and Safety Code, and not for purposes of making a determination regarding the court order, the gender of each party intending to marry, if provided, shall be documented on the court order granting permission to marry.

(2) The date of birth of each party intending to marry shall also be documented on the court order granting permission to marry.

(3) For purposes of the requirements on the person solemnizing the marriage under subdivision (b) of Section 423, and the requirements on the local registrar under subdivision (a) of Section 102356 of the Health and Safety Code, the court shall provide parties who are granted permission to marry with a copy of the court order granting permission to marry.

(e) Upon issuance of the order granting permission to marry, the minor shall be provided with the following information:

(1) The rights and responsibilities of an emancipated minor, including, but not limited to, the effects of emancipation as described in Chapter 2 (commencing with Section 7050) of Part 6 of Division 11.

(2) (A) The circumstances under which a marriage may be determined by a court to be void or voidable and adjudged a nullity and the procedure for obtaining that judicial determination.

(B) The procedures for legal separation or dissolution of marriage.

(3) Telephone numbers for the National Domestic Violence Hotline and the National Sexual Assault Hotline.

(4) The conditions under which an unemancipated minor may leave home and seek to remain in a shelter or otherwise live separately from the minor's parent or guardian, and whether the consent or acquiescence of a parent or guardian is required to remain away from the home of the parent or guardian, the rights of an unemancipated minor to apply for a protective or restraining order to prevent abuse, and the rights of a minor to enter into contracts, including contracts for legal services and mental health counseling.

(f) (1) Subdivisions (a) and (b) do not apply to a minor who is 17 years of age and who has achieved a high school diploma or a high school equivalency certificate.

(2) Subdivision (b) does not apply to a minor who is 16 or 17 years of age and who is pregnant or whose prospective spouse is pregnant.

COLORADO

[Colorado Revised Statutes, Title 14 Domestic Matters, Part 1 Uniform Marriage Act](#)

14-2-106. License to marry.

[...]

(l) Satisfactory proof that each party to the marriage will have attained the age of eighteen years at the time the marriage license becomes effective; or, if over the age of sixteen years but has not attained the age of eighteen years, has judicial approval, as provided in section 14-2-108;

[...]

14-2-108. Judicial approval.

(1) The juvenile court, as defined in section 19-1-103, after a reasonable effort has been made to notify the parents or legal guardians of each underage party, may order the county clerk and recorder pursuant to subsection (2) of this section to issue a marriage license and a marriage certificate form to a person sixteen or seventeen years of age.

(2)

(a) The court may order the county clerk and recorder to issue a marriage license under subsection (1) of this section only if the court finds, after reviewing the report of the guardian ad litem appointed pursuant to subsection (2)(b) of this section, that the underage party is capable of assuming the responsibilities of marriage and the marriage would serve the underage party's best interests. Pregnancy alone does not establish that the best interests of the party would be served.

(b)

(I) Prior to ordering the issuance of a marriage license to an underage party, the court shall appoint a guardian ad litem for the underage party and direct the guardian ad litem to investigate the best interests of the underage party and to file a report with the court addressing the factors set forth in subsection (2)(b)(II) of this section and stating a position as to whether the issuance of a marriage license to the underage party is in the underage party's best interests.

(II) The court shall consider all relevant factors, including:

- (A) The wishes of the underage party;
- (B) The view of the parents or legal guardians of the underage party, if known;
- (C) The ability of the underage party to assume the responsibilities of marriage;
- (D) The circumstances surrounding the marriage; and
- (E) The ability of the underage party to manage the underage party's financial, personal, social, educational, and nonfinancial affairs independent of the underage party's intended spouse both during the marriage or upon dissolution of the marriage.

(3) The district court or the juvenile court, as the case may be, shall authorize performance of a marriage by proxy upon the showing required by the provisions on solemnization, being section 14-2-109.

14-2-109.3. Rights of underage married persons.

(1) In addition to any rights established in law, a married person who has not attained eighteen years of age has the following rights:

- (a) The right to establish a domicile separate from the married person's parents;
- (b) The right to file motions and petitions with a court in the married person's name and on the married person's own behalf;
- (c) The right to enter into enforceable contracts, including but not limited to leases for housing; and
- (d) The right to consent to and make decisions concerning the married person's own medical care.

14-2-109.5. Common law marriage - age restrictions.

(1) A common law marriage entered into on or after September 1, 2006, shall not be recognized as a valid marriage in this state unless, at the time the common law marriage is entered into:

- (a) Each party is eighteen years of age or older;

[...]

(2) Notwithstanding the provisions of section 14-2-112, a common law marriage contracted within or outside this state on or after September 1, 2006, that does not satisfy the requirements specified in subsection (1) of this section shall not be recognized as valid in this state.

14-2-113. Violation - penalty.

Except as provided in section 14-2-109 (1), any person who knowingly violates any provision of this part 1 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars.

CONNECTICUT

[Connecticut General Statutes, Title 46b Family Law](#)

Sec. 46b-20a. Eligibility to marry. Issuance of license to minor who is sixteen or seventeen, when permitted.

(a) A person is eligible to marry if such person is:

[...]

(2) Except as provided in subsection (b) of this section, at least eighteen years of age;

[...]

(b) A license may be issued to a minor who is at least sixteen years of age but under eighteen years of age with the approval of the Probate Court as provided in this subsection. A parent or guardian of a minor may, on behalf of the minor, petition the Probate Court for the district in which the minor resides seeking approval for the issuance of a license to such minor. The court shall schedule a hearing on the petition and give notice to the minor, the minor's parents or guardians and to the other party to the intended marriage. The minor and the petitioning parent or guardian shall be present at such hearing. The court may, in its discretion, require the other party to the intended marriage to be present at such hearing. After a hearing on the petition, the court may approve the issuance of a license to the minor if the court finds that: (1) The petitioning parent or guardian consents to the marriage; (2) the minor consents to the marriage and such consent is based upon an understanding of the nature and consequences of marriage; (3) the minor has sufficient capacity to make such a decision; (4) the minor's decision to marry is made voluntarily and free from coercion; and (5) the marriage would not be detrimental to the minor.

Sec. 46b-43. (Formerly Sec. 46-34). Capacity of minor to prosecute or defend.

Any married minor may, in his own name, prosecute or defend to final judgment an action for annulment or dissolution of a marriage or for legal separation and may participate in all judicial proceedings with respect thereto.

DELAWARE

[Delaware Code, Title 13, Chapter 1 Marriage](#)

§ 103. Issuing license for or solemnizing prohibited marriage; penalty.

Whoever, being authorized to issue a marriage license, knowingly or wilfully issues a license for a marriage prohibited by this chapter or, being authorized to solemnize a marriage, knowingly or wilfully assists in the contracting or solemnizing of a prohibited marriage, shall be fined \$100, and in default of the payment of such fine shall be imprisoned not more than 30 days.

§ 104. Entering into prohibited marriage outside the State; penalty.

If a marriage prohibited by this chapter is contracted or solemnized outside of the State, when the legal residence of either party to the marriage is in this State, and the parties thereto shall afterwards live and cohabit as spouses within the State, they shall be punished in the same manner as though the marriage had been contracted in this State.

§ 112. Violations by clerk of the peace; penalties.

Any clerk of the peace or deputy of such who knowingly or wilfully acts in violation of this chapter shall be fined \$100, and in default of payment of such fine shall be imprisoned not more than 30 days.

§ 123. Marriage of minors; consent forms.---

(a) No individual under the age of 18 shall be granted a marriage license.---

§ 127. False statement; penalty.

If any person applying for a license under this chapter knowingly makes false answers to any of the inquiries of the person issuing the license, after having been sworn or affirmed to answer truly, said person shall be guilty of perjury, and if any person executing papers under this chapter executes them falsely, said person shall be subject to such penalties as the court may impose.

DISTRICT OF COLUMBIA

[Washington DC Official Code, Title 46 Domestic Relations](#)

46-403 Marriages void from date of decree; age of consent.

The following marriages in said District shall be illegal, and shall be void from the time when their nullity shall be declared by decree, namely:

[...]

4. When either of the parties is under the age of consent, which is hereby declared to be 16 years of age.

46-405 Illegal marriages entered into in another jurisdiction.

If any marriage declared illegal by the foregoing sections shall be entered into in another jurisdiction by persons having and retaining their domicile in the District of Columbia, such marriage shall be deemed illegal, and may be decreed to be void in said District in the same manner as if it had been celebrated therein.

46-411 Consent of parent or guardian.

If any person intending to marry and seeking a license therefor shall be under 18 years of age, and shall not have been previously married, the said Clerk shall not issue such license unless a parent, or, if there be neither father nor mother, the guardian, if there be such, shall consent to such proposed marriage, either personally to the Clerk, or by an instrument in writing attested by a witness and proved to the satisfaction of the Clerk.

FLORIDA

[Florida Statutes, Chapter 741 Marriage](#)

741.04 Issuance of marriage license.—

(1) A county court judge or clerk of the circuit court may not issue a license to marry to any person younger than 18 years of age, unless:

(a) The person is at least 17 years of age and provides the written consent of his or her parents or legal guardian, which is acknowledged by an officer authorized by law to take acknowledgments and administer oaths; and

(b) The older party to the marriage is not more than 2 years older than the younger party to the marriage.

(2) A county court judge or clerk of the circuit court may not issue a license to marry until the parties to the marriage file with the county court judge or clerk of the court a written and signed affidavit, made and subscribed before a person authorized by law to administer an oath, which provides:

(a) The social security number or any other available identification number for each person.

(b) The respective ages of the parties.

[...]

741.05 Penalty for violation of s. 741.03 or s. 741.04(2).—

Any county court judge, clerk of the circuit court, or other person who violates s. 741.03 or s. 741.04(2) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

GEORGIA

[Georgia Official Code, Title 19, Chapter 3 Marriage Generally](#)

§ 19-3-2. Who May Contract Marriage; Emancipation Requirement; Minimum Age for Marriage

a. To be able to contract marriage, a person must:

[...]

2. Except as provided in subsection (b) of this Code section, be at least 18 years of age;

[...]

b. If either applicant for marriage is 17 years of age, documentary proof that such applicant was emancipated by operation of law or pursuant to a petition filed with the court as provided in Article 10 of Chapter 11 of Title 15 shall be required before a license may be issued pursuant to Article 2 of this chapter; provided, in addition, that:

1. If the emancipation was pursuant to a petition filed with the court, a certified copy of the order providing for the emancipation shall be provided as documentary proof;

2. At least 15 days shall have passed since such emancipation shall have occurred by operation of law or pursuant to a petition filed with the court;

3. The older party to the marriage contract shall not be more than four years older than the younger party to the marriage contract; and

4. Each party to the marriage contract who is 17 years of age shall present a certificate of completion of premarital education as provided under Code Section 19-3-30.1.

c. No license provided for under Article 2 of this chapter shall be issued for the marriage of any party who is under 17 years of age.

§ 19-3-30.1. Premarital Education; Fees; Special Requirements if Marriage Applicant Is 17 Years Old

[...]

c. If both persons applying for a marriage license are 18 years of age or older and certify on the application for a marriage license that they have successfully completed a qualifying premarital education program, then such persons shall not be charged a fee for a marriage license.

d. If either person applying for a marriage license is 17 years of age:

1. No fee shall be charged for the issuance of a marriage license;

2. A certificate of completion of premarital education by any such person as provided in subsection (b) of this Code section shall be provided to the judge of the probate court. The requirement of this paragraph shall not be waived regardless of whether the persons applying for a marriage license are willing to be charged a fee for the marriage license;

3. Each person shall undergo the premarital education separately from the other person; and

4. In addition to the topics provided for under subsection (a) of this Code section, the premarital education shall include instruction on the potential risks of marrying young, including, but not limited to, high divorce rates, increased rates of noncompletion of education, greater likelihood of poverty, medical and mental health problems, and information contained within the fact sheet provided for under Code Section 19-3-41.1, including, but not limited to, information on domestic violence and website and telephone resources for victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking.

[HAWAII](#)

[Hawaii Revised Statutes, Title 31, Section 572 Marriage](#)

§572-1 Requisites of valid marriage contract.

In order to make valid the marriage contract, which shall be permitted between two individuals without regard to gender, it shall be necessary that:

[...]

(2) Each of the parties at the time of contracting the marriage is at least sixteen years of age; provided that with the written approval of the family court of the circuit within which the minor resides, it shall be lawful for a person under the age of sixteen years, but in no event under the age of fifteen years, to marry, subject to section 572-2;

[...]

§572-2 Consent of parent or guardian.

Whenever any person who is under the age of eighteen is to be married, the written consent of his or her parents, or guardian or other person in whose care and custody he or she may be, shall accompany the application for a license to marry. No license shall be issued to any minor who is under the jurisdiction of the family court without the written consent of a judge of such court.

§572-9 Persons under age.

Whenever any person who is under the age of eighteen, whose parents are dead, or who is a ward of a family court, applies for a license to marry, he or she shall set forth in the statement accompanying the application, the name of his or her guardian or of any other person in whose care and custody he or she may be.

§572-10 Applicant apparently under age.

If any applicant for a license to marry appears to any agent to be under the age of eighteen years, the agent shall, before granting a license to marry, require the production of a certificate of birth or other satisfactory proof showing the age of the applicant.

IDAHO

[Idaho Code, Title 32, Chapter 2 Marriage – Nature and Validity of Marriage Contract](#)

32-202. PERSONS WHO MAY MARRY.

Any unmarried male of the age of eighteen (18) years or older, and any unmarried female of the age of eighteen (18) years or older, and not otherwise disqualified, are capable of consenting to and consummating marriage. A minor under eighteen (18) and not less than sixteen (16) years of age may not contract marriage with a person of the age of majority where there is an age difference of three (3) years or greater between them. No marriage license for a minor under the age of eighteen (18) and not less than sixteen (16) years of age shall be issued where there is such an age difference between the parties. Provided that if the male party to the contract is under the age of eighteen (18) and not less than sixteen (16) years of age, or if the female party to the contract is under the age of eighteen (18) and not less than sixteen (16) years of age, the license shall not be issued except upon the consent in writing duly acknowledged and sworn to by the father, mother, or guardian of any such person if there be either, and provided further, that no such license may be issued, if the male be under eighteen (18) and not less than sixteen (16) years of age and the female under eighteen (18) and not less than sixteen (16) years of age, unless each party to the contract submits to the county recorder his or her original birth certificate, or certified copy thereof or other proof of age acceptable to the county recorder. Where the female is under the age of sixteen (16), or the male is under the age of sixteen (16), the license shall not be issued.

32-403. APPLICATION FOR AND ISSUANCE OF LICENSE.

[...] Provided, however, that in the event either of the parties for whose marriage the license in question is applied for is under the age of eighteen (18) years, the recorder shall not issue such license except upon compliance with the consent and proof of age requirements set forth in section 32-202, Idaho Code.

[...]

ILLINOIS

[Illinois Compiled Statutes, Chapter 750 Families](#)

750 ILCS 5/203

Sec. 203. License to Marry. When a marriage application has been completed and signed by both parties to a prospective marriage and both parties have appeared before the county clerk and the marriage license fee has been paid, the county clerk shall issue a license to marry and a marriage certificate form upon being furnished:

(1) satisfactory proof that each party to the marriage will have attained the age of 18 years at the time the marriage license is effective or will have attained the age of 16 years and has either the consent to the marriage of both parents or his guardian or judicial approval; provided, if one parent cannot be located in order to obtain such consent and diligent efforts have been made to locate that parent by the consenting parent, then the consent of one parent plus a signed affidavit by the consenting parent which (i) names the absent parent and states that he or she cannot be located, and (ii) states what diligent efforts have been made to locate the absent parent, shall have the effect of both parents' consent for purposes of this Section;

[...]

750 ILCS 5/208

Sec. 208. Judicial Approval of Underage Marriages.

(a) The court, after a reasonable effort has been made to notify the parents or guardian of each underaged party, may order the county clerk to issue a marriage license and a marriage certificate form to a party aged 16 or 17 years who has no parent capable of consenting to his marriage or whose parent or guardian has not consented to his marriage.

(b) A marriage license and a marriage certificate form may be issued under this Section only if the court finds that the underaged party is capable of assuming the responsibilities of marriage and the marriage will serve his best interest. Pregnancy alone does not establish that the best interest of the party will be served.

750 ILCS 5/215

Sec. 215. Penalty.

Unless otherwise provided by law, any person who violates any provision of Part II of this Act is guilty of a Class B misdemeanor.

750 ILCS 5/301

Sec. 301. Declaration of Invalidity – Grounds.

The court shall enter its judgment declaring the invalidity of a marriage (formerly known as annulment) entered into under the following circumstances:

[...]

(3) a party was aged 16 or 17 years and did not have the consent of his parents or guardian or judicial approval; or
[...]

750 ILCS 5/302

Sec. 302. Time of Commencement. (a) A declaration of invalidity under paragraphs (1) through (3) of Section 301 may be sought by any of the following persons and must be commenced within the times specified:

[...]

(3) for the reason set forth in paragraph (3) of Section 301, by the underaged party, his parent or guardian, prior to the time the underaged party reaches the age at which he could have married without needing to satisfy the omitted requirement.

(b) In no event may a declaration of invalidity of marriage be sought after the death of either party to the marriage under subsections (1), (2) and (3) of Section 301.

[...]

INDIANA

[Indiana Code, Title 31, Article 11 Family Law: Marriage](#)

31-11-1-4 Minimum age for marriage

Sec. 4. Except as provided in sections 5 and 7 of this chapter, two (2) individuals may not marry each other unless both individuals are at least eighteen (18) years of age.

31-11-1-5 Marriage of individual 16 or 17 years of age

Sec. 5. Two (2) individuals may marry each other if:

(1) both individuals are at least sixteen (16) years of age;

(2) one (1) of the individuals is not more than four (4) years older than the other individual if the other individual is sixteen (16) or seventeen (17) years of age;

(3) each individual who is less than eighteen (18) years of age:

(A) has been granted an order by a juvenile court under section 7 of this chapter granting the individual approval to marry and completely emancipating the individual; and

(B) not earlier than fifteen (15) days after the issuance of the order described in clause (A), presents to the clerk of the circuit court an application for a marriage license accompanied by:

(i) a certified copy of the order; and

(ii) a certificate of completion of any premarital counseling required under the order; and

(4) the individuals are not prohibited from marrying each other for a reason set forth in this article.

31-11-1-7 Petition for marriage of individual 16 or 17 years of age; evidentiary hearing; emancipation

Sec. 7.

(a) A minor who is sixteen (16) or seventeen (17) years of age may petition the juvenile court in the county in which the minor resides for an order granting the minor approval to marry and completely emancipating the minor. The petition must contain the following information:

(1) The minor's name, gender, and age.

(2) Documentary proof of the minor's date of birth.

(3) The minor's address, and how long the minor has resided at that address.

(4) The following information with regard to the intended spouse:

(A) The intended spouse's name, gender, and age.

- (B) Documentary proof of the intended spouse's date of birth.
- (C) The intended spouse's address, and how long the intended spouse has resided at that address.
- (5) A statement of:
 - (A) the reasons the minor desires to marry;
 - (B) how the minor and the intended spouse came to know each other; and
 - (C) how long the minor and the intended spouse have known each other.
- (6) Copies of:
 - (A) any criminal records of the minor and of the intended spouse; and
 - (B) any protective order:
 - (i) issued to protect or restrain either the minor or the intended spouse; and
 - (ii) relating to domestic or family violence, a sexual offense, or stalking.
- (7) Evidence that the minor has demonstrated maturity and capacity for self-sufficiency and self-support independent of the minor's parents or legal guardians or the intended spouse, including proof that the minor:
 - (A) has graduated from high school;
 - (B) has obtained a high school equivalency diploma;
 - (C) has a plan for continued education;
 - (D) has completed a vocational training or certificate program;
 - (E) has attained a professional licensure or certification; or
 - (F) has maintained stable housing or employment for at least three (3) consecutive months prior to filing the petition.
- (b) A court with which a petition under subsection (a) is filed shall:
 - (1) set a date for an evidentiary hearing on the petition;
 - (2) provide reasonable notice of the hearing to the minor and the minor's parents or legal guardians; and
 - (3) appoint an attorney to serve as guardian ad litem for the minor.
- (c) At the evidentiary hearing, the court shall conduct an in camera interview with the minor separate from the minor's parents or legal guardians and intended spouse.
- (d) Following the evidentiary hearing, and subject to subsection (e), the court may grant the petition if the court finds all of the following:
 - (1) The minor is a county resident who is at least sixteen (16) years of age.
 - (2) The intended spouse is not more than four (4) years older than the minor.
 - (3) The minor's decision to marry is voluntary, and free from force, fraud, or coercion.
 - (4) The minor is mature enough to make a decision to marry.
 - (5) The minor has established the minor's capacity to be self-sufficient and self-supporting independent of the minor's parents, legal guardians, and intended spouse.
 - (6) The minor understands the rights and responsibilities of parties to marriage and of completely emancipated minors.
 - (7) It is in the best interests of the minor for the court to grant the petition to marry and to completely emancipate the minor. In making the determination under this subdivision, the court shall consider how marriage and emancipation may affect the minor's health, safety, education, and welfare.

A court that grants a petition under this section shall issue written findings regarding the court's conclusions under subdivisions (1) through (7).

(e) The following, considered independently or together, are not sufficient to determine the best interests of a minor for purposes of this section:

- (1) The fact that the minor or the intended spouse is pregnant or has had a child.
- (2) The wishes of the parents or legal guardians of the minor.

However, there is a rebuttable presumption that marriage and emancipation are not in the best interests of the minor if both parents of the minor oppose the minor's marriage and emancipation.

(f) The juvenile court shall deny a petition under this section if the court finds any of the following:

(1) The intended spouse:

(A) is or was in a position of authority or special trust in relation to the minor; or

(B) has or had a professional relationship with the minor, as defined in IC 35-42-4-7.

(2) The intended spouse has been convicted of, or entered into a diversion program for, an offense under IC 35-42:

(A) that involves an act of violence;

(B) of which a child was the victim; or

(C) that is an offense under:

(i) IC 35-42-3.5; or

(ii) IC 35-42-4.

(3) Either the minor or the intended spouse is pregnant or is the mother of a child, and the court finds by a preponderance of evidence that:

(A) the other party to the marriage is the father of the child or unborn child; and

(B) the conception of the child or unborn child resulted from the commission of an offense under:

(i) IC 35-42-4-3 (child molesting);

(ii) IC 35-42-4-6 (child solicitation);

(iii) IC 35-42-4-7 (child seduction); or

(iv) IC 35-42-4-9 (sexual misconduct with a minor).

(4) The intended spouse has previously been enjoined by a protective order relating to domestic or family violence, a sexual offense, or stalking, regardless of whether the person protected by the order was the minor.

(g) If a court grants a petition under this section, the court shall also issue an order of complete emancipation of the minor and provide a certified copy of the order to the minor.

(h) A minor emancipated under this section is considered to have all the rights and responsibilities of an adult, except as provided under specific constitutional or statutory age requirements that apply to the minor because of the minor's age, including requirements related to voting, use of alcoholic beverages or tobacco products, and other health and safety regulations.

(i) A court hearing a petition under this section may issue any other order the court considers appropriate for the minor's protection.

(j) A court that grants a petition under this section may require that both parties to the marriage complete premarital counseling with a marriage and family therapist licensed under IC 25-22.5, IC 25-23.6-8, or IC 25-33.

(k) A court that grants a petition under this section may impose any other condition on the grant of the petition that the court determines is reasonable under the circumstances.

IC 31-11-4-6 Proof of birth date

Sec. 6. Each individual who applies for a marriage license must submit to the clerk of the circuit court documentary proof of the individual's age, in the form of: [...]

IC 31-11-4-7 Birth date information required for issuance of marriage license

Sec. 7. A clerk of a circuit court or a deputy of the clerk may not issue a marriage license unless the application for the license is accompanied by the information required to be submitted by section 6 of this chapter.

IC 31-11-8-6 Foreign marriage solemnized between Indiana residents to evade Indiana law

Sec. 6. A marriage is void if the parties to the marriage:

- (1) are residents of Indiana;
- (2) had their marriage solemnized in another state with the intent to:
 - (A) evade IC 31-11-1-4, IC 31-11-4-4, or IC 31-11-4-11 (or IC 31-7-3-3 or IC 31-7-3-10 before their repeal);and
- (B) subsequently return to Indiana and reside in Indiana; and
- (3) without having established residence in another state in good faith, return to Indiana and reside in Indiana after the marriage is solemnized.

IOWA

[Iowa Code, Chapter 595 Marriage](#)

595.2 Gender — age.

1. Only a marriage between a male and a female is valid.
2. Additionally, a marriage between a male and a female is valid only if each is eighteen years of age or older. However, if either or both of the parties have not attained that age, the marriage may be valid under the circumstances prescribed in this section.
3. If either party to a marriage falsely represents the party's self to be eighteen years of age or older at or before the time the marriage is solemnized, the marriage is valid unless the person who falsely represented their age chooses to void the marriage by making their true age known and verified by a birth certificate or other legal evidence of age in an annulment proceeding initiated at any time before the person reaches their eighteenth birthday. A child born of a marriage voided under this subsection is legitimate.
4. A marriage license may be issued to a male and a female either or both of whom are sixteen or seventeen years of age if both of the following apply:
 - a. The parents of the underage party or parties certify in writing that they consent to the marriage. If one of the parents of any underage party to a proposed marriage is dead or incompetent the certificate may be executed by the other parent, if both parents are dead or incompetent the guardian of the underage party may execute the certificate, and if the parents are divorced the parent having legal custody may execute the certificate; and
 - b. The certificate of consent of the parents, parent, or guardian is approved by a judge of the district court or, if both parents of any underage party to a proposed marriage are dead, incompetent, or cannot be located and the party has no guardian, the proposed marriage is approved by a judge of the district court. A judge shall grant approval under this subsection only if the judge finds the underage party or parties capable of assuming the responsibilities of marriage and that the marriage will serve the best interest of the underage party or parties. Pregnancy alone does not establish that the proposed marriage is in the best interest of the underage party or parties, however, if pregnancy is involved the court records which pertain to the fact that the female is pregnant shall be sealed and available only to the parties to the marriage or proposed marriage or to any interested party securing an order of the court.
5. If a parent or guardian withholds consent, the judge upon application of a party to a proposed marriage shall determine if the consent has been unreasonably withheld. If the judge so finds, the judge shall proceed to review the application under subsection 4, paragraph "b".

595.3 License.

Previous to the solemnization of any marriage, a license for that purpose must be obtained from the county registrar. The license must not be granted in any case:

1. Where either party is under the age necessary to render the marriage valid.
2. Where either party is under eighteen years of age, unless the marriage is approved by a judge of the district court as provided by section 595.2.

[...]

595.4 Age and qualification — verified application — waiting period — exception.

1. Previous to the issuance of any license to marry, the parties desiring the license shall sign and file a verified application with the county registrar which application either may be mailed to the parties at their request or may be signed by them at the office of the county registrar in the county in which the license is to be issued. The application shall include the social security number of each applicant and shall set forth at least one affidavit of some competent and disinterested person stating the facts as to age and qualification of the parties. Upon the filing of the application for a license to marry, the county registrar shall file the application in a record kept for that purpose and shall take all necessary steps to ensure the confidentiality of the social security number of each applicant. All information included on an application may be provided as mutually agreed upon by the division of records and statistics and the child support recovery unit, including by automated exchange.

[...]

KANSAS

[Kansas Statutes, Chapter 23, Article 25 Marriage](#)

23-2502. Common-law marriage.

The state of Kansas shall not recognize a common-law marriage contract if either party to the marriage contract is under 18 years of age.

23-2505. Issuance of marriage license; form; waiting period; emergency; lawful age; consent, when; unlawful acts, penalty; duties of person issuing license; expiration of license.

[...]

(c) No clerk or judge shall issue a license authorizing the marriage of any person:

- (1) Under the age of 16 years, except that a judge of the district court may, after due investigation, give consent and issue the license authorizing the marriage of a person 15 years of age when the marriage is in the best interest of the person 15 years of age; or
- (2) who is 16 or 17 years of age without the express consent of such person's father, mother or legal guardian and the consent of the judge unless consent of both the mother and father and any legal guardian or all then living parents and any legal guardian is given in which case the consent of the judge shall not be required. If not given in person at the time of the application, the consent shall be evidenced by a written certificate subscribed thereto and duly attested. Where the applicants or either of them are 16 or 17 years of age and their parents are dead and there is no legal guardian then a judge of the district court may after due investigation give consent and issue the license authorizing the marriage.

(d) The judge or clerk may issue a license upon the affidavit of the party personally appearing and applying therefor, to the effect that the parties to whom such license is to be issued are of lawful age, as required by this section, and the judge or clerk is hereby authorized to administer oaths for that purpose.

(e) Every person swearing falsely in such affidavit shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$500. A clerk or judge of the district court shall state in every license the birth dates of the parties applying for the same, and if either or both are 16 or 17 years of age, the name of the father, mother, or guardian consenting to such marriage.

[...]

KENTUCKY

[Kentucky Revised Statutes, Chapter 402 Marriage](#)

402.020 Other prohibited marriages.

(1) Marriage is prohibited and void:

[...]

(f) Except as provided in KRS 402.210, with a person who at the time of marriage is under eighteen (18) years of age.

402.030 Courts may declare certain marriages void.

(1) Courts having general jurisdiction may declare void any marriage obtained by force or fraud, or, provided that the petition is brought by a party who was under the age of majority as defined by KRS 2.015 at the time of marriage, a marriage obtained by duress.

(2) At the instance of any next friend, courts having general jurisdiction may declare any marriage void where the person was under eighteen (18) years of age at the time of the marriage, and the marriage was without the consent required by KRS 402.210.

402.205 Petition to court by seventeen year old for permission to marry -- Evidentiary hearing -- Reasons for denying petition -- Effect of pregnancy -- Emancipation of minor -- Other court-imposed condition -- Fee.

(1) A minor who is seventeen (17) years of age may petition the family court in the county in which the minor resides, or the District Court in that county if a family court division has not been established in that county, for an order granting permission to marry. The petition shall contain the following:

(a) The petitioner's name, gender, age, date of birth, address, and how long the petitioner has resided at that address, as well as prior addresses and dates of residence for the six (6) months preceding the petition;

(b) The intended spouse's name, gender, age, date of birth, address, and how long the intended spouse has resided at that address, as well as prior addresses and dates of residence for the six (6) months preceding the petition;

(c) An affidavit attesting to the consent to marry signed by:

1. The father or the mother of the petitioner, if the parents are married, the parents are not legally separated, no legal guardian has been appointed for petitioner, and no court order has been issued granting custody of petitioner to a party other than the father or mother;

2. Both the father and the mother, if both are living and the parents are divorced or legally separated, and a court order of joint custody to the parents of the petitioner has been issued and is in effect;

3. The surviving parent, if the parents were divorced or legally separated, and a court order of joint custody to the parents of the petitioner was issued prior to the death of either the father or mother, which order remains in effect;

4. The custodial parent, as established by a court order which has not been superseded, where the parents are divorced or legally separated and joint custody of the petitioner has not been ordered; or

5. Another person having lawful custodial charge of the petitioner;

- (d) A statement of the reasons why the petitioner desires to marry, how the parties came to know each other, and how long they have known each other;
- (e) Evidence of the petitioner's maturity and capacity for self-sufficiency independent of the petitioner's parents and the intended spouse, including but not limited to:
1. Proof that the petitioner has maintained stable housing or employment for at least three (3) consecutive months prior to the petition; and
 2. Proof that the petitioner has completed high school, obtained a High School Equivalency Diploma, or completed a vocational training or certificate program;
- (f) Copies of any criminal records of either party to be married; and
- (g) Copies of any domestic violence order or interpersonal protective order involving either party to be married.
- (2) Upon the filing of the petition for permission to marry, the court shall set a date for an evidentiary hearing on the petition that is no sooner than thirty (30) days but not later than sixty (60) days from the date of the filing.
- (3) The petitioner may be represented by counsel in court proceeding pertaining to the petition to marry.
- (4) The court shall take reasonable measures to ensure that any representations made by a minor party are free of coercion, undue influence, or duress. Reasonable measures shall include but are not limited to in camera interviews.
- (5) Following an evidentiary hearing, the court shall grant the minor's petition for permission to marry unless:
- (a) The age difference between the parties is more than four (4) years;
 - (b) The intended spouse was or is a person in a position of authority or a position of special trust as defined in KRS 532.045 in relation to the minor;
 - (c) The intended spouse has previously been enjoined by a domestic violence order or interpersonal protective order, regardless of whether or not the person to be protected by the order was the minor petitioner;
 - (d) The intended spouse has been convicted of or entered into a diversion program for a criminal offense against a victim who is a minor as defined in KRS 17.500 or for a violent or sexual criminal offense under KRS Chapter 506, 507, 507A, 508, 509, 510, 529, 530, or 531;
 - (e) The court finds by a preponderance of the evidence that the minor was a victim and that the intended spouse was the perpetrator of a sexual offense against the minor under KRS 510.040, 510.050, 510.060, 510.110, 510.120, or 510.130;
 - (f) The court finds by a preponderance of the evidence that abuse, coercion, undue influence, or duress is present; or
 - (g) The court finds that it would otherwise not be in the minor party's best interest to grant the petition to marry.
- (6) A past or current pregnancy of the minor or the intended spouse shall not be sufficient evidence to establish that the best interests of the minor would be served by granting the petition for marriage.
- (7) The granting of a petition for permission to marry filed under subsection (1) of this section shall remove the disabilities of minority. A minor emancipated by the petition shall be considered to have all the rights and responsibilities of an adult, except for specific constitutional or statutory age requirements, including but not limited to voting, the use of alcoholic beverages, and other health and safety regulations relevant to him or her because of his or her age.
- (8) The minor shall be advised by the court of the rights and responsibilities of parties to a marriage and of emancipated minors. The minor shall be provided with a fact sheet on these rights and responsibilities to be developed by the Office of the Attorney General and the Cabinet for Health and

Family Services. The fact sheet shall include referral information for legal aid agencies in the Commonwealth and national hotlines for domestic violence and sexual assault.

(9) The court may make any other orders that the court deems appropriate for the minor's protection and may impose any other condition on the grant of the petition that the court determines is reasonable under the circumstances for the minor's protection.

(10) The court may set a fee not to exceed twenty dollars (\$20) to file a petition for permission to marry under this section.

402.210 Requirements for issuance of license.

[...]

(2) If either of the parties is under seventeen (17) years of age, no license shall be issued.

(3) If either of the parties is seventeen (17) years of age, a marriage license shall not be issued unless:

(a) The party who is seventeen (17) years of age presents to the clerk a certified copy of a court order by a family court or District Court judge that grants the party permission to marry and removes the party's disability of minority, as provided in KRS 402.205; and

(b) At least fifteen (15) days have elapsed since the court order was granted.

402.250 Circuit Court may affirm or avoid marriage.

Where doubt is felt as to the validity of a marriage, either party may, by petition in Circuit Court, demand its avoidance or affirmance; but where one (1) of the parties was of the age of majority, as defined by KRS 2.015 at the time of marriage, the party who is of proper age may not bring such a proceeding for that cause against the party under age.

402.990 Penalties.

[...]

(3) Any authorized person who knowingly solemnizes a marriage prohibited by this chapter shall be guilty of a Class A misdemeanor.

(4) Any unauthorized person who solemnizes a marriage under pretense of having authority, and any person who falsely personates the father, mother, or guardian of an applicant in obtaining a license shall be guilty of a Class D felony.

[...]

(6) Any clerk who knowingly issues a marriage license to any persons prohibited by this chapter from marrying shall be guilty of a Class A misdemeanor and removed from office by the judgment of the court in which he is convicted.

(7) Any clerk who knowingly issues a marriage license in violation of his duty under this chapter shall be guilty of a Class A misdemeanor.

(8) If any deputy clerk or any person other than a county clerk knowingly issues a marriage license in violation of this chapter, but not for a prohibited marriage, he shall be guilty of a Class A misdemeanor, and if he knowingly issues a license for a marriage prohibited by this chapter, he shall be guilty of a Class A misdemeanor.

[..]

LOUISIANA

[Louisiana Revised Statutes, Title 9 Civil Code](#)

§221. Authority to issue marriage license

[...]

B. No marriage license for a minor under the age of sixteen shall be issued. No marriage license for a minor of the age of sixteen or seventeen shall be issued where there is an age difference of three years or greater between the persons seeking the marriage license.

§225. Documents required; attachments

A. An application for a marriage license shall be accompanied by:

[...]

(2) The written consent for a minor to marry, or the court's authorization for the minor to marry, or both, as required by Chapter 6 of Title XV of the Children's Code.

[Louisiana Children's Code, Chapter 6 Authorization of Minors' Marriages](#)

Art. 1545. Necessary consent; parents; judicial authorization

A. An officiant may not perform a marriage ceremony in which a minor sixteen or seventeen is a party unless the minor has judicial authorization and the written consent to marry of either:

(1) Both of his parents.

(2) The tutor of his person.

(3) A person who has been awarded custody of the minor.

B. No marriage ceremony shall be performed for a minor under the age of sixteen.

Art. 1550. Penalty for officiant who performs a marriage ceremony in violation of this Chapter

Any officiant, other than a judge or justice of the peace, who knowingly performs a marriage ceremony at which one of the parties is a minor when the officiant does not have the necessary consent or authorization to marry required by Article 1545 shall be permanently deprived of his right to perform marriage ceremonies.

MAINE

[Maine Revised Statutes, Title 19A Domestic Relations](#)

§652. Issuance of marriage license

[...]

7. Parties under 18 years of age. A marriage license may not be issued to persons under 18 years of age without the written consent of their parents, guardians or persons to whom a court has given custody.

In the absence of persons qualified to give consent, the judge of probate in the county where each minor resides may grant consent after notice and opportunity for hearing.

8. Parties under 16 years of age. The clerk or State Registrar of Vital Statistics may not issue a marriage license to a person under 16 years of age.

§659. Penalties

[...]

2. Solemnization contrary to chapter. A person who intentionally or knowingly joins persons in marriage in violation of this chapter commits a civil violation for which a forfeiture of \$100 may be adjudged. The person may not join persons in marriage after being adjudicated as violating this subsection.

3. Violation by party to the marriage. A person who contracts a marriage in violation of this chapter commits a civil violation for which a forfeiture of \$100 may be adjudged. A person who makes false

representations to obtain a marriage license or to cause the solemnization of marriage in violation of this chapter commits a civil violation for which a forfeiture of \$100 may be adjudged.

4. Violation by clerk. The clerk of a municipality who intentionally violates this chapter or falsely states the residence of either of the parties named in the license or certificate commits a civil violation for which a forfeiture of \$20 for each offense may be adjudged.

§701. Prohibited marriages; exceptions

1. Marriage out of State to evade law. When residents of this State, with intent to evade this section and to return and reside here, go into another state or country to have their marriage solemnized there and afterwards return and reside here, that marriage is void in this State.

1-A. Certain marriages performed in another state not recognized in this State. Any marriage performed in another state that would violate any provisions of subsections 2 to 4 if performed in this State is not recognized in this State and is considered void if the parties take up residence in this State.

§753. Action to void marriage

If, after a marriage has been solemnized, the State Registrar of Vital Statistics determines that the parties are not eligible to be married because the age or other requirements provided in this chapter are not satisfied, the state registrar may file an action in District Court to void the marriage.

MARYLAND

[Maryland Statutes, Family Law, Title 2 Marriage](#)

Section 2-301 - Marriage of Individual 16 or 17 Years Old; Marriage of Individual Under the Age of 16 Years

(a) An individual 16 or 17 years old may not marry unless:

(1) the individual has the consent of a parent or guardian and the parent or guardian swears that the individual is at least 16 years old; or

(2) if the individual does not have the consent of a parent or guardian, either party to be married gives the clerk a certificate from a licensed physician, licensed physician assistant, or certified nurse practitioner stating that the physician, physician assistant, or nurse practitioner has examined the woman to be married and has found that she is pregnant or has given birth to a child.

(b) An individual 15 years old may not marry unless:

(1) the individual has the consent of a parent or guardian; and

(2) either party to be married gives the clerk a certificate from a licensed physician, licensed physician assistant, or certified nurse practitioner stating that the physician, physician assistant, or nurse practitioner has examined the woman to be married and has found that she is pregnant or has given birth to a child.

(c) An individual under the age of 15 may not marry.

Section 2-302 - Penalties

A person who violates any provision of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$250.

Section 2-407 - False Statements

(a) An individual may not knowingly make any material false statement to obtain or to help another individual to obtain a license or marriage ceremony in violation of this title or of any order of court under § 2-405 of this subtitle.

(b) An individual who violates the provisions of this section is guilty of perjury.

MASSACHUSETTS

Massachusetts General Laws, Part II, Title III Domestic Relations

Section 7 - Marriage of Minors Prohibited; Exception

A magistrate or minister shall not solemnize a marriage if he has reasonable cause to believe that a party to the intended marriage is under eighteen unless the provisions of sections twenty-four and twenty-five have been satisfied.

Section 16 - Issue of Marriage Void by Reason of Nonage or Insanity

The issue of a marriage declared void by reason of nonage, insanity or idiocy of either party shall be the legitimate issue of the parent who was capable of contracting the marriage.

Section 24 - Intention of Marriage; Nonage Minors; Receiving of Notice Prohibited

The clerk or registrar shall not, except as provided in the following section, receive a notice of the intention of marriage of a person under eighteen.

Section 25 - Nonage Minors; Authorization of Marriage

The probate court for the county where, or a district court within the judicial district of which, a minor under the age specified in the preceding section resides may, after hearing, make an order allowing the marriage of such minor, if the parents or surviving parent of such minor, or, if only one such parent resides in the commonwealth, that parent, or, if neither such parent is alive and resident thereof, or if the parent or parents qualified as aforesaid to consent are disqualified as hereinafter provided, a legal guardian with custody of the person of such minor has consented to such order. If a parent has deserted his family, or if found to be incapacitated by reason of mental illness and incapable of consent, or if found unfit under the provisions of section five of chapter two hundred and one to have custody of such minor, it shall not be necessary to obtain his consent to such order. If a parent whose consent would be required if living in the commonwealth lives outside thereof and the address of such parent is known, such notice of the proceedings shall be given him as the probate or district court may order. Said court may also after hearing make such order in the case of a person whose age is alleged to exceed that specified in the preceding section, but who is unable to produce an official record of birth, whereby the reasonable doubt of the clerk or registrar, as exercised under section thirty-five, may be removed. Upon receipt of a certified copy of such order by the clerk or registrar of the town where such minor resides, he shall receive the notice required by law and issue a certificate as in other cases.

Section 33a - Intention of Marriage; Proof of Age

If it appears from the statements made in the written notice of intention of marriage that a party to such intended marriage is under eighteen, the clerk or registrar shall not, except as required under section twenty-five, issue a certificate under section twenty-eight before receiving proof of the age of the parties. Such proof shall be contained in any of the following documents, graded and taking precedence in the order named: (1) an original or certified copy of a record of birth; (2) an original or certified copy of a baptismal record; (3) a passport; (4) a life insurance policy; (5) an employment certificate; (6) a school record; (7) an immigration record; (8) a naturalization record; or (9) a court record. Documentary evidence of a lower grade as aforesaid shall not be received by the clerk or registrar unless he is satisfied that evidence of a higher grade is not readily procurable. If no such documentary proof of age is procurable, the consent of the parent shall be sufficient. If the clerk or

registrar has reasonable cause to believe that a party to an intended marriage represented to be eighteen or over, is under such age, he shall, before issuing such certificate, require documentary proof of age as aforesaid.

Section 34 - Minors Residing in Different Towns; Duplicate Copies of Notice of Intention of Marriage; Fees

If it is necessary to give notice in two towns of the intention of marriage of a minor, the clerk or registrar who first takes the consent of the parent or guardian shall take it in duplicate, retaining one copy and delivering the other duly attested by him to the person obtaining the certificate, to be given to the clerk or registrar issuing the second certificate; and no fee shall be charged for such consent or copy.

Section 51 - Violation of Certain Provisions of This Chapter; Penalty

Violations of any provision of section seven, twenty-six or thirty-four, shall, upon complaint made within one year thereafter, be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both.

Section 53 - Certificate of Intention of Marriage; Issuance to Nonage Persons; Penalty

A clerk or registrar issuing a certificate of intention of marriage contrary to section thirty-three shall forfeit not more than one hundred dollars.

MICHIGAN

[Michigan Compiled Laws, Chapter 551 Marriage](#)

Act 352 of 1921 - Marriage of Person Under Sixteen (551.51 - 551.51)

AN ACT to prohibit the marriage of a person under 16 years of age and to declare the marriage void. Section 551.51 - Age of Consent; Effect of Act on Powers of Probate Judge.

Sec. 1.

A marriage in this state shall not be contracted by a person who is under 16 years of age, and the marriage, if entered into, shall be void. This act shall not prohibit probate judges from exercising their powers to perform marriages as provided by Act No. 180 of the Public Acts of 1897, being sections 551.201 to 551.204 of the Michigan Compiled Laws.

Act 128 of 1887 - Marriage License (551.101 - 551.111)

Section 551.103 - Persons Capable of Contracting Marriage; Age Requirement; Proof of Age; Filling Out License; Written Consent; Compliance; Filing Consent; Signing, Certification, and Copy of License; Fee; Allocation for Family Counseling Services; Return and Disposition of Unexpended Funds; Waiver of Fee; Additional Fee for Nonresidents; Delivery of License and Certificate to Officiating Individual; Recording Information; Forwarding Licenses and Certificates to State Registrar; Imposition of Fee by Certain Charter Counties.

Sec. 3.

(1) A person who is 18 years of age or older may contract marriage. A person who is 16 years of age but is less than 18 years of age may contract marriage with the written consent of 1 of the parents of the person or the person's legal guardian, as provided in this section. As proof of age, the person who intends to be married, in addition to the statement of age in the application, when requested by the county clerk, shall submit a birth certificate or other proof of age. The county clerk on the application submitted shall fill out the blank spaces of the license according to the sworn answers of the applicant, taken before the county clerk, or some person duly authorized by law to administer oaths. If it appears

from the affidavit that either the applicant for a marriage license or the person whom he or she intends to marry is less than 18 years of age, the county clerk shall require that there first be produced the written consent of 1 of the parents of each of the persons who is less than 18 years of age or of the person's legal guardian, unless the person does not have a living parent or guardian. The consent shall be to the marriage and to the issuing of the license for which the application is submitted. The consent shall be given personally in the presence of the county clerk or be acknowledged before a notary public or other officer authorized to administer oaths. A license shall not be issued by the county clerk until the requirements of this section are complied with. The written consent shall be preserved on file in the office of the county clerk. If the parties are legally entitled to be married, the county clerk shall sign the license and certify the fact that it is properly issued, and the clerk shall make a correct copy of the license in the books of registration.

[...]

Section 551.105 - County Clerk; Violation of Act, Misdemeanor, Penalty.

Sec. 5.

Any county clerk who shall refuse to give a license to persons properly applying and legally entitled to be married, or who shall violate any of the provisions of this act, shall be adjudged guilty of a misdemeanor, and shall be punished by a fine of not less than 25 dollars or more than 100 dollars, or in default of payment thereof, by imprisonment in the county jail for a term of 30 days.

Section 551.106 Person officiating at marriage; violation of act, misdemeanor, penalty.

Sec. 6.

Any clergyman or magistrate who shall join together in marriage parties who have not delivered to him a properly issued license, as provided for in this act, or who shall violate any of the provisions of this act, shall be adjudged guilty of a misdemeanor, and shall be punished by a fine of 100 dollars, or in default of payment thereof, by imprisonment in the county jail for a term of 90 days.

Act 160 of 1919 - Legal Status of Married Minors (551.251 - 551.251)

AN ACT to release legally married minors from parental control and to determine their marital rights and duties.

Section 551.251 - Legal Marriage of Minor; Parental and Marital Rights and Duties; Guardian Ad Litem.

Sec. 1.

Hereafter the legal marriage of a minor shall release such minor from parental control; and the husband or wife of a minor, so released, shall be entitled to the same rights, benefits and privileges, and such minor shall be subject to the same duties, liabilities and responsibilities, as such husband or wife, as if such minor husband or wife were of legal age at the time of such marriage.

Hereafter it shall be unnecessary in any divorce suit commenced by or against a legally married minor to have a next friend or guardian ad litem appointed for such minor unless the circuit judge shall require it; and such minor shall be entitled to prosecute or defend any such action in the same manner and with the same effect as if he or she were of legal age.

MINNESOTA

[Minnesota Statutes, Chapters 517-519A Domestic Relations](#)

Section 517.02 — Persons Capable Of Contracting.

A person who has attained the full age of 18 years is capable in law of contracting into a civil marriage, if otherwise competent.

Section 517.03 — Prohibited Civil Marriages.

Subdivision 1. General. (a) The following civil marriages are prohibited:

[...]

(4) a civil marriage entered into between persons when both have not attained the full age of 18 years.

(b) A civil marriage prohibited under paragraph (a), clause (4), that is recognized by another state or foreign jurisdiction under common law or statute, is void and against the public policy of this state unless neither party was a resident of this state at the time the marriage was entered into.

Section 517.08 — Application For License.

[...]

Subd. 1d. Proof of age. For purposes of this section, proof of the age of a party may be established in the form of:

(1) an original or certified copy of a birth certificate or birth record;

(2) a driver's license or other identification card issued by a government entity or school; or

(3) a school record, immigration record, naturalization record, court record, or other document or record issued by a government entity that contains the date of birth of a party.

[...]

Section 517.14 — Illegal Civil Marriage; False Certificate; Penalty.

A person authorized by law to solemnize civil marriages who knowingly solemnizes a civil marriage contrary to the provisions of this chapter, or knowing of any legal impediment to the proposed civil marriage, or who willfully makes a false certificate of any civil marriage or pretended civil marriage is guilty of a misdemeanor.

MISSISSIPPI

[Mississippi Code, Title 93, Chapter 1 Marriage](#)

§ 93-1-5. Conditions precedent to issuance of license; penalty for noncompliance

1. Every male who is at least seventeen (17) years old and every female who is at least fifteen (15) years old shall be capable in law of contracting marriage. However, males and females under the age twenty-one (21) years must furnish the circuit clerk satisfactory evidence of consent to the marriage by the parents or guardians of the parties. It shall be unlawful for the circuit court clerk to issue a marriage license until the following conditions precedent have been complied with:

a. Application for the license is to be made in writing to the clerk of the circuit court of any county in the State of Mississippi. The application shall be sworn to by both applicants and shall include:

i. The names, ages and addresses of the parties applying;

ii. The names and addresses of the parents of the applicants, and, for applicants under the age of twenty-one (21), if no parents, then names and addresses of the guardian or next of kin;

iii. The signatures of witnesses; and

iv. Any other data that may be required by law or the State Board of Health.

b. Proof of age shall be presented to the circuit court clerk in the form of either a birth certificate, baptismal record, armed service discharge, armed service identification card, life insurance policy, insurance certificate, school record, driver's license, or other official document evidencing age. The document substantiating age and date of birth shall be examined by the circuit court clerk before whom

application is made, and the circuit court clerk shall retain in his file with the application the document or a certified or photostatic copy of the document.

c. Applicants under the age of twenty-one (21) must submit affidavits showing the age of both applying parties made by either the father, mother, guardian or next of kin of each of the contracting parties and filed with the clerk of the circuit court along with the application.

d. If the male applicant is under seventeen (17) years of age or the female is under fifteen (15) years of age, and satisfactory proof is furnished to the judge of any circuit, chancery or county court that sufficient reasons exist and that the parties desire to be married to each other and that the parents or other person in loco parentis of the person or persons so under age consent to the marriage, then the judge of any such court in the county where either of the parties resides may waive the minimum age requirement and by written instrument authorize the clerk of the court to issue the marriage license to the parties if they are otherwise qualified by law. Authorization shall be a part of the confidential files of the clerk of the court, subject to inspection only by written permission of the judge.

[...]

2. Any circuit clerk shall be liable under his official bond because of noncompliance with the provisions of this section.

3. Any circuit court clerk who issues a marriage license without complying with the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00).

§ 93-19-11. Married minor not under disability for purpose of action involving marital rights

A married minor shall not be under the disability of minority for the purpose of bringing or defending a suit for divorce, separate maintenance and support, temporary maintenance or support, custody of children or any other action involving marital rights as between the parties, and any married minor may file or defend such a suit in his own name without the necessity of being represented by a next friend or guardian ad litem, and be considered adult for the purposes of such a suit.

MISSOURI

[Revisor of Missouri, Chapter 451 Marriage, Marriage Contracts, and Rights of Married Women](#)

451.040. Marriage license required, waiting period — presence not required, when — application, contents — license void when — common law of marriages void — lack of authority to perform marriage, effect — online applications, procedure. —

1. Previous to any marriage in this state, a license for that purpose shall be obtained from the officer authorized to issue the same [...]

The recorder of deeds shall not accept applications for or issue marriage licenses through the process provided in this subsection unless both applicants are at least eighteen years of age and at least one of the applicants is a resident of the county or city not within a county in which the application was submitted.

451.090. Issuance of license prohibited, when — parental consent, when required — proof of age. —

1. No recorder shall issue a license authorizing the marriage of any male or female under sixteen years of age nor shall a license be issued authorizing the marriage of any male or female twenty-one years of age or older to a male or female under eighteen years of age.

2. No recorder shall issue a license authorizing the marriage of any male or female under the age of eighteen years, except with the consent of his or her custodial parent or guardian, which consent shall

be given at the time, in writing, stating the residence of the person giving such consent, signed and sworn to before an officer authorized to administer oaths.

3. The recorder shall state in every license whether the parties applying for same, one or either or both of them, are of age, or whether the male is under the age of eighteen years or the female under the age of eighteen years, and if the male is under the age of eighteen years or the female is under the age of eighteen years, the name of the custodial parent or guardian consenting to such marriage. Applicants shall provide proof of age to the recorder in the form of a certified copy of the applicant's birth certificate, passport, or other government-issued identification, which shall then be documented by the recorder.

451.115. Marriages illegally solemnized — penalty. —

Every person who shall solemnize any marriage, having knowledge of any fact which renders such marriage unlawful or criminal in either of the parties under any law of this state, or, having knowledge or reasonable cause to believe that either of the parties shall be under the age of legal consent, or is prohibited by section 451.020 from entering into such marriage, or where to his knowledge, any other legal impediment exists to such marriage, and every person not authorized by law to solemnize marriages who shall falsely represent that he is so authorized, and who, by any pretended marriage ceremony which he may perform, shall deceive any innocent person or persons into the belief that they have been legally married, shall, on conviction, be adjudged guilty of a class C misdemeanor.

MONTANA

[Montana Code Annotated, Title 40, Chapter 1 Marriage](#)

40-1-202. License issuance.

[...]

(1) satisfactory proof that each party to the marriage will have attained 18 years of age at the time the marriage license is effective or will have attained 16 years of age and has obtained judicial approval as provided in 40-1-213; and [...]

40-1-203. Proof of age.

Before a person authorized by law to issue marriage licenses may issue a marriage license, each applicant for a license shall provide a birth certificate or other satisfactory evidence of age and, if the applicant is a minor, the approval required by 40-1-213.

40-1-213. Judicial approval.

(1) The district court may order the clerk of the district court to issue a marriage license and a marriage certificate form to a party 16 or 17 years of age who has no parent capable of consenting to the party's marriage or has the consent of both parents or of the parent having the actual care, parenting authority, and control to the party's marriage, if capable of giving consent, or of the party's guardian. The court must require both parties to participate in a period of marriage counseling involving at least two separate counseling sessions not less than 10 days apart with a designated counselor as a condition of the order for issuance of a marriage license and a marriage certificate form under this section.

(2) A marriage license and a marriage certificate form may be issued under this section only if the court finds that the underaged party is capable of assuming the responsibilities of marriage and the marriage will serve the party's best interests. Pregnancy alone does not establish that the best interests of the party will be served.

(3) The district court shall authorize performance of a marriage by proxy upon the showing required by the provisions on solemnization.

40-1-402. Declaration of invalidity.

(1) The district court shall enter its decree declaring the invalidity of a marriage entered into under the following circumstances:

[...]

(c) a party was under 16 years of age or was 16 or 17 years of age and did not have the consent of the party's parents or guardian or judicial approval; or

[...]

NEBRASKA

[Nebraska Revised Statutes, Chapter 42 Households and Families](#)

42-102. Minimum age; affliction with venereal disease, disqualification.

At the time of the marriage the male must be of the age of seventeen years or upward, and the female of the age of seventeen years or upward. [...]

42-105. Marriage of minor; conditions upon which a license may be issued.

When either party is a minor, no license shall be granted without the written consent under oath of:

(1) Either one of the parents of such minor, if the parents are living together;

(2) the parent having the legal custody of such minor, if the parents are living separate and apart from each other;

(3) the surviving parent, if one of the parents of such minor is deceased; or

(4) the guardian, conservator, or person under whose care and government such minor may be, if both parents of such minor are deceased or if such guardian, conservator, or person has the legal and actual custody of such minor.

The county clerk shall be justified in issuing the license, without further proof, upon receiving an affidavit setting forth the facts with reference to the conditions above specified and giving consent to the marriage, signed by the person authorized to give written consent under such circumstances.

42-107. License; issuance prohibited, when.

If the required proof is not given, if it shall appear that either of the parties is legally incompetent to enter into such contract or that there is any impediment in the way, or if either party is a minor and the consent mentioned in section 42-105 shall not be given, the county clerk shall refuse to grant a license.

42-113. Violations; penalty.

If any justice, minister, or other person whose duty it is to make and transmit to the county clerk such certificate shall neglect to make and deliver the same; if the county clerk shall neglect to record such certificate; if any person shall undertake to join others in marriage, knowing that he or she is not legally authorized so to do or knowing of any legal impediment to the proposed marriage; if any person authorized to solemnize any marriage shall willfully and knowingly make a false certificate of any marriage to the county clerk; or if the county clerk shall willfully and knowingly make a false record of any certificate of marriage, he or she shall be guilty of a Class I misdemeanor.

42-118. Marriages; when voidable.

In case of a marriage solemnized when either of the parties is under the age of legal consent, if they shall separate during such nonage, and not cohabit together afterwards, or in case the consent of one of the parties was obtained by force or fraud, and there shall have been no subsequently voluntary cohabitation of the parties, the marriage shall be deemed voidable.

NEVADA

[Nevada Revised Statutes, Title 11, Chapter 122 Marriage](#)

122.020 Persons capable of marriage.

1. Except as otherwise provided in subsection 2 and NRS 122.025, two persons, regardless of gender, who are at least 18 years of age, not nearer of kin than second cousins or cousins of the half blood, and not having a spouse living, may be joined in marriage. [...]

122.025 Marriage of minor who is 17 years of age: Consent of parent or guardian; authorization by court.

1. A minor who is 17 years of age may marry only if the minor has the consent of:
- (a) Either parent; or
 - (b) The minor's legal guardian,

and the minor also obtains authorization from a district court as provided in this section.

2. In extraordinary circumstances, a district court may authorize the marriage of a minor who is 17 years of age if the court finds, by clear and convincing evidence, after an evidentiary hearing in which both parties to the prospective marriage provide sworn testimony, that:

- (a) Both parties to the prospective marriage are residents of this State;
- (b) The marriage will serve the best interests of the minor; and
- (c) The minor has the consent required by paragraph (a) or (b) of subsection 1.

Pregnancy alone does not establish that the best interests of the minor will be served by marriage, nor may pregnancy be required by a court as a condition necessary for its authorization for the marriage of the minor.

3. In determining the best interests of the minor for the purposes of subsection 2, the court shall consider, without limitation:

- (a) The difference in age between the parties to the prospective marriage;
- (b) The need for the marriage to occur before the minor reaches 18 years of age; and
- (c) The emotional and intellectual maturity of the minor.

122.040 Marriage license: Requirements; issuance by county clerk; waiver of certain requirements; name after marriage; public records; expiration.

1. Except as otherwise provided in NRS 122.0615, before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State. [...]

2. Except as otherwise provided in this section, before issuing a marriage license, the county clerk shall require each applicant to provide proof of the applicant's name and age. The county clerk may accept as proof of the applicant's name and age an original or certified copy of any of the following:

[...]

(f) Any other document that provides the applicant's name and age. If the applicant clearly appears over the age of 25 years, no documentation of proof of age is required.

[...]

122.200 False statement to procure marriage license.

Any person who shall make a false statement in procuring a marriage license with reference to any matter required by NRS 122.040 and 122.050 to be stated under oath shall be guilty of a gross misdemeanor.

NEW HAMPSHIRE

[New Hampshire Statutes, Title 5C Vital Records Administration](#) and [Title 457 Marriages](#)

5-C:42 Marriage License and Registration.

[...]

VIII. When both applicants for a marriage license are nonresidents of New Hampshire, both applicants shall be at least 18 years of age and, in accordance with RSA 457, there shall be no provision for an age waiver if both applicants and his or her parents are nonresidents of New Hampshire.

[...]

5-C:45 Marriage of Minors.

In accordance with RSA 457:4, a person may apply for a marriage license before reaching the age of consent, but the marriage license shall not be issued until both parties have reached the age of consent or age waivers have been obtained pursuant to RSA 457:6. All waivers due to age shall be obtained before the marriage and attached to the marriage application worksheet. If a waiver is not obtained, the clerk of the town or city or the division shall void the marriage certificate pursuant to RSA 457:4 and prepare and submit to the division the appropriate form to amend the vital record in accordance with RSA 5-C:85.

457:4 Marriageable.

No person below the age of 16 years shall be capable of contracting a valid marriage, and all marriages contracted by such persons shall be null and void.

457:5 Of Consent.

The age of consent shall be in the male and in the female, 18 years. Any marriage contracted by a person below the age of consent, except as hereinafter provided, may in the discretion of the superior court be annulled at the suit of the party who at the time of contracting such marriage was below the age of consent, or at the suit of his or her parent or guardian, unless such party after arriving at such age shall have confirmed the marriage.

457:6 Petition by Party Under Age.

I. If the marriage of a person resident in this state, or the marriage of a person who is a nonresident in this state who applies for permission to marry a resident in this state, either person being below the age of consent and above the ages specified in RSA 457:4, is desired, the parties desiring to contract such marriage, with the parent or guardian having the custody of such party below such age, if there be such parent or guardian, may apply in writing to the judicial branch family division having jurisdiction in the location in which one of them resides, for permission to contract such marriage.

II. The petition shall indicate whether, to the knowledge of the petitioner, the department of health and human services, bureau of child protection services has contacted or been involved with the family of the person under the age of consent.

III. As part of the decision making process, the court may conduct an in camera interview of each person under the age of consent, without that person's parent or guardian or the other party to the marriage present.

IV. Permission to contract such marriage shall be granted only upon clear and convincing evidence that the marriage is in the best interest of the person or persons below the age of consent.

V. No permission shall be granted to persons below the age of consent if both parties are nonresidents.

457:7 Granting of Permission.

I. Such justice or judge shall at once hear the parties, and, if satisfied that it has been shown by clear and convincing evidence that the marriage is in the best interest of the person or persons below the age of consent, shall grant permission therefor, which shall be filed with the court and shall be reported to the division of vital records. The division shall note the fact of the granting of such permission upon the certificate and upon all copies thereof which are by law required to be kept.

II. In no circumstance shall a justice or judge grant permission to marry under this section if sexual contact or sexual penetration between the parties would, but for the solemnization of the proposed marriage, constitute sexual assault, felonious sexual assault, or aggravated felonious sexual assault under RSA 632-A.

457:8 Prohibitions.

No town clerk shall issue any certificate for the marriage of any person below the age of consent, and no magistrate or minister of religion shall solemnize the marriage of any such person, if such clerk, magistrate or minister knows or has reasonable cause to believe that such person is below such age, unless permission for such marriage has been given under this subdivision. No magistrate or minister of religion shall solemnize any marriage by proxy.

457:9 Penalty.

Any person violating any of the provisions of RSA 457:8, or any person knowingly making any false statement as to the age of any person, with intent to induce any clerk to issue a certificate for the marriage of any person below the age of consent, or to induce any magistrate or minister of religion to solemnize the marriage of any such person, shall be guilty of a misdemeanor.

457:23 Requirements.

I. No marriage license shall be issued by any town or city clerk until the applicants have each provided for inspection the following documents:

(a) Proof of age;

[...]

NEW JERSEY

[New Jersey Statutes, Title 37 Marriages and Married Persons](#)

37:1-6. Prohibition of issuance of marriage, civil union license to minor.

A marriage or civil union license shall not be issued to a minor under the age of 18 years.

37:1-11. Illegal issuance of license a disorderly persons offense.

Any licensing officer who issues a marriage or civil union license except as provided in this chapter shall be guilty of a disorderly persons offense.

37:1-18. Penalty for false certificate.

Any person, religious society, institution or organization authorized to solemnize marriages or civil unions, who makes any false certificate of marriage or civil union, shall be liable to a penalty of \$100.00.

37:1-30. Criteria for establishment of civil union.

3. For two persons to establish a civil union in this State, it shall be necessary that they satisfy all of the following criteria:

[...]

c. Be at least 18 years of age.

37:1-34. Validity of civil unions entered into in foreign jurisdictions.

95. A civil union relationship entered into outside of this State, which is valid under the laws of the jurisdiction under which the civil union relationship was created, shall be valid in this State.

37:2-30. Minor spouses; authority to join adult spouse in transfer of realty

Any deed of conveyance or mortgage executed and acknowledged by an adult married person in conjunction with his or her minor spouse, if 17 years of age or older, conveying or mortgaging his or her, or their real estate, shall be valid and effectual notwithstanding the minority of such minor spouse at the time of such execution and acknowledgment, and any such deed or mortgage made shall be valid as if such minor spouse had at the time been of lawful age, and such minor spouse shall be liable on a bond or other obligation executed in connection with any such mortgage to the same extent as if such minor at the time of execution had been of full age, and any such bond or other obligation executed by any minor spouse shall be valid to the same extent.

NEW MEXICO

[New Mexico Statutes, Chapter 4, Article 1 Marriage in General](#)

40-1-6. Restrictions on marriage of minors.

A. The county clerk shall not issue a marriage license to an unemancipated person sixteen or seventeen years of age, and no person authorized by the laws of this state to solemnize marriages shall knowingly unite in marriage any person sixteen or seventeen years of age, unless the minor first receives the written consent of each of the minor's living parents as shown on the minor's certificate of birth, or the district court has authorized the marriage of such person upon request of a parent or legal guardian of the person for good cause shown, and a certified copy of the judicial authorization is filed with the county clerk.

B. The county clerk shall not issue a marriage license to any person under sixteen years of age, and no person authorized by the laws of this state to solemnize marriages shall knowingly unite in marriage any person under sixteen years of age, unless the children's or family court division of the district court has first authorized the marriage of the person upon request of a parent or legal guardian of the person in settlement of proceedings to compel support and establish parentage, or where an applicant for the marriage license is pregnant, and a certified copy of the judicial authorization is filed with the county clerk.

40-1-9. Prohibited marriages.

No marriage between relatives within the prohibited degrees or between or with persons under the prohibited ages shall be declared void except by a decree of the district court upon proper proceedings. A cause of action may be instituted by the minor, by next friend, by either parent or legal guardian of

the minor or by the district attorney. In the case of minors, no party to the marriage who may be over the prohibited age shall be allowed to apply for or obtain a decree of the court declaring the marriage void; but the minor may do so, and the court may, in its discretion, grant alimony until the minor becomes of age or remarries. If the parties should live together until they arrive at the age under which marriage is permitted by statute, then the marriage shall be deemed legal and binding.

40-1-19. Offenses; penalties.

A. For failure to perform the county clerk's responsibilities and duties pursuant to Chapter 40, Article 1 NMSA 1978, a county clerk is responsible on the county clerk's official bond for damages suffered by the injured party.

B. A person who performs the marriage ceremony or certifies a marriage to the county clerk, who neglects or fails to comply with the provisions of Chapter 40, Article 1 NMSA 1978 and any person who willfully violates the law by deceiving or attempting to deceive or mislead any officer or person in order to obtain a marriage license or to be married contrary to law is upon conviction guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.

NEW YORK

[Consolidated Laws of New York, Chapter 14, Article 2 Marriages](#)

§ 7. Voidable marriages.

A marriage is void from the time its nullity is declared by a court of competent jurisdiction if either party thereto:

1. Is under the age of legal consent, which is eighteen years;
[...]

§ 15. Duty of town and city clerks.

1. (a) It shall be the duty of the town or city clerk when an application for a marriage license is made to him or her to require each of the contracting parties to sign and verify a statement or affidavit before such clerk or one of his or her deputies, containing the following information. [...]

Both parties shall also be required to present to the clerk documentary proof of age in the form of an original or certified copy of a birth record, a certification of birth issued by the state department of health, a local registrar of vital statistics or other public officer charged with similar duties by the laws of any other state, territory or country, a baptismal record, a passport, an automobile driver's license, any government or school issued identification card that contains a photograph of the applicant, a life insurance policy, an employment certificate, a school record, an immigration record, a naturalization record, a court record or any other document or record issued by a governmental entity, showing the date of birth of such parties. [...]

The town or city clerk is hereby given full power and authority to administer oaths and may require the applicants to produce witnesses to identify them or either of them and may examine under oath or otherwise other witnesses as to any material inquiry pertaining to the issuing of the license [...]

§ 15-a. Marriages of minors under eighteen years of age.

Any marriage in which either party is under the age of eighteen years is hereby prohibited. Any town or city clerk who shall knowingly issue a marriage license to any persons, one or both of whom shall be at the time of their contemplated marriage actually under the age of eighteen years, shall be guilty of a misdemeanor and on conviction thereof shall be fined in the sum of one hundred dollars.

§ 16. False statements and affidavits.

Any person who shall in any affidavit or statement required or provided for in this article willfully and falsely swear in regard to any material fact as to the competency of any person for whose marriage the license in question or concerning the procuring or issuing of which such affidavit or statement may be made shall be deemed guilty of perjury and on conviction thereof shall be punished as provided by the statutes of this state.

§ 22. Penalty for violation.

Any town or city clerk who shall violate any of the provisions of this article or shall fail to comply therewith shall be deemed guilty of a misdemeanor and shall pay a fine not exceeding the sum of one hundred dollars on conviction thereof.

NORTH CAROLINA

[North Carolina General Statutes, Chapter 51 Marriage](#)

§ 51-2. Lawful age to marry.

(a) All unmarried persons of 18 years, or older, may lawfully marry.

(a1) Persons over 16 years of age and under 18 years of age may marry a person no more than four years older, and the register of deeds may issue a license for the marriage, only after there has been filed with the register of deeds a certified copy of an order issued by a district court authorizing the marriage as provided in G.S. 51-2.1, or a written consent to the marriage, said consent having been signed by the appropriate person as follows:

(1) By a parent having full or joint legal custody of the underage party; or

(2) By a person, agency, or institution having legal custody or serving as a guardian of the underage party.

Such written consent shall not be required for an emancipated minor if a certificate of emancipation issued pursuant to Article 35 of Chapter 7B of the General Statutes or a certified copy of a final decree or certificate of emancipation from this or any other jurisdiction is filed with the register of deeds.

§ 51-2.1. Marriage of certain underage parties.

(a) A district court judge may issue an order authorizing a marriage between a person over 16 years of age and under 18 years of age, to a person no more than four years older under this section only upon finding as fact and concluding as a matter of law that the underage party is capable of assuming the responsibilities of marriage and the marriage will serve the best interest of the underage party. In determining whether the marriage will serve the best interest of an underage party, the district court shall consider the following:

(1) The opinion of the parents of the underage party as to whether the marriage serves the best interest of the underage party.

(2) The opinion of any person, agency, or institution having legal custody or serving as a guardian of the underage party as to whether the marriage serves the best interest of the underage party.

(3) The opinion of the guardian ad litem appointed to represent the best interest of the underage party pursuant to G.S. 51-2.1(b) as to whether the marriage serves the best interest of the underage party.

(4) The relationship between the underage party and the parents of the underage party, as well as the relationship between the underage party and any person having legal custody or serving as a guardian of the underage party.

(5) Any evidence that it would find useful in making its determination.

There shall be a rebuttable presumption that the marriage will not serve the best interest of the

underage party when all living parents of the underage party oppose the marriage. The fact that the female is pregnant, or has given birth to a child, alone does not establish that the best interest of the underage party will be served by the marriage.

(b) An underage party seeking an order granting judicial authorization to marry pursuant to this section shall file a civil action in the district court requesting judicial authorization to marry. The clerk shall collect court costs from the underage party in the amount set forth in G.S. 7A-305 for civil actions in district court. Upon the filing of the complaint, summons shall be issued in accordance with G.S. 1A-1, Rule 4, and the underage party shall be appointed a guardian ad litem in accordance with the provisions of G.S. 1A-1, Rule 17. The guardian ad litem appointed shall be an attorney and shall be governed by the provisions of subsection (d) of this section. The underage party shall serve a copy of the summons and complaint, in accordance with G.S. 1A-1, Rule 4, on the father of the underage party; the mother of the underage party; and any person, agency, or institution having legal custody or serving as a guardian of the underage party. The underage party also shall serve a copy of the complaint, either in accordance with G.S. 1A-1, Rule 4, or G.S. 1A-1, Rule 5, on the guardian ad litem appointed pursuant to this section. A party responding to the underage party's complaint shall serve his response within 30 days after service of the summons and complaint upon that person. The underage party may participate in the proceedings before the court on his or her own behalf. At the hearing conducted pursuant to this section, the court shall consider evidence, as provided in subsection (a) of this section, and shall make written findings of fact and conclusions of law.

(c) Any party to a proceeding under this section may be represented by counsel, but no party is entitled to appointed counsel, except as provided in this section.

(d) The guardian ad litem appointed pursuant to subsection (b) of this section shall represent the best interest of the underage party in all proceedings under this section and also has standing to institute an action under G.S. 51-2(c). The appointment shall terminate when the last judicial ruling rendering the authorization granted or denied is entered. Payment of the guardian ad litem shall be governed by G.S. 7A-451(f). The guardian ad litem shall make an investigation to determine the facts, the needs of the underage party, the available resources within the family and community to meet those needs, the impact of the marriage on the underage party, and the ability of the underage party to assume the responsibilities of marriage; facilitate, when appropriate, the settlement of disputed issues; offer evidence and examine witnesses at the hearing; and protect and promote the best interest of the underage party. In fulfilling the guardian ad litem's duties, the guardian ad litem shall assess and consider the emotional development, maturity, intellect, and understanding of the underage party. The guardian ad litem has the authority to obtain any information or reports, whether or not confidential, that the guardian ad litem deems relevant to the case. No privilege other than attorney-client privilege may be invoked to prevent the guardian ad litem and the court from obtaining such information. The confidentiality of the information or reports shall be respected by the guardian ad litem, and no disclosure of any information or reports shall be made to anyone except by order of the court or unless otherwise provided by law.

(e) If the last judicial ruling in this proceeding denies the underage party judicial authorization to marry, the underage party shall not seek the authorization of any court again under this section until after one year from the date of the entry of the last judicial ruling rendering the authorization denied.

(f) Except as otherwise provided in this section, the rules of evidence in civil cases shall apply to proceedings under this section. All hearings pursuant to this section shall be recorded by stenographic notes or by electronic or mechanical means. Notwithstanding any other provision of law, no appeal of right lies from an order or judgment entered pursuant to this section.

§ 51-3. Want of capacity; void and voidable marriages.

All marriages between any two persons nearer of kin than first cousins, or between double first cousins, or between a male person under 16 years of age and any female, or between a female person under 16 years of age and any male, [...], shall be void.

A marriage contracted under a representation and belief that the female partner to the marriage is pregnant, followed by the separation of the parties within 45 days of the marriage which separation has been continuous for a period of one year, shall be voidable unless a child shall have been born to the parties within 10 lunar months of the date of separation.

§ 51-17. Penalty for issuing license unlawfully.

Every register of deeds who knowingly or without reasonable inquiry, personally or by deputy, issues a license for the marriage of any two persons to which there is any lawful impediment, or where either of the persons is under the age of 18 years, without the consent required by law, shall forfeit and pay two hundred dollars (\$200.00) to any parent, guardian, or other person standing in loco parentis, who sues for the same:

Provided, that requiring a party to a proposed marriage to present a certified copy of his or her birth certificate, or a certified copy of his or her birth record in the form of a birth registration card as provided in G.S. 130-102, in accordance with the provisions of G.S. 51-8, shall be considered a reasonable inquiry into the matter of the age of such party.

NORTH DAKOTA

[North Dakota Century Code, Title 14, Chapter 14-03 Marriage Contract](#)

14-03-02. Lawful age for marriage.

Any unmarried person of the age of eighteen years or more, and not otherwise disqualified, is capable of consenting to and consummating a marriage. If a person is sixteen to eighteen years of age, a marriage license may not be issued without the consent of the parents or guardian, if there are any. A marriage license may not be issued to any person below the age of sixteen, notwithstanding the consent of the parents or guardian of said person.

14-03-17. Application for license.

1. When application is made to a recorder, unless the board of county commissioners designates a different official, for a marriage license, the recorder, or designated official, shall inquire of the applicant concerning the legality of the contemplated marriage. The recorder, or designated official, may examine other witnesses. The facts concerning the legality of the marriage may be submitted to the recorder, or designated official, by affidavit. The recorder, or designated official, also shall require each applicant to submit the following facts upon blanks provided by the county, together with documentary evidence of age:

a. An affidavit by each of the applicants showing that each is over the age of eighteen years. In addition, each applicant shall exhibit to the recorder, or designated official, a birth certificate or other satisfactory evidence of age. If either applicant is under the age of eighteen years, the recorder, or designated official, shall require the written consent of:

- (1) Either parent of the minor applicant, if the parents are living together;
- (2) The parent having the legal custody of the minor applicant, if the parents are not living together;
- (3) The surviving parent, if one of the parents of the minor applicant is deceased; or
- (4) The guardian, or person under whose care and government the minor applicant is, if both parents of the minor applicant are deceased, or if a person other than a parent has legal and actual custody of the minor applicant.

[...]

2. [...] Anyone knowingly swearing falsely to the statements contained in any affidavit mentioned in this section is subject to the penalty provided in section 14-03-28. [...]

14-03-28. Penalty.

Unless otherwise provided, any person violating any of the provisions of this chapter is guilty of a class A misdemeanor.

OHIO

[Ohio Revised Code, Chapter 3101 Marriage](#)

Section 3101.01 Persons Who May Be Joined in Marriage - Minor to Obtain Consent.

(A) Except as provided in section 3101.02 of the Revised Code, only male persons of the age of eighteen years, and only female persons of the age of eighteen years, not nearer of kin than second cousins, and not having a husband or wife living, may be joined in marriage. A marriage may only be entered into by one man and one woman.

Section 3101.02 Condition of Consent by Juvenile Court for Persons Age Seventeen.

(A) If both persons to be joined in marriage are the age of seventeen years, they may be joined in marriage only if the juvenile court has filed a consent to the marriage under section 3101.04 of the Revised Code.

(B) If only one person is the age of seventeen years, that person may be joined in marriage only if both of the following apply:

- (1) The juvenile court has filed a consent to the marriage under section 3101.04 of the Revised Code.
- (2) The other person to be joined in marriage is not more than four years older.

Section 3101.04 Consent by Juvenile Court.

When the juvenile court files a consent to marriage pursuant to the juvenile rules, the probate court may issue a license not earlier than fourteen calendar days after the juvenile court files the consent, notwithstanding either or both the contracting parties for the marital relation are the age of seventeen years. The license shall not issue until section 3101.05 of the Revised Code has been complied with.

Section 3101.041 Determining Whether to File Consent.

In determining whether to file the consent under section 3101.04 of the Revised Code, the juvenile court shall do all of the following:

(A) Consult with any of the following for each party to the intended marriage who is seventeen years of age:

- (1) A parent;
- (2) A surviving parent;
- (3) A parent who is designated the residential parent and legal custodian by a court of competent jurisdiction;
- (4) A guardian;
- (5) Either of the following who has been awarded permanent custody by a court exercising juvenile jurisdiction:
 - (a) An adult person;
 - (b) The department of job and family services or any child welfare organization certified by the department.

(B) Appoint an attorney as guardian ad litem for each party to the intended marriage who is seventeen years of age ;

(C) Determine all of the following:

(1) Each party to the intended marriage who is seventeen years of age has entered the armed services of the United States, has become employed and self-subsisting, or has otherwise become independent from the care and control of the party's parent, guardian, or custodian.

(2) For each party to the intended marriage who is seventeen years of age, the decision of that party to marry is free from force or coercion.

(3) The intended marriage and the emancipation under section 3101.042 of the Revised Code is in the best interests of each party to the intended marriage who is seventeen years of age.

Section 3101.042 Order Specifying That Party Has the Capacity of an Eighteen-Year-Old Person.

When the juvenile court files a consent to marriage pursuant to the juvenile rules, the court shall also issue an order regarding each party to the marriage who is seventeen years of age. The court order shall specify that the party has the capacity of an eighteen-year-old person as described in section 3109.011 of the Revised Code

Section 3101.05 Application for Marriage License.

(A) The parties to a marriage shall make an application for a marriage license.

[...]

If either applicant is the age of seventeen years, the judge shall require the applicants to state that they received marriage counseling satisfactory to the court.

[...]

Each person seeking a marriage license shall present documentary proof of age in the form of any one of the following:

(1) A copy of a birth record;

(2) A birth certificate issued by the department of health, a local registrar of vital statistics, or other public office charged with similar duties by the laws of another state, territory, or country;

(3) A baptismal record showing the person's date of birth;

(4) A passport;

[...]

Section 3101.99 Penalty

(A) Whoever violates division (B) of section 3101.05 of the Revised Code is guilty of a violation of section 2921.13 of the Revised Code. Whoever violates any other provision of section 3101.05 of the Revised Code is guilty of a minor misdemeanor.

[Ohio Rules of Juvenile Procedure](#)

Rule 42. Consent to Marry

(A) Application for Juvenile Court consent.

(1) When two persons, both age seventeen, seek to be joined in marriage, both persons shall file an application under oath requesting that the juvenile court give consent and approbation in the probate court for such marriage.

(2) When a person age seventeen desires to be joined in marriage to an adult who is no more than four years older, the minor shall file an application under oath in the county where the minor resides requesting that the juvenile court consent and approbation in the probate court for such marriage.

(B) Application where both persons are age seventeen. The application required by division (A)(1) of this rule shall contain all of the following:

- (1) The name, address, and date of birth of the person seeking consent;
- (2) An affirmation that the person seeking consent is age seventeen;
- (3) The name and date of birth of the other person to be joined in marriage;
- (4) An affirmation that the other person to be joined in marriage is also seventeen.
- (5) An affirmation that the application is being filed in the juvenile court of the county where the he/she resides, and that a similar application has not been filed in a juvenile court of another county within the state;

(6) An affirmation that the applicant is one of the following:

- (a) A member of the armed services;
- (b) Employed and self-subsisting;
- (c) Independent from the care and control of his or her parent, guardian, or custodian.

(7) An affirmation that the applicant who is to marry is free from force or coercion;

(8) The name and address of a parent, legal guardian, or legal custodian of the person seeking consent with whom the juvenile court shall consult, and;

(9) The Court should find by clear and convincing evidence that the intended marriage and the emancipation is in the best interest of the applicant.

(C) Contents of application where only one person is age seventeen. The application required by division (A)(2) of this rule shall contain all of the following:

- (1) The name, address, and date of birth of the person seeking consent;
- (2) An affirmation that the person seeking consent is age seventeen;
- (3) The name and date of birth of the other person to be joined in marriage;
- (4) An affirmation that the other person to be joined in marriage is no more than four years older than the person seeking consent;
- (5) An affirmation that the application is being filed in the juvenile court of the county where he or she resides, and that a similar application has not been filed in a juvenile court of another county within the state;

(6) An affirmation that the applicant is one of the following:

- (a) A member of the armed services;
- (b) Employed and self-subsisting;
- (c) Independent from the care and control of his or her parent, guardian, or custodian.

(7) An affirmation that the applicant who is to marry is free from force or coercion;

(8) The name and address of a parent, legal guardian, or legal custodian of the person seeking consent with whom the juvenile court shall consult, and;

(9) The Court should find by clear and convincing evidence that the intended marriage and the emancipation is in the best interest of the applicant.

(D) The Court shall appoint an attorney as guardian ad litem for each party to the intended marriage who is seventeen years of age.

(E) Consultation. The court shall consult with the parent, legal guardian or legal custodian of each person age seventeen seeking consent, as well as the guardian ad litem appointed for each person age seventeen seeking consent. The purpose of this consultation is to determine if the intended marriage is in the best interests of each person age seventeen and whether each person age seventeen has the capacity of a person of the age of eighteen years or more as described in R.C. 3109.01.

(F) Notice. The court shall cause notice of the date and time of consultation to be given to the applicant, guardian ad litem, and parent, legal guardian, or legal custodian of each person age seventeen seeking consent. All proceedings shall be recorded.

(G) Judgment. The court shall grant the consent to marry if the court finds:

- (1) The information stated in the application is true;

- (2) The party to the intended marriage, who is seventeen, decision to marry is free from force or coercion;
- (3) Granting of the application is in the best interest of each person age seventeen seeking to be joined in marriage, and;
- (4) Each person age seventeen has the capacity of a person of the age eighteen years or older, as described in R.C. 3109.01.
- (H) Certified copy.** A certified copy of the judgment entry shall be transmitted by the juvenile court to the probate court in the county where the application for a marriage license was filed or will be filed.
- (I) Denial of application.** Upon denial of the application, the Clerk is instructed to provide the applicant with the Notice of Appeal form and advise him or her of the right to an appeal.

OKLAHOMA

[Oklahoma Statutes, Title 43 Marriage and Family](#)

§43-3. Who may marry.

- A. Any unmarried person who is at least eighteen (18) years of age and not otherwise disqualified is capable of contracting and consenting to marriage with a person of the opposite sex.
- B. 1. Except as otherwise provided by this subsection, no person under the age of eighteen (18) years shall enter into the marriage relation, nor shall any license issue therefor, except:
- a. upon the consent and authority expressly given by the parent or guardian of such underage applicant in the presence of the authority issuing such license,
 - b. upon the written consent of the parent or guardian of such underage applicant executed and acknowledged in person before a judge of the district court or the court clerk of any county within the State of Oklahoma,
 - c. if the parent or guardian resides outside of the State of Oklahoma, upon the written consent of the parent or guardian executed before a judge or clerk of a court of record. The executed foreign consent shall be duly authenticated in the same manner as proof of documents from foreign jurisdictions,
 - d. if the certificate of a duly licensed medical doctor or osteopath, acknowledged in the manner provided by law for the acknowledgment of deeds, and stating that such parent or guardian is unable by reason of health or incapacity to be present in person, is presented to such licensing authority, upon the written consent of the parent or guardian, acknowledged in the same manner as the accompanying medical certificate,
 - e. if the parent or guardian is on active duty with the Armed Forces of the United States, upon the written permission of the parent or guardian, acknowledged in the manner provided by law for acknowledgment of deeds by military personnel authorized to administer oaths. Such permission shall be presented to the licensing authority, accompanied by a certificate executed by a commissioned officer in command of the applicant, to the effect that the parent or guardian is on active duty in the Armed Forces of the United States, or
 - f. upon affidavit of three (3) reputable persons stating that both parents of the minor are deceased, or mentally incompetent, or their whereabouts are unknown to the minor, and that no guardian has theretofore been appointed for the minor. The judge of the district court issuing the license may in his or her discretion consent to the marriage in the same manner as in all cases in which consent may be given by a parent or guardian.
2. Every person under the age of sixteen (16) years is expressly forbidden and prohibited from entering into the marriage relation except when authorized by the court:
- a. in settlement of a suit for seduction or paternity, or

b. if the unmarried female is pregnant, or has given birth to an illegitimate child and at least one parent of each minor, or the guardian or custodian of such child, is present before the court and has an opportunity to present evidence in the event such parent, guardian, or custodian objects to the issuance of a marriage license. If they are not present the parent, guardian, or custodian may be given notice of the hearing at the discretion of the court.

3. A parent or a guardian of any child under the age of eighteen (18) years who is in the custody of the Department of Human Services or the Department of Juvenile Justice shall not be eligible to consent to the marriage of such minor child as required by the provisions of this subsection.

4. Any certificate or written permission required by this subsection shall be retained by the official issuing the marriage license.

C. No marriage may be authorized when such marriage would be incestuous under this chapter.

§43-5. Application - Fees - Issuance of license and certificate.

[...]

B. In the event that one or both of the parties are under legal age, the application shall have been on file in the court clerk's office for a period of not less than seventy-two (72) hours prior to issuance of the marriage license. [...]

§43-14. Penalty for performing unlawful marriage.

Any minister of the Gospel, or other person authorized to solemnize the rites of matrimony within this state, who shall knowingly solemnize the rites of matrimony between persons prohibited by this chapter, from intermarrying shall be deemed guilty of a felony, and upon conviction thereof shall be fined in any sum not exceeding Five Hundred Dollars (\$500.00) and imprisonment in the State Penitentiary not less than one (1) year nor more than five (5) years.

§43-15. Miscellaneous offenses - Penalties.

Any judge of the district court, or clerk of the district court, knowingly issuing any marriage license, or concealing any record thereof, contrary to the provisions of this chapter, or any person knowingly performing or solemnizing the marriage ceremony contrary to any of the provisions of this chapter, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not less than thirty (30) days nor more than one (1) year or by both such fine and imprisonment.

OREGON

[Oregon Revised Statutes, Title 11, Chapter 106 Marriage; Domestic Partnership](#)

106.010 Marriage as civil contract; age of parties.

Marriage is a civil contract entered into in person by males at least 17 years of age and females at least 17 years of age, who are otherwise capable, and solemnized in accordance with ORS 106.150.

106.030 Voidable marriages.

When either party to a marriage is incapable of making such contract or consenting thereto for want of legal age or sufficient understanding, or when the consent of either party is obtained by force or fraud, such marriage shall be void from the time it is so declared by judgment of a court having jurisdiction thereof.

106.050 Proof of age; when affidavit required.

(1) The county clerk may accept any reasonable proof of the applicant's age satisfactory to the clerk. The clerk may require proof of age by affidavit of some person other than either of the parties seeking the license if the clerk deems it necessary in order to determine the age of an applicant to the clerk's satisfaction.

(2) If an applicant for a marriage license is less than 18 years of age, the applicant must file with the county clerk an affidavit of some person other than either of the parties seeking the license showing the facts other than age necessary to be shown under ORS 106.060 in the particular case, except the consent of the parent or guardian required by ORS 106.060 shall not be part of the affidavit. The affidavit is sufficient authority to the clerk, so far as the facts stated therein, for issuing the license.

106.060 Consent of parent or guardian if applicant under 18.

A marriage license shall not be issued without the written consent of the parent or guardian, if any, of an applicant who is less than 18 years of age, nor in any case unless the parties are each of an age, as provided in ORS 106.010, capable of contracting marriage. If either party under 18 years of age has no parent or guardian resident within this state and either party has resided within the county in which application is made for the six months immediately preceding the application, the license may issue, if otherwise proper, without the consent of the nonresident parent or guardian.

106.315 Prohibited and void domestic partnerships.

[...]

(2) When either party to a domestic partnership is incapable of making the civil contract or consenting to the contract for want of legal age or sufficient understanding, or when the consent of either party is obtained by force or fraud, the domestic partnership is void from the time it is so declared by a judgment of a court having jurisdiction of the domestic partnership.

PENNSYLVANIA

[Pennsylvania Consolidated Statutes, Title 23, Chapter 13 Marriage License](#)

§ 1304. Restrictions on issuance of license.

[...]

(b) Minors.--

(1) No marriage license may be issued if either of the applicants for a license is under 18 years of age.

RHODE ISLAND

[Rhode Island General Laws, Title 15, Chapter 15-2 Marriage Licenses](#)

§ 15-2-14. Minimum age for marriage license.

A marriage license shall only be granted to a person of full age. Attaining the age of eighteen (18) years shall be deemed full legal age pursuant to § 15-12-1.

§ 15-3.1-2. Eligibility.

Persons shall be eligible to enter into a civil union only if both such persons are:

(1) At least eighteen (18) years of age;

[...]

§ 15-12-1. Persons of full age.

(a) Notwithstanding any general or public law or provision of the common law to the contrary, all persons who have attained the age of eighteen (18) years shall be deemed to be persons of full legal age.

(b) These persons shall have all the duties and obligations, rights, and privileges imposed or granted by law upon those persons who have previously attained the age of twenty-one (21) years.

[SOUTH CAROLINA](#)

[South Carolina Code of Laws, Title 20, Chapter 1 Marriage](#)

20-1-250. Applicants under age of consent; consent of relative or guardian.

A marriage license must not be issued when either applicant is under the age of sixteen. When either applicant is between the ages of sixteen to eighteen and that applicant resides with father, mother, other relative, or guardian, the probate judge or other officer authorized to issue marriage licenses shall not issue a license for the marriage until furnished with a sworn affidavit signed by the father, mother, other relative, or guardian giving consent to the marriage.

20-1-260. Proof of age required of minor applicant.

The probate judge or any other officer authorized by law to issue marriage licenses shall not issue any license to any applicant under the age of eighteen years until he has filed a birth certificate, or a hospital or baptismal certificate which has been issued and dated within one year after birth, or a certified copy thereof, showing that he is of lawful age, which shall be filed in the records of his office with the application for such license. Provided, when an original birth, baptismal or hospital certificate is presented a copy of it shall be made and the original returned to the applicant. If the applicant shall certify in writing to the probate judge or such officer that he, after diligent effort, is unable to obtain a birth certificate or a hospital or baptismal certificate, the applicant shall then be required to have his parents, legal guardian or person with whom he resides execute an affidavit before any person authorized by law to administer an oath and under seal, which affidavit shall contain such information as will establish the age of the applicant. Provided, further, that upon the request of the applicant, any original birth, baptismal or hospital certificate presently on file with the court may be copied and the original returned to the applicant.

Persons applying for marriage licenses in lieu of furnishing birth certificates or hospital or baptismal certificates may present the following: military service identification card; selective service identification card; passports and visas.

20-1-270. Proof of age required of applicant over age eighteen and under age twenty-five.

All persons over eighteen years of age and under twenty-five years of age shall furnish documentary evidence to the probate judge or any other officer authorized under the law to issue marriage licenses which shall prove the age of the applicant to the satisfaction of such probate judge or other officer. The probate judge or other officer shall enter upon the record of the application a brief description of evidence submitted.

20-1-280. Penalty for furnishing false affidavit.

Any person furnishing the probate judge or any other officer authorized under the law to issue marriage licenses with a false affidavit shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in the sum of one hundred dollars.

20-1-290. Wilful failure of license-issuing officer to comply with Sections 20-1-250, 20-1-260 and 20-1-270 as cause for removal.

The wilful failure of any officer responsible for the issuance of marriage licenses to comply with the terms of Sections 20-1-250, 20-1-260 and 20-1-270 shall be grounds or cause for removal from office.

SOUTH DAKOTA

[South Dakota Codified Laws, Title 25 Domestic Relations](#)

25-1-9. Age of consent to marriage with and without parental consent.

Any unmarried applicant for a marriage license who is eighteen years old or older, and who is not otherwise disqualified, is capable of consenting to and consummating a marriage. If either applicant for a marriage license is between the age of sixteen and eighteen, that applicant shall submit to the register of deeds a notarized statement of consent to marry from one parent or legal guardian of the applicant.

25-1-10.1. Application for marriage license--Proof of age and identification required.

To obtain a marriage license, each applicant shall sign the application in person in the presence of the register of deeds or in the presence of a person duly appointed by the register to act in the register's behalf. Each applicant shall provide valid personal identification and provide proof of age prior to issuance of the marriage license. Proof of age and personal identification shall be satisfied by providing a valid:

- (1) Passport;
- (2) Federal, state, military, or tribal photo identification;
- (3) Certified birth certificate, along with a current school or employment photo ID; or
- (4) Certified birth certificate, along with a U.S. Department of the Treasury Form 4029 that is completed.

[...]

25-1-11. Issuance of license to unqualified persons prohibited.

Such license must not in any case be granted where either party is under the age necessary to render the marriage absolutely valid nor where the condition of either party is such as to disqualify him from making any other civil contract nor in any case where the marriage would be void under the provisions of §§ 25-1-6 to 25-1-8, inclusive.

25-1-13. Consent of parent or guardian required for marriage of minor--Memorandum in record book.

If either party is a minor, no marriage license shall be granted unless the written consent of the parent or guardian, duly acknowledged by the parent or guardian, or proved to be genuine, is filed in the office of the county register of deeds prior to issuing the license, and a memorandum of the facts shall be entered in the marriage record book with the other records of the marriage license.

25-1-15. Unlawful issuance of license as misdemeanor.

Any register of deeds who grants a marriage license contrary to the provisions of this title is guilty of a Class 1 misdemeanor.

25-1-32. Identity and ages of parties to be established before solemnization of marriage.

Before performing the marriage ceremony, the person solemnizing a marriage shall ascertain by personal knowledge or by requesting a photographic identification:

- (1) The identity of the parties;
- (2) Their real and full names and places of residence; and
- (3) The names and places of residence of the two witnesses.

TENNESSEE

[Tennessee Code, Title 36 Domestic Relations, Chapter 3 Marriage](#)

36-3-105. Minimum age of applicant for license.

(a) It is unlawful for any county clerk or deputy clerk in this state to issue a marriage license to any person where:

- (1) Either of the contracting parties is under seventeen (17) years of age; or
- (2) One (1) of the contracting parties is at least seventeen (17) years of age but less than eighteen (18) years of age and the other contracting party is at least four (4) years older than the minor contracting party.

(b) Any marriage contracted in violation of subsection (a) may be annulled upon proper proceedings therefor by such person or any interested person acting in the person's behalf.

36-3-106. Consent of parent, guardian, next of kin, agency or custodian — “Parent” defined.

(a) When either applicant is under eighteen (18) years of age, the parents, guardian, next of kin or party having custody of the applicant shall join in the application, under oath, stating that the applicant is seventeen (17) years of age or over and that the applicant has such person's consent to marry.

(b) If the applicant is in the legal custody of any public or private agency or is in the legal custody of any person other than a parent, next of kin or guardian, then such person or the duly authorized representative of such agency shall join in the application with the parent, guardian or next of kin stating, under oath, that the applicant is seventeen (17) years of age but less than eighteen (18) years of age and that the applicant has such person's consent to marry. This subsection (b) does not apply to applicants who are in the legal custody of the department of mental health and substance abuse services or the department of intellectual and developmental disabilities.

(c) The parents, guardian, next of kin, other person having custody of the applicant, or duly authorized representative of a public or private agency having legal custody of the applicant shall join in the application either by personal appearance before the county clerk or deputy county clerk, or by submitting a sworn and notarized affidavit.

(d) The consent of the applicant's parents, guardian, next of kin, other person having custody of the applicant, or duly authorized representative of a public or private agency having legal custody of the applicant is not required if the applicant is emancipated at the time of the application.

(e) Marriage shall remove the disabilities of minority. A minor emancipated by marriage shall be considered to have all the rights and responsibilities of an adult, except for specific constitutional or statutory age requirements, including voting, the use of alcoholic beverages, and other health and safety regulations relevant to the minor because of the minor's age.

(f) A minor shall be advised of the rights and responsibilities of parties to a marriage and of emancipated minors. The minor shall be provided with a fact sheet on these rights and responsibilities to be developed by the administrative office of the courts. The fact sheet shall include referral information for legal aid agencies in this state and national hotlines for domestic violence and sexual assault.

(g) As used in this section, “parent” or “parents” means a person or persons listed as a parent on the child's birth certificate or who have been adjudicated to be the legal parent of the child by a court of competent jurisdiction.

36-3-111. County clerk violating law — Penalty.

Any county clerk or deputy clerk who issues a marriage license without compliance with the last sentence in § 36-3-103(c)(1), §§ 36-3-104 — 36-3-106, § 36-3-109, § 36-3-110, or § 36-3-113, and not in good faith, commits a Class C misdemeanor.

TEXAS

[Texas Statutes, Family Code, Title 1 The Marriage Relationship](#)

Sec. 2.003. APPLICATION FOR LICENSE BY MINOR.

- (a) A person under 18 years of age may not marry unless the person has been granted by this state or another state a court order removing the disabilities of minority of the person for general purposes.
- (b) In addition to the other requirements provided by this chapter, a person under 18 years of age applying for a license must provide to the county clerk:
 - (1) a court order granted by this state under Chapter 31 removing the disabilities of minority of the person for general purposes; or
 - (2) if the person is a nonresident minor, a certified copy of an order removing the disabilities of minority of the person for general purposes filed with this state under Section 31.007.

Sec. 2.005. PROOF OF IDENTITY AND AGE.

- (a) The county clerk shall require proof of the identity and age of each applicant.
[...]
- (c) A person commits an offense if the person knowingly provides false, fraudulent, or otherwise inaccurate proof of an applicant's identity or age under this section. An offense under this subsection is a Class A misdemeanor.

Sec. 2.009. ISSUANCE OF LICENSE.

- (a) Except as provided by Subsections (b) and (d), the county clerk may not issue a license if either applicant:
 - (1) fails to provide the information required by this subchapter;
 - (2) fails to submit proof of age and identity;
 - (3) is under 18 years of age and has not presented:
 - (A) a court order granted by this state under Chapter 31 removing the disabilities of minority of the applicant for general purposes; or
 - (B) if the applicant is a nonresident minor, a certified copy of an order removing the disabilities of minority of the applicant for general purposes filed with this state under Section 31.007;
- [...]

Sec. 2.012. VIOLATION BY COUNTY CLERK; PENALTY.

A county clerk or deputy county clerk who violates or fails to comply with this subchapter commits an offense. An offense under this section is a misdemeanor punishable by a fine of not less than \$200 and not more than \$500.

SUBCHAPTER B. UNDERAGE APPLICANTS, Sec. 2.101. GENERAL AGE REQUIREMENT.

A county clerk may not issue a marriage license if either applicant is under 18 years of age, unless each underage applicant shows that the applicant has been granted by this state or another state a court order removing the disabilities of minority of the applicant for general purposes.

Sec. 2.302. CEREMONY CONDUCTED BY UNAUTHORIZED PERSON.

The validity of a marriage is not affected by the lack of authority of the person conducting the marriage ceremony if:

[...]

(3) neither party to the marriage:

(A) is a minor whose marriage is prohibited by law; or

[...]

Sec. 2.401. PROOF OF INFORMAL MARRIAGE.

[...]

(c) A person under 18 years of age may not:

(1) be a party to an informal marriage; or

(2) execute a declaration of informal marriage under Section 2.402.

[...]

UTAH

[Utah Code, Title 30, Chapter 1 Marriage](#)

30-1-2. Marriages prohibited and void.

(1) The following marriages are prohibited and declared void:

[...]

(b) except as provided in Subsection (2), when an applicant is under 18 years old; and

[...]

(2) A marriage of an individual under 18 years old is not void if the individual:

(a) is 16 or 17 years old and obtains consent from a parent or guardian and juvenile court authorization in accordance with Section 30-1-9; or

(b) lawfully marries before May 14, 2019.

30-1-5. Marriage solemnization -- Before unauthorized person -- Validity.

(1) A marriage solemnized before a person professing to have authority to perform marriages may not be invalidated for lack of authority, if consummated in the belief of the parties or either of them that the person had authority and that they have been lawfully married.

(2) This section may not be construed to validate a marriage that is prohibited or void under Section 30-1-2.

30-1-8. Application for license -- Contents.

(1) As used in this section, "minor" means the same as that term is defined in Section 30-1-9.

[...]

(3) (a) If one or both of the applicants is a minor, the clerk shall provide each minor with a standard petition on a form provided by the Judicial Council to be presented to the juvenile court to obtain the authorization required by Section 30-1-9.

(b) The form described in Subsection (3)(a) shall include:

(i) all information described in Subsection (2);

(ii) in accordance with Subsection 30-1-9(2)(a), a place for the parent or legal guardian to indicate the parent or legal guardian's relationship to the minor;

(iii) an affidavit for the parent or legal guardian to acknowledge the penalty described in Section 30-1-9.1 signed under penalty of perjury;

- (iv) an affidavit for each applicant regarding the accuracy of the information contained in the marriage application signed under penalty of perjury; and
- (v) a place for the clerk to sign that indicates that the following have provided documentation to support the information contained in the form:
 - (A) each applicant; and
 - (B) the minor's parent or legal guardian.

[...]

30-1-9. Marriage by minors -- Consent of parent or guardian -- Juvenile court authorization.

- (1) For purposes of this section, "minor" means an individual that is 16 or 17 years old.
- (2) (a) If at the time of applying for a license the applicant is a minor, and not before the minor is married, a license may not be issued without the signed consent of the minor's parent or legal guardian given in person to the clerk, except that:
 - (i) if the parents of the minor are divorced, consent shall be given by the parent having legal custody of the minor as evidenced by an oath of affirmation to the clerk;
 - (ii) if the parents of the minor are divorced and have been awarded joint custody of the minor, consent shall be given by the parent having physical custody of the minor the majority of the time as evidenced by an oath of affirmation to the clerk; or
 - (iii) if the minor is not in the custody of a parent, the legal guardian shall provide the consent and provide proof of guardianship by court order as well as an oath of affirmation.
- (b) Each applicant and if an applicant is a minor, the minor's consenting parent or legal guardian, shall appear in person before the clerk and provide legal documentation to establish the following information:
 - (i) the legal relationship between the minor and the minor's parent or legal guardian;
 - (ii) the legal name and identity of the minor; and
 - (iii) the birth date of each applicant.
- (c) An individual may present the following documents to satisfy a requirement described in Subsection (2)(b):
 - (i) for verifying the legal relationship between the minor and the minor's parent or legal guardian, one of the following:
 - (A) the minor's certified birth certificate with the name of the parent, and an official translation if the birth certificate is in a language other than English;
 - (B) a report of a birth abroad with the name of the minor and the parent;
 - (C) a certified adoption decree with the name of the minor and the parent; or
 - (D) a certified court order establishing custody or guardianship between the minor and the parent or legal guardian;
 - (ii) for verifying the legal name and identity of the minor, one of the following:
 - (A) an expired or current passport;
 - (B) a driver's license;
 - (C) a certificate of naturalization;
 - (D) a military identification; or
 - (E) a government employee identification card from a federal, state, or municipal government; and
 - (iii) for verifying the birth date of each applicant, one of the following for each applicant:
 - (A) a certified birth certificate;
 - (B) a report of a birth abroad;
 - (C) a certificate of naturalization;
 - (D) a certificate of citizenship;

- (E) a passport;
- (F) a driver's license; or
- (G) a state identification card.

(d) An individual may not use a temporary or altered document to satisfy a requirement described in Subsection (2)(b).

(3) (a) The minor and the parent or legal guardian of the minor shall obtain a written authorization to marry from:

- (i) a judge of the court exercising juvenile jurisdiction in the county where either party to the marriage resides; or
- (ii) a court commissioner as permitted by rule of the Judicial Council.

(b) Before issuing written authorization for a minor to marry, the judge or court commissioner shall determine:

- (i) that the minor is entering into the marriage voluntarily; and
- (ii) the marriage is in the best interests of the minor under the circumstances.

(c) The judge or court commissioner shall require that both parties to the marriage complete premarital counseling, except the requirement for premarital counseling may be waived if premarital counseling is not reasonably available.

(d) The judge or court commissioner may require:

- (i) that the minor continue to attend school, unless excused under Section 53G-6-204; and
- (ii) any other conditions that the court deems reasonable under the circumstances.

(e) The judge or court commissioner may not issue a written authorization to the minor if the age difference between both parties to the marriage is more than seven years.

(4) (a) The determination required in Subsection (3) shall be made on the record.

(b) Any inquiry conducted by the judge or commissioner may be conducted in chambers.

30-1-9.1. Parental consent to prohibited marriage of minor -- Penalty.

A parent or guardian who knowingly consents or allows a minor child to enter into a marriage prohibited by law is guilty of a third degree felony.

30-1-10. Affidavit before the clerk -- Penalty.

(1) A clerk may not issue a license until an affidavit is made before the clerk, which shall be filed and preserved by the clerk, by a party applying for the license, showing that there is no lawful reason in the way of the marriage.

(2) A party who makes an affidavit described in Subsection (1) or a subscribing witness to the affidavit who falsely swears in the affidavit is guilty of perjury.

30-1-13. Solemnization without license -- Penalty.

If an individual knowingly solemnizes a marriage without a license, and if either party is 16 or 17 years old, without a written authorization from a juvenile court, the individual is guilty of a third degree felony.

30-1-16. Misconduct of county clerk -- Penalty.

Every clerk or deputy clerk who knowingly issues a license for any prohibited marriage is guilty of a class A misdemeanor.

30-1-17. Action to determine validity of marriage -- Judgment of validity or annulment.

When there is doubt as to the validity of a marriage, either party may, in a court of equity in a county where either party is domiciled, demand avoidance or affirmance of the marriage, but when one of the

parties was under 18 years old at the time of the marriage, the other party, being of proper age, does not have a proceeding for that cause against the party under 18 years old. The judgment in the action shall either declare the marriage valid or annulled and shall be conclusive upon all persons concerned with the marriage.

30-1-17.3. Age as basis of action to determine validity of marriage -- Refusal to grant annulment.

If an action to determine the validity of a marriage is commenced upon the ground that one or both of the parties were prohibited from marriage because of their age, in addition to the application of Sections 30-1-17 through 30-1-17.4, the provisions of this code regarding marriage by a person or persons under 18 years old to the contrary notwithstanding, the court may refuse to grant an annulment if the court finds that it is in the best interest of the parties or their children, to refuse the annulment. The refusal to annul under this section makes the marriage valid and subsisting for all purposes.

VERMONT

[Vermont Statutes, Title 18, Chapter 105 Civil Marriage Records and Licenses](#)

§ 5141. Confirmation of legal qualifications of parties; penalty

(a) At a minimum, before issuing a civil marriage license to an applicant, the town clerk shall review the license application to confirm that:

- (1) the information submitted therein does not facially indicate that the parties are prohibited from marrying by the laws of this State; and
- (2) the parties have certified to the veracity of the information in the application.

(b) A clerk who fails to comply with the provisions of this section or who issues a civil marriage license with knowledge that the parties, or either of them, are prohibited from marrying or otherwise have failed to comply with the requirements of the laws of this State, or a person who having authority and having such knowledge solemnizes such a marriage, shall be fined not more than \$100.00.

§ 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;
- (2) either party is under 16 years of age;
[...]
- (4) either of the parties is under guardianship, without the written consent of the party's guardian;
[...]

§ 5143. Penalties

A person who aids in procuring a civil marriage license by falsely pretending to be the parent or guardian having authority to give consent to the marriage of a minor shall be fined not more than \$500.00.

§ 173. Minors

Persons of the age of 18 years shall be considered of age and until they attain that age, shall be minors. Whenever referred to in the laws of this State, a person who is an adult or who has attained majority shall be a resident or nonresident person of 18 years of age or more.

VIRGINIA

[Virginia Code, Title 20, Chapter 3 Unlawful Marriages Generally](#)

§ 20-33. Penalty for clerk issuing license contrary to law.

If any clerk of a court knowingly issue a marriage license contrary to law, he shall be confined in jail not exceeding one year, and fined not exceeding \$500.

§ 20-45.1. Void and voidable marriages.

[...]

C. All marriages solemnized on or after July 1, 2016, when either or both of the parties were, at the time of the solemnization, under the age of 18 and have not been emancipated as required by § 20-48 shall be void from the time they shall be so declared by a decree of divorce or nullity. Notwithstanding the foregoing, this section shall not apply to a lawful marriage entered in another state or country prior to the parties being domiciled in the Commonwealth.

§ 20-48. Minimum age of marriage.

The minimum age at which persons may marry shall be 18, unless a minor has been emancipated by court order. Upon application for a marriage license, an emancipated minor shall provide a certified copy of the order of emancipation.

§ 16.1-331. Petition for emancipation.

Any minor who has reached his sixteenth birthday and is residing in this Commonwealth, or any parent or guardian of such minor, may petition the juvenile and domestic relations district court for the county or city in which either the minor or his parents or guardian resides for a determination that the minor named in the petition be emancipated. The petition shall contain, in addition to the information required by § 16.1-262, the gender of the minor and, if the petitioner is not the minor, the name of the petitioner and the relationship of the petitioner to the minor. If the petition is based on the minor's desire to enter into a valid marriage, the petition shall also include the name, age, date of birth, if known, and residence of the intended spouse. The petitioner shall also attach copies of any criminal records of each individual intending to be married. The petitioner shall also attach copies of any protective order issued between the individuals to be married.

WASHINGTON

[Revised Code of Washington, Title 26, Chapter 26.04 Marriage](#)

26.04.010

Marriage contract—Void marriages—Construction of gender-specific terms—Recognition of solemnization of marriage not required.

(1) Marriage is a civil contract between two persons who have each attained the age of eighteen years, and who are otherwise capable.

(2) Every marriage entered into in which either person has not attained the age of seventeen years is void except where this section has been waived by a superior court judge of the county in which one of the parties resides on a showing of necessity.

[...]

26.04.130 Voidable marriages.

When either party to a marriage shall be incapable of consenting thereto, for want of legal age or a sufficient understanding, or when the consent of either party shall be obtained by force or fraud, such marriage is voidable, but only at the suit of the party laboring under the disability, or upon whom the force or fraud is imposed.

26.04.210 Affidavits required for issuance of license—Penalties.

(1) The county auditor, before a marriage license is issued, upon the payment of a license fee as fixed in RCW 36.18.010 shall require each applicant therefor to make and file in the auditor's office upon blanks to be provided by the county for that purpose, an affidavit showing that if an applicant is afflicted with any contagious sexually transmitted disease, the condition is known to both applicants, and that the applicants are the age of eighteen years or over. If the consent in writing is obtained of the father, mother, or legal guardian of the person for whom the license is required, the license may be granted in cases where the female has attained the age of seventeen years or the male has attained the age of seventeen years. Such affidavit may be subscribed and sworn to before any person authorized to administer oaths.

(2) Anyone knowingly swearing falsely to any of the statements contained in the affidavits mentioned in this section is guilty of perjury under chapter 9A.72 RCW.

[...]

(4) Any person knowingly violating this section is guilty of a class C felony and shall be punished by a fine of not more than one thousand dollars, or by imprisonment in a state correctional facility for a period of not more than three years, or by both such fine and imprisonment.

[WEST VIRGINIA](#)

[West Virginia Code, Chapter 48, Article 2 Marriages](#)

§48-2-106. Proof of age.

(a) At the time of the execution of the application, the clerk or the person administering the oath to the applicants shall require evidence of the age of each of the applicants. Evidence of age may be as follows:

- (1) A certified copy of a birth certificate or a duplicate certificate produced by any means that accurately reproduces the original;
- (2) A voter's registration certificate;
- (3) An operator's or chauffeur's license;
- (4) The affidavit of both parents or the legal guardian of the applicant; or
- (5) Other good and sufficient evidence.

(b) If an affidavit is relied upon as evidence of the age of an applicant, and if one parent is dead, the affidavit of the surviving parent or of the guardian of the applicant is sufficient. If both parents are dead, the affidavit of the guardian of the applicant is sufficient. If the parents of the applicant live separate and apart, the affidavit of the parent having custody of the applicant is sufficient.

§48-2-301. Age of consent for marriage; exception.

(a) The age of consent for marriage for both the male and the female is eighteen years of age. A person under the age of eighteen lacks the capacity to contract a marriage without the consent required by this section.

(b) The clerk of the county commission may issue a marriage license to an applicant who is under the age of eighteen but sixteen years of age or older if the clerk obtains a valid written consent from the applicant's parents or legal guardian.

(c) Upon order of a circuit judge, the clerk of the county commission may issue a marriage license to an applicant who is under the age of sixteen, if the clerk obtains a valid written consent from the applicant's parents or legal guardian. A circuit judge of the county in which the application for a marriage license is filed may order the clerk of the county commission to issue a license to an applicant under the age of sixteen if, in the court's discretion, the issuance of a license is in the best interest of the applicant and if consent is given by the parents or guardian.

(d) A consent to marry must be duly acknowledged before an officer authorized to acknowledge a deed. If the parents are living together at the time the application for a marriage license is made and the consent is given, the signatures of both parents or the applicant's legal guardian is required. If one parent is dead, the signature of the surviving parent or the applicant's legal guardian is required. If both parents are dead, the signature of the applicant's legal guardian is required. If the parents of the applicant are living separate and apart, the signature of the parent having custody of the applicant or the applicant's legal guardian is required.

(e) If a person under the age of consent is married in violation of this section, the marriage is not void for this reason, and such marriage is valid until it is actually annulled.

(f) A marriage by an underage person without a valid consent as required by this section, though voidable at the time it is entered into, may be ratified and become completely valid and binding when the underage party reaches the age of consent. Validation of a marriage by ratification is established by some unequivocal and voluntary act, statement, or course of conduct after reaching the age of consent. Ratification includes, but is not limited to, continued cohabitation as husband and wife after the age of consent is attained.

§48-2-502. Issuing marriage license contrary to law; penalty.

A clerk of the county commission who knowingly issues a marriage license contrary to law is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding \$500, or by confinement in the county or regional jail for not more than one year, or by both such fine and confinement, in the discretion of the court.

WISCONSIN

[Wisconsin Statutes, Chapter 765 Marriage](#)

765.02 Marriageable age; who may contract.

(1) Every person who has attained the age of 18 years may marry if otherwise competent.

(2) If a person is between the age of 16 and 18 years, a marriage license may be issued with the written consent of the person's parents, guardian, custodian under s. 767.225 (1) or 767.41, or parent having the actual care, custody and control of the person. The written consent must be given before the county clerk under oath, or certified in writing and verified by affidavit or affirmation before a notary public or other official authorized to take affidavits. The written consent shall be filed with the county clerk at the time of application for a marriage license. If there is no guardian, parent or custodian or if the custodian is an agency or department, the written consent may be given, after notice to any agency or department appointed as custodian and hearing proper cause shown, by the court having probate jurisdiction.

765.11 Objections to marriage.

(1) If any parent, grandparent, child, or natural guardian of a minor applicant for a marriage license, any brother, sister, or guardian of either of the applicants for a marriage license, either of the applicants, the district attorney, or a circuit court commissioner believes that the statements of the application are false or insufficient, or that an applicant is adjudicated incompetent without the right to marry, that

person may file with the court having probate jurisdiction in the county in which the marriage license is applied for, a petition under oath, setting forth the grounds of objection to the marriage, and asking for an order requiring the parties making the application to show cause why the marriage license should not be refused. Whereupon, the court, if satisfied that the grounds of objection are prima facie valid, shall issue an order to show cause as aforesaid, returnable as the court directs, but not more than 14 days after the date of the order, which shall be served forthwith upon the applicants for the marriage license residing in the state, and upon the clerk before whom the application has been made, and shall operate as a stay upon the issuance of the marriage license until further ordered; if either or both of the applicants are nonresidents of the state the order shall be served immediately upon the nonresident by publication of a class 1 notice, under ch. 985, in the county in which the application is pending, and by mailing a copy thereof to the nonresident at the address contained in the application.

(2) If, upon hearing, the court finds that the statements in the application are willfully false or insufficient, or that either or both of said parties are not competent in law to marry, the court shall make an order refusing the marriage license, and shall immediately report such matter to the district attorney. If said falseness or insufficiency is due merely to inadvertence, then the court shall permit the parties to amend the application so as to make the statements therein true and sufficient, and upon application being so amended, the marriage license shall be issued. If any party is unable to supply any of the information required in the application, the court may, if satisfied that such inability is not due to willfulness or negligence, order the marriage license to be issued notwithstanding such insufficiency. The costs and disbursements of the proceedings under this section shall rest in the discretion of the court, but none shall be taxed against any district attorney or circuit court commissioner acting in good faith.

765.21 Unlawful marriages void; validation.

All marriages hereafter contracted in violation of ss. 765.02, 765.03, 765.04 and 765.16 shall be void, except as provided in ss. 765.22 and 765.23. The parties to any such marriage may validate the marriage by complying with the requirements of ss. 765.02 to 765.24 as follows:

(1) At any time, if the marriage is declared void under s. 765.02 or 765.16.

[...]

765.30 Penalties.

(1) The following may be fined not more than \$10,000 or imprisoned for not more than 9 months or both:

(a) Penalty for marriage outside the state to circumvent the laws. Any person residing and intending to continue to reside in this state who goes outside the state and there contracts a marriage prohibited or declared void under the laws of this state.

(2) The following may be fined not more than \$10,000 or imprisoned for not more than 9 months or both:

(a) Penalty for false statement. Any person who in any affidavit or statement made under s. 765.02 (2), 765.09 or 765.11, willfully and falsely swears, or who procures another to swear falsely in regard to any material fact relating to the competency of either or both of the parties applying for a marriage license, or as to the ages of such parties, if minors, or who falsely pretends to be the parent or guardian having authority to give consent to the marriage of such minor.

(b) Penalty for unlawful issuance of marriage license. Any county clerk who knowingly issues a marriage license contrary to or in violation of this chapter.

(c) Penalty for false solemnization of marriage. Any person, not being duly authorized by the laws of this state, who intentionally undertakes to solemnize a marriage in this state; or any person who intentionally participates in or in any way aids or abets any false or fictitious marriage.

(3) The following shall be fined not less than \$100 nor more than \$500, or imprisoned not more than 6 months, or both:

(a) Penalty for unlawful solemnization of marriage. Any officiating person who solemnizes a marriage unless the contracting parties have first obtained a proper marriage license as heretofore provided; or unless the parties to such marriage declare that they take each other as husband and wife; or without the presence of competent adult witnesses as required under s. 765.16 (1m); or solemnizes a marriage knowing of any legal impediment thereto; or solemnizes a marriage more than 60 days after the date of the marriage license; or falsely certifies to the date of a marriage solemnized by the officiating person.
[...]

WYOMING

[Wyoming Statutes, Title 20, Chapter 1, Article 1 Creation of Marriage](#)

20-1-102. Minimum marriageable age; exception; parental consent.

(a) At the time of marriage the parties shall be at least sixteen (16) years of age except as otherwise provided.

(b) All marriages involving a person under sixteen (16) years of age are prohibited and voidable, unless before contracting the marriage a judge of a court of record in Wyoming approves the marriage and authorizes the county clerk to issue a license therefor.

(c) When either party is a minor, no license shall be granted without the verbal consent, if present, and written consent, if absent, of the father, mother, guardian or person having the care and control of the minor. Written consent shall be proved by the testimony of at least one (1) competent witness.

20-1-103. License; required.

(a) Before solemnization of any marriage in this state, a marriage license shall be obtained from a Wyoming county clerk.

[...]

(c) Unless there is an order to waive the requirements of this section by a judge of a court of record in the county pursuant to W.S. 20-1-105, the clerk shall refuse to issue a license if:

[...]

(iii) Either party is a minor and the consent of a parent or guardian has not been given.

[...]

20-1-105. Judge may order license issued.

(a) If any county clerk refuses to issue a license to marry, or in case of circumstances arising which would necessitate the waiver of any one (1) or more of the requirements of W.S. 20-1-102 and 20-1-103(b) and (c), either applicant for the license may apply to the district court of the county for the issuance of a license without compliance with one (1) or more of those requirements. If the judge finds that a license should be issued, or such circumstances exist that it is proper that any one (1) or more of the requirements should be waived, the judge may order in writing the issuance of the license. Upon the order of the judge being filed with the county clerk, the county clerk shall issue the license at the time specified in the order. No fee or court costs shall be charged or taxed for the order.

(b) If either party is under sixteen (16) years of age, the parents or guardians may apply to any judge of a court of record in the county of residence of the minor for an order authorizing the marriage and directing the issuance of a marriage license. If the judge believes it advisable, he shall enter an order authorizing the marriage and directing the county clerk to issue a license. Upon filing of a certified copy of the order with the county clerk, the county clerk shall issue a license and endorse thereon the fact of

the issuance of the order. No person authorized to perform marriage ceremonies in Wyoming shall perform any marriage ceremony if either party is under the age specified by this subsection unless the license contains the endorsement.

[...]

20-1-108. Offenses relating to marriage generally.

If the county clerk neglects to record a marriage certificate, or if any person performs a marriage ceremony knowing that he is not legally authorized to do so or knowing of any legal impediment to the proposed marriage, he is guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for not exceeding one (1) year.

20-2-101. Void and voidable marriages defined; annulments.

[...]

(d) An action to annul a marriage on the ground that one of the parties was under the age of legal consent provided by W.S. 20-1-102(a) may be filed by the parent or guardian entitled to the custody of the minor. The marriage may not be annulled on the application of a party who was of the age of legal consent at the time of the marriage nor when it appears that the parties, after they had attained the age of consent, had freely cohabited as man and wife.

[...]

U.S. TERRITORIES

GUAM

[Guam Code, Title 19, Chapter 3, Article 1 Validity of Marriage](#)

§ 3102. Minors.

Any unmarried person of the age of eighteen (18) years or older, and not otherwise disqualified, is capable of consenting to and consummating marriage; provided, that any person under the age of eighteen (18) years and over the age of sixteen (16) years, with the consent in writing of the parents of the person under age, or one of such parents, or of his or her guardian, where such written consent is filed with the Director of Administration, as provided in § 3202 of this Title, is capable of consenting to and consummating marriage.

§ 3202. Marriage Licenses.

[...]

(1) If an applicant is under the age of eighteen (18) and has not been previously married, no license shall be issued unless the consent in writing of a parent or guardian of the person under age is presented with the application.

(A) A consent must be verified and such consent shall be retained with the application in the files of the Department of Public Health and Social Services.

(B) The fact of the consent shall be noted upon the license.

(C) In addition to the consent required, no license shall be issued for any person between the age of sixteen (16) and eighteen (18) unless the marriage of that person has been approved by an order in writing issued from the Superior Court.

(D) A license to marry shall not be issued to any person under the age of sixteen (16) unless the court authorizes a license to be issued to an applicant who is under sixteen (16) and with a child.

[...]

§ 232. Capacity—Incapacity to contract marriage

The following persons are incapacitated to contract marriage:

[...]

(4) A person of the male sex under eighteen (18) years of age, and a person of the female sex under sixteen (16) years of age. Marriage contracted by persons under the said age of puberty shall, nevertheless, be valid ipso facto and without an express declaration, if one day after having arrived at the legal age of puberty the parties shall have lived together without the representatives of either of them having brought suit against its validity, or if the woman shall have conceived before the legal age of puberty or before having established such suit; and Provided, That every woman over fourteen (14) and under sixteen (16) years of age who has been seduced may contract marriage with the previous consent of her parents or tutor and if these refuse it, with the consent of the part of the Court of First Instance of the place where the seduced woman resides; and every man over sixteen (16) and under eighteen (18) years of age who is under an accusation of having seduced a woman over fourteen (14) and under sixteen (16) years of age, may also contract marriage with the previous consent of his parents or tutor, and if these refuse it, with the consent of the part of the Court of First Instance of the place where the seduced woman resides; and such marriage shall be considered sufficient to bar all prosecution, in the same form as in the other cases referred to in § 262 of the Penal Code, § 968 of Title 33.

(5) A minor who has not secured the consent required by law.

[...]

§ 242. Consent—Minors

Minors under twenty-one years shall require to contract marriage the consent of the persons under whose patria potestas they are; Provided, however, that in any case where a minor has neither father nor mother, and no tutor has been legally appointed, a District Court judge may upon application appoint a special guardian who shall have authority to give his consent to the marriage of such minor; Provided, further, that before making such appointment, the District Court judge shall satisfy himself that such minor is without the necessary means to secure the appointment of a tutor as otherwise provided by law; Provided, that such appointee shall be one of the immediate relatives of the minor where there are such available, and his appointment shall be entered in the sentence book of the court, and that all entries of said patria potestas in the register book kept for the purpose in the Court of First Instance shall be done away with.

Minors of both sexes who have attained eighteen (18) years of age do not need paternal, guardian or judicial authorization to contract marriage in those cases where it is proven that the betrothed woman has been raped, seduced or is pregnant.

§ 245. Authorization and celebration of marriage—When marriage not to be celebrated; minors

No marriage shall be celebrated unless it appears from the sworn declaration above mentioned, that the parties are possessed of the legal capacity to marry, under the provisions of this title; and if the contracting parties, or either of them, are minors, the ceremony cannot be performed until the written consent to such marriage, from the person authorized by this title to grant it, has been obtained and presented to the person who is to celebrate such marriage.

§ 250. Authorization and celebration of marriage—Penalty for false declaration

Any person making a false declaration under the provisions of this code, for the purpose of procuring the celebration of marriage of himself or herself, shall be deemed guilty of perjury, and shall be punished as provided in the Penal Code, Title 33, for that offense.

VIRGIN ISLANDS

[Bill 33-0109 of 2020 \(amending the Virgin Islands Code, Title 16\)](#)

The Bill prohibits marriage below 18 years.

SOUTH AMERICA

ARGENTINA

[Civil and Commercial Code, 2014](#)

BOOK TWO

FAMILY RELATIONS

TITLE I

Marriage

CHAPTER 1 - Principles of freedom and equality

Marriage Requirements

ARTICLE 403.- Matrimonial impediments. The following are direct impediments to marriage:
(f) to be under the age of eighteen; [...]

ARTICLE 404.

Lack of bridal age. Judicial dispensation.

In the case of article 403 (f), a minor who has not reached the age of 16 may enter into marriage upon judicial dispensation. A minor who has reached the age of 16 may marry with the authorization of his or her legal representatives. In the absence of this, it may do so after judicial dispensation.

The judge must hold a personal interview with the future spouses and their legal representatives.

The judicial decision must take into account the age and degree of maturity reached by the person, referring especially to the understanding of the legal consequences of the marriage act; it must also evaluate the opinion of the representatives, if they have expressed it.

The dispensation for marriage between the guardian or his/her descendants with the person under guardianship can only be granted if, in addition to the precautions foreseen in the previous paragraph, the administrative accounts have been approved. If the marriage is celebrated, the guardian loses the quote on the income of the person under guardianship in accordance with the provisions of article 129 subsection d).

ARTICULO 406.

Requirements for the validity of marriage.

For a marriage to be considered valid, it is indispensable to have the consent of both parties expressed personally and jointly before the competent authority to celebrate it, except as provided in this Code for distance marriage.

An act which does not comply with this requirement does not produce civil effects.

ARTICLE 408.

Consent

Marital consent must be pure and simple. [...]

ARTICLE 409.-

Defects of consent.

The following are defects of consent:

- (a) violence, willful intent and error about the person of the other spouse;
- b) the error about the personal qualities of the other contracting party, if it is proven that the person who suffered it would not have consented to the marriage if he had known that state of affairs and reasonably appreciated the union he contracted.

The judge must assess the essentiality of the error considering the personal circumstances of the person alleging it.

CHAPTER 3 - Opposition to the celebration of the marriage

[...]

ARTICLE 412.- Complaint of impediments.

Any person can denounce the existence of any of the impediments established in article 403 from the beginning of the preliminary actions and until the celebration of the marriage to the public prosecutor, so that this may present opposition, if deemed appropriate, with the formalities and procedure provided for in articles 413 and 414.

CHAPTER 6 - Annulment of marriage

ARTICLE 425.

It is of relative nullity:

- a) the marriage celebrated in the presence of the impediment in subsection f) of article 403; the annulment may be requested by the spouse who suffers the impediment and by those who could have opposed the celebration of the marriage. In the latter case, the judge must hear the adolescent, and taking into his/her age and degree of maturity, decide on whether or not to grant the annulment.

If it is rejected, the marriage has the same effects as if it had been celebrated with the required dispensation. The petition for annulment is inadmissible after the spouse or spouses have reached the legal age.

BOLIVIA

[Civil Code, 1975](#)

Art. 4 (OF MAJORITY AND CAPACITY TO WORK).

- I. The age of majority is acquired at the age of twenty-one.
- II. The adult has the capacity to perform all the acts of civil life.

[Code of Families and Family Procedures, 2014](#)

TITLE IX

FIRST CHAPTER - CONSTITUTION OF MARRIAGE AND FREE UNION

[...]

ARTICLE 138 (CONSENT). It is the free will of each person and must be expressed without fraud, error or violence.

ARTICLE 139. (AGE)

I. The person may freely constitute a marriage or free union once reached the age of majority.

II. Exceptionally, a marriage or free union may be contracted at sixteen (16) years of age, provided that there is the written authorization of those who exercise parental authority, or who have guardianship or custody, or in the absence of these of the Ombudsman for Children and Adolescents. The verbal authorization made at the time of the celebration of the marriage or at the time of the registration of free union before an official of the Civic Registry is valid.

III. When the authorization established in the previous paragraph is not given, the interested party may request it from the judicial authority.

SECOND CHAPTER - MARRIAGE

[...]

ARTICLE 159. (SUSPENSION OF MARRIAGE AND EXCLUSION OF CONDITIONS AND TERMS).

I. If in the act of celebration any of the future spouses refuses to provide an affirmative response or declares that her/his will is neither free nor spontaneous or that she/he changed his mind, the officer shall immediately suspend the marriage [...]

III. The declaration of affirmative will of the spouses cannot be subject to any term or condition. [...]

CHAPTER FOUR - NULLITY OF THE MARRIAGE OR FREE UNION

ARTICLE 168. (CAUSES OF NULLITY)

I. The marriage is null and void:

[...]

e) Due to error, fraud or violence in the consent.

f) Due to lack of consent.

[...]

III. The action of nullity can be exercised by the spouses, the family members of the person who is declared interdicted or the public institutions for the protection of the family, girls and adolescents. [...]

ARTICLE 170 (MINOR AGE). The marriage or free union between persons under the legal age for marriage becomes valid after the passage of the period of time that would have been necessary for the spouses to reach the legal age for marriage determined by this Code, if being pubescent they have lived together during said period, or if they have conceived.

ARTICLE 171 (STATUTE OF LIMITATIONS). The action of nullity cannot be exercised after one year of cohabitation has passed except when the marriage was celebrated without consent of one of the parties, in which case the nullity may be requested without any time limit.

[Penal and Penal Procedures Code \(consolidated to 2019\)](#)

ARTICLE 281 bis (TRAFFICKING IN HUMAN BEINGS).

I. Anyone who by any means of deception, intimidation, abuse of power, use of force or any form of coercion, threats, abuse of the situation of dependency or vulnerability of the victim, the granting or receiving of payments by itself or by a third person will carry out, induce or favor the recruitment, transfer, transportation, deprivation of liberty, reception or reception of people inside or outside the territory, even if there is consent of the victim, for any of the following purposes:

[...]

11. Servile marriage, free or de facto servile union.

[...]

II. The sanction will be aggravated by a third when:

1. The author or the author, or participant, is the spouse, cohabitant or partner of the victim, is related up to the fourth degree of consanguinity or second of affinity, is in charge of the guardianship, custody, care or education of the victim.

[...]

III. The sanction will be from fifteen (15) to twenty (20) years when the victim is a boy, girl or adolescent

[...]

BRAZIL

[Civil Code, 2002 \(as amended\)](#)

BOOK I
TITLE I NATURAL PERSONS
CHAPTER I – PERSONALITY AND CAPACITY

Art. 5. Minority ends on completion of eighteen years of age, at which time a person becomes capable of performing all the acts of civil life.

Sole paragraph. Incapacity ceases, for minors:

[...]

II - by marriage;

BOOK IV FAMILY LAW
TITLE I NATURAL PERSONS LAW
SUBTITLE I MARRIAGE
CHAPTER II CAPACITY TO MARRY

Art. 1,517. Men and women who are sixteen years of age may marry; prior to the age of legal majority, authorization from both parents, or their legal representatives, is required.

Sole paragraph. If the parents do not agree, the provisions of the sole paragraph of art 1631 shall apply.

Art. 1,518. The parents, tutors or curators may revoke the authorization at any time prior to solemnization of the marriage.

Art. 1,519. The refusal to consent, when unjust, may be supplied by the judge.

Art. 1,520. Exceptionally, a person who has not yet reached marriageable age (art. 1.17) shall be permitted to marry, in order to avoid the imposition or fulfillment of a criminal penalty, or in case of pregnancy.

CHAPTER VIII NULLITY OF MARRIAGE

Art. 1,550. A marriage is voidable:

I - if one of the parties had not reached the minimum age required to marry;
II - if one of the parties was a minor of marriageable age but was not authorized by his or her legal representative;
III - for defect of consent, within the terms of arts. 1556 to 1558; [...]
Sole paragraph. Judicial declaration of the invalidity of the mandate is equated to revocation.

Art. 1,551. A marriage that resulted in pregnancy shall not be annulled by reason of age.

Art. 1,552. Annulment of the marriage of a person under sixteen years of age shall be requested:

I - by the minor spouse;
II - by his or her legal representatives;
III - by his or her ascendants.

Art. 1,553. A minor who was not of marriage age may, after reaching it, confirm his or her marriage, with the consent of his or her legal representatives, if necessary. or with judicial authorization.

Art. 1,555. The marriage of a person not of marriageable age, if not authorized by his or her legal representative, may only be annulled if the action is brought within one hundred and eighty days, at the initiative of the incapable person, when his or her incapacity ceases, of his or her legal representatives or of his or her necessary heirs.

Paragraph 1. The time period established in this article shall be counted from the day on which the incapacity ceased, in the first case; from the marriage, in the second; and in the third, from the death of the incapable person.

Paragraph 2. The marriage shall not be annulled if the legal representatives of the incapable person were present at its celebration or in any other way expressed their approval.

[Law on Domestic and Family Violence, 2006](#)

Art. 7. The forms of domestic and family violence against women, are, among others:

[...]

III - sexual violence, understood as any behavior that forces the woman [...] or that forces her to marriage, pregnancy, abortion or prostitution, by means of coercion, blackmail, bribe or manipulation; [...]

CHILE

[Civil Marriage Law \(consolidated to 2019\)](#)

Article 5. These cannot contract marriage:

[...]

(3) Children under the age of sixteen

[...]

Article 8. Free and spontaneous consent is lacking in the following cases:

[...]

(3) If there has been force, in the terms of articles 1456 and 1457 of the Civil Code, caused by a person or by an external circumstance, which would have been decisive to contract the marriage.

[...]

Article 44. The marriage may only be declared null for any of the following reasons, which must have existed at the time of its celebration:

- a) When one of the contracting parties has any of the incapacities indicated in the article 5, 6 or 7 of this law, and
- b) when the consent was not free and spontaneous in the terms expressed in article 8. [...]

Article 46. The action to declare the nullity of the marriage can be exercised by either spouse, with the following exceptions:

- a) the nullity based on number 3 of article 5 may be requested by either of the spouses or by any of their ancestors, but when both spouses reach sixteen years, the action may be initiated solely by that who contracted [marriage] without having the minimum age; [...]

Article 48.- The exercise of the action of annulment of marriage does not get prescribed over time, with the following exceptions:

- a) In the case of nullity based point 3 of article 5, the action shall be prescribed after one year, counted from the date on which the spouse incapable of contracting marriage has acquired adulthood; [...]

[Criminal Code, 1874 \(as amended\)](#)

Article 383.

Whoever, by surprise or deception, makes the official who must authorize the marriage intervene without having observed the prescriptions that the law requires for its celebration, even when the marriage is valid, will suffer the penalty of lesser imprisonment in its minimum degree.

If he makes [the official] intervene through violence or intimidation, the penalty shall be minor imprisonment from its medium to maximum degrees.

Article 388.

The civil official who authorizes or registers a marriage prohibited by law or in which the formalities required for its celebration or registration have not been complied with, will suffer the penalty of lesser imprisonment in its medium degree and a fine from six to ten monthly tax units. The same fine will be applied to the minister of worship who authorizes a marriage prohibited by law.

The minister who, to the detriment of a third party, commits falsehood in the act or in the religious marriage certificate intended to produce civil effects, will suffer the penalty of minor imprisonment in any of its degrees.

Article 389.

The third party who prevents the registration, before a public official, of a religious marriage celebrated before an entity authorized for that purpose by the Civil Marriage Law, will be punished with the penalty of minor imprisonment in its minimum degree or a fine from six to ten monthly tax units.

COLOMBIA

[Civil Code, 1887 \(as amended\)](#)

ARTICLE 115. CONSTITUTION AND PERFECTION OF MARRIAGE.

The marriage contract is constituted and perfected by the free and mutual consent of the contracting parties, expressed before the competent official, in the form and with the solemnities and requirements established in the Civil Code, and it will not produce civil and political effects, if in its celebration contravenes such forms, solemnities and requirements. [...]

ARTICLE 116. CAPACITY TO CONTRACT MARRIAGE.

People over the age of 18 can freely marry.

ARTICLE 117. PERMIT FOR UNDERAGE MARRIAGE.

Those below the required age may not marry without the express permission, in writing, of their legitimate or natural parents. If any of them has died, or is prevented from granting this permission, the consent of the other will suffice.

In the same terms of this article, the consent of the adoptive father and mother is required for the marriage of the adoptive son, under twenty-one years of age, or of the adoptive daughter, under eighteen.

ARTICLE 118. ABSENCE OF THE PARENTS

It shall be understood that the father or mother and other ascendants are missing, not only when they have died, but also when they are insane [...]; or absent from the national territory, when their prompt return is not expected; or when their domicile is unknown.

ARTICLE 119. DEPRIVATION OF PARENTAL POWER

The parent who has been deprived of parental authority is also deemed to be absent.

ARTICLE 120. CONSENT OF THE CURATOR

In the absence of the father, mother, or ascendants, it will be necessary for the person who has not the required minimum age, the consent of his general curator, or in his absence, that of a special curator.

ARTICLE 121. EXPLANATION OF THE REFUSAL OF CONSENT

Of the people from whom, according to this Code, permission must be requested to contract marriage, only the curator who denies his consent is obliged to indicate the cause of refusal.

ARTICLE 123. ABSENCE OF CONSENT

The marriage may not be celebrated without the consensus of the person or persons whose consent is necessary, or without a statement that the contracting party may marry freely.

ARTICLE 124. DISINHERITANCE DUE TO MARRIAGE WITHOUT CONSENT

The person who, not having reached the required age, marries without the consent of an ascendant, [...] may be disinherited not only by the person or persons whose consent was required, but by all other ascendants. [...]

ARTICLE 129. ACTIONS OF THE JUDGE PRIOR TO THE MARRIAGE

The judge will proceed immediately, ex officio, to carry out all the necessary steps to obtain the consent referred to in article 117 of this Code, if applicable [...]

ARTICLE 135

MARRIAGE CELEBRATION

The marriage will be celebrated in presence of the contracting parties in the judge's office [...]

The judge will request the spouses to confirm that they are contracting marriage under their free and spontaneous will; [...]

ARTICLE 138. CONSENT

The consent of the spouses must be pronounced in a perceptible voice, without error, and by the same parties, or be manifested by signs that leave no doubt.

ARTICLE 140. CAUSES OF ANNULMENT

The marriage is null and void in the following cases:

[...]

2) when it has been contracted between a man under the age of fourteen, and a woman under the age of twelve, or when either of them is respectively under that age.

3) when the consent of one or both of the contracting parties to celebrate it is lacking.

[...]

5) when it has been contracted by force or fear that are sufficient to compel someone to act without freedom; whether the force is caused by the one who wants to marry or by another person.

6) when there has been no freedom in the consent of the woman, because she has been violently kidnapped, unless she consents to it, being out of the power of the kidnapper. [...]

ARTICLE 143. NULLITY DUE TO IMPUBER MARRIAGE

The [action for] nullity under article 140, point 2 may be initiated by the parent or guardian of the minor or minors; or by these with the assistance of a curator litis; but if it is initiated after three months from the date the minors have reached puberty, the marriage will not be null and void.

ARTICLE 144. NULLITY DUE TO LACK OF CONSENT

The nullity originating from points 3 and 4, may [only] be initiated by the contracting parties or by their parents or guardians.

ARTICLE 145. NULLITY DUE TO LACK OF FREEDOM IN CONSENT

The nullity linked to points 5 and 6 [of article 140] may only be declared upon request by the person against whom force was exercised, fear was caused, or who was forced to consent.

There will be no grounds for nullity for the reasons stated [in the above points], if after the spouses became free, they lived together for three months without exercising it.

ARTICLE 146. COMPETENCE OF THE RELIGIOUS AUTHORITIES.

The State recognizes the competence of the religious authorities to decide by sentence or other provision, in accordance with their canons and rules, disputes relating to the nullity of marriages celebrated by the respective religion.

ECUADOR

[Civil Code, 2005 \(as amended\)](#)

Title III - OF MARRIAGE

Art. 83 (Substituted by Art. 3 of the Law s/n, R.O. 5262S, 19VI2015)

Persons who have not reached the age of eighteen may not get married.

Article 95 (Substituted by Art. 4 of the Law s/n, R.O. 5262S, 19VI2015)

Is null the marriage contracted by:

[...]

2. The person under 18 years of age.

Article 96

It is cause of annulment of the marriage the lack of free and spontaneous consent on the part of one or both contracting parties, at the time of celebrating the marriage, whether it is due to one or more of the following causes:

[...]

4. Grave and serious threats, capable of instilling irresistible fear.

Article 98

Any of the spouses may demand the annulment of the marriage if it is based on essential defects of form or on the diriment impediments indicated in article 95. If it is based on the vices of consent indicated in article 96, only the injured spouse may sue.

Art. 99.- (Substituted by Art. 7 of the Law s/n, R.O. 5262S, 19VI2015)

The action of annulment of the marriage is prescribed within two years from the date of its celebration, from the moment in which the cause invoked became known or in which the action can be exercised.

[...]

Art. 102.- The solemnities are essential for the validity of the marriage:

[...]

3. The free and spontaneous expression of the consent of the contracting parties [...];

[Comprehensive Criminal Code](#)

ARTICLE 91

Trafficking of persons

[...]

Exploitation constitutes any activity that results in a material or economic advantage, an immaterial advantage or any other benefit, for oneself or for a third party, through the submission of a person or the imposition of living or working conditions, obtained from:

[...]

4. A promise of marriage or servile de facto union, including early de facto union, arranged, as compensation or transaction, temporary or for procreation purposes.

[...]

ARTICLE 106

Promise of marriage or de facto servile union

The person who gives or promises in marriage to a person, so that they contract marriage or de facto union, in exchange for a compensation given to their parents, their guardian, their family or any other person who exercises authority over them, without the future spouse or partner having the right to oppose, will be punished with a custodial sentence from ten to thirteen years.

GUYANA

[Marriage Act, 1972](#)

31. (1) Where either of the parties, not being a widower or widow, or a divorced person, is under the age of eighteen years, no marriage shall take place between them until the consent of the appropriate person or persons specified in the Second Schedule has been first obtained. (2) Persons who have reached the age of eighteen years, and widowers and widows, may marry without the consent of others.

32.(1) Notwithstanding section 31 and subject to subsection (2) a marriage shall be void if the parties or either of them is under the age of sixteen.

(2) If a female under the age of sixteen years becomes pregnant or is delivered of a child, she may apply by petition to a Judge of the High Court, for permission to be married under that age to a person not being a person under the age of sixteen years or, if under that age, he admits to being the putative father of the child whether yet delivered or not, or is adjudged by a court of competent jurisdiction to be the father of the child; and the Judge of the High Court, if satisfied that the petitioner is pregnant or has been delivered of a child he shall, subject to sections 29 and 33, judicially declare, by order in writing, that the marriage may be solemnized forthwith; and every marriage duly solemnized in pursuance of under the authority or direction of that Order shall be good, valid and effectual to all intents and purposes whatsoever as if both parties thereto had reached the age of eighteen years.

33. If a person whose consent is necessary to a marriage is *non compos mentis* or absent from Guyana, or otherwise incapable as aforesaid of consenting, or withholds his, her, or their consent to any marriage, or if there is no one capable of consenting, anyone wishing to marry to whose marriage that consent is necessary but cannot be given, or is withheld, may apply by petition to a Judge of the High Court, who is hereby empowered to proceed upon the petition in a summary way, and if the marriage proposed, upon examination, appears to him to be proper he shall judicially declare, by his order in writing, that the marriage is proper and may be solemnized forthwith; and every marriage duly solemnized in pursuance or under the authority or direction of that order shall be as good, valid, and effectual, to all intents and purposes whatsoever, as if the consent aforesaid has been duly given thereto.

69. Any superintendent registrar who knowingly and wilfully performs, or permits to be performed, in his office any marriage in this Act declared to be null and void shall be guilty of a misdemeanour and liable to imprisonment for two years.

PARAGUAY

[Law No. 5419/2015](#)

Art. 17. They cannot get married:

1) persons who have not attained eighteen years of age, with the exceptions established in Article 20; [...]

Art.20. Minors from the age of sixteen and up to eighteen years, need the consent of their parents or guardian to marry. In the absence or incapacity of one of the parents, the consent of the other will suffice. If both are incapable or have lost parental authority, the Judge for Children and Adolescent shall decide.

Children out of wedlock also minors from the age of sixteen and up to eighteen years of age, require the consent of the father or mother who recognized them, or both. In the absence of these, the Judge will decide.

[Law No. 1/92 \(partial reform of the Civil Code\)](#)

MARRIAGE

Article 4

Marriage is the voluntarily union between a man and a woman who are legally capable, formalized in accordance with the law, for the purpose of living together.

Article 5

There shall be no marriage without freely expressed consent. [...]

[Civil Code, 1985](#)

CHAPTER III

CAPACITY TO CONTRACT MARRIAGE AND IMPEDIMENTS

Article 148

Minors, even if they have reached the age required by this Code, cannot marry without the authorization of their parents or guardian, and failing these, without that of the judge.

CHAPTER IV

PRELIMINARY PROCEDURES AND CELEBRATION AND PROOF OF MARRIAGE

Article 150

The preliminary proceedings and the celebration of the marriage will be governed by the provisions of the law and the Registry of Civil Status.

CHAPTER VIII

OF THE NULLITY OF THE MARRIAGE

Art.177

The nullity of the marriage can only be declared for the reasons established in this chapter.

Art.181

The marriage is subject of annulment:

[...]

b) when one of the spouses does not have the minimum age required by law. The annulment may be demanded by the person who could oppose the celebration [...]; and

c) if the consent of one of the contracting parties was invalidated by fraud, violence or error. [...]

Art.186

The bad faith of the spouse consists of the knowledge that he had, or should have had before the celebration of the marriage, about the cause that determined its nullity. The spouse who is not old enough to marry and the one who suffered violence when expressing her consent shall always be considered in good faith. The spouse in bad faith must compensate the the party in good faith for any damage resulting from the annulment of the marriage.

PERU

Civil Code, 2020

TITLE I - Marriage as an Act
SECOND CHAPTER - Impediments

Absolute Impediments

Article 241. They cannot get married:

1. Minors. The judge may waive this impediment for justified reasons, provided that the contracting parties are at least sixteen years old and expressly convey their wish to marry.

Relative impediments

Article 242.-

They cannot marry each other:

[...]

7.- The kidnapper with the kidnapped or vice versa, as long as the kidnapping continues or there is violent retention.

Article 244

Requirements for marriage between minors

Minors, to contract marriage, need the express consent of their parents. [...] In the absence of both parents, [...] the grandparents will give assent. [...] In their absence [...], it is up to the juvenile judge to grant or deny the permission to contract marriage. [...]

Article 245

The refusal of parents or other ascendants to grant consent does not need to be founded. There is no recourse against such refusal.

Article 247

Effects of minors contracting marriage without authorization

The minor who marries without the consent referred to in articles 244 and 245 does not enjoy possession, administration, usufruct or the power to dispose of his assets, until he reaches the age of majority. The official of the registry of civil status before whom the marriage was celebrated will suffer a fine of not less than ten minimum monthly salaries, without prejudice to the criminal responsibility that may arise.

FIFTH CHAPTER

Invalidity of Marriage

Grounds for annulment of marriage

Article 277

Marriage null and void:

1. Of the minor. [...] The annulment cannot be requested after the minor has reached the age of majority, nor when the woman has conceived. Even if the annulment has been declared, spouses of legal age can confirm their marriage.

[...]

3. Of the kidnapper with the kidnapped or the marriage celebrated with violent retention.

[...]

6. If contracted under threat, capable of producing in the threatened party a state of fear, without which he/she would not have contracted it. [...] The action [...] can only be filed within two years from the date the marriage was celebrated. [...]

[Penal Code, 1991](#)

Article 141. The public official who knowingly enters two persons into an illegal marriage shall be punished with imprisonment of not less than two and no more than five years and disqualification from two to three years in accordance with article 36, paragraphs 1, 2 and 3.

If the public official acts by fault, the penalty shall be disqualification for no more than one year, in accordance with article 36, subsections 1, 2 and 3.

SURINAME

[Civil Code, 1859 \(as amended\)](#)

Article 82

A young man, [not having attained] the full age of seventeen, and a young woman, not having attained the age of fifteen years, may not enter into marriage.

The President may, however, for serious reasons, waive this prohibition by granting dispensation.

Article 88

1. Before entering into a marriage, a minor requires the consent of his parents, insofar as these are in civil relations with him and can declare their will.

2. A minor who is under guardianship also needs the consent of the guardian to enter into a marriage.

3. In the case of a marriage with the guardian, or with one of his or her relatives in direct line, the permission of the supervising guardian is additionally required.

Article 89

1. By court decision, at the request of the minor, notwithstanding Article 88, leave to enter into marriage may be granted.

2. Leave in accordance with the previous paragraph can only be granted:

- a. in cases where neither parent has parental authority or exercises custody on the minor;
- b. in other cases, when only one required permission is missing.

Article 90

1. To obtain leave in accordance with Article 89, the minor [may apply] – even without the cooperation of his legal representative – by written request to the district court of his place of residence.

2. The sub-district court will not make a decision until the minor and those whose consent is required under Article 88, as well as blood relatives [...] have been summoned by the Registrar and have had the opportunity to position on the request, and express their reasons for doing so, in chambers.

3. Before making a decision, the subdistrict court judge may seek the advice of the guardianship Council.

4. If one of the parents persists in his refusal, [...] the requested leave can only be granted for important reasons. In other cases, the subdistrict court judges in accordance with what he deems advisable, having regard to all interests involved in the proposed marriage, subject to the provisions of Article 89, paragraph 2.

5. The decision on the request is made in chambers and by the court clerk is immediately served on the minor and on those whose consent pursuant to Article 88 is required. It cannot be declared provisionally enforceable.

Article 142

If a marriage is entered into by a person who [does not comply with] requirements of Article 82 [...], annulment may be sought either by the spouse or by the public prosecutor.

However, the legality of the marriage cannot be disputed:

- 1°. When, on the day of the action for annulment, the spouse or spouses have reached the required age;
- 2°. When the woman, having not attained the required age, before the day of the claim is pregnant.

[Criminal Code, 1910 \(as amended\)](#)

Article 442

[...]

(2) The registrar of births, marriages and deaths who concludes a person's marriage, knowing that there is some legal impediment to it, shall be punished with a term of imprisonment not exceeding two years or a fine not exceeding three hundred guilders.

URUGUAY

[Equal Marriage Law, 2013](#)

Article 26.-

The age of one of the contracting parties under 16 is a diriment impediment to the marriage.

[Civil Code, 1994 \(as amended\)](#)

Article 91

They are diriment impediments to marriage:

1. To be any of the contracting parties under the age of sixteen.
2. The lack of consent of the contracting parties. [...]

Article 105

No marriage shall be celebrated without the consent or license of the person or persons, whose consent is necessary [...]

Article 106

Legitimate children who have not reached the age of eighteen can marry with the express consent of their parents and, in their absence, that of the ascendant in the closest degree. In case of disagreement, consent will prevail.

Article 107

In the absence of both parents or ascendants, it will be necessary for the [spouse] who has not eighteen years of age to get the express consent of his guardian or curator.

Article 109

Recognized natural children who have not reached the age of eighteen years, according to article 106, are required to obtain the consent of the father or mother who recognized them [...]
In the absence of parents, article 107 shall apply. [...]

Article 110

When consent to marriage is refused by the person or persons who must provide it, there will be an appeal before the competent Court to declare the dissent unfounded.

Article 200

Marriages contracted with any of the diriment impediments of numbers 1, 3, 4, 5, 6 and 7 of article 91, may be annulled, as the case may be, on motion by the spouses, any interested party, or the public prosecutor.

This provision is also applicable to the case of clandestine marriage, that was not contracted publicly in the presence of the competent official and in accordance with the provisions of this Code.

Article 201

The nullity of the marriage does not subsist when one or both spouses were under 16(sixteen) years at the time of the celebration:

- 1) If 180 (one hundred and eighty) days have passed since both spouses turned 16 (sixteen) years old.
- 2) If the woman has conceived before the age of 16 (sixteen) or before the expiration of the 180 (one hundred and eighty) days mentioned above.

Article 204

If the nullity is one of those mentioned in subsections 1, 3, 4, 5 and 6 of article 91, the Public Ministry not only can, but must request that this is pronounced and obtain the separation, without prejudice to the penalties imposed by the law. [...]

[Penal Code, Law 9.155](#)

Art. 162. Abuse of functions in cases not specifically provided for by law

The public official who abuses his position, commits or orders any arbitrary act to the detriment of the administration or individuals, which is not specifically provided for in the provisions of the Code or of the special laws, will be punished with imprisonment from three months to three years, disqualification from two to four years and a fine from 10 to 3,000 UR.

VENEZUELA

[Civil Code, 1982](#)

Article 18

Anyone who has reached eighteen (18) years of age has legal capacity. [...]

TITLE IV - OF MARRIAGE

Chapter I: Betrothals, Marriage and its Celebration, and Necessary Requirements to Contract It

Section III: Of the Necessary Requirements to Contract Marriage

Article 46

A woman who has not reached fourteen (14) years of age and a man who has not reached sixteen (16) years of age cannot validly contract marriage.⁵

Article 49

For consent to be valid, it must be free. In the case of kidnapping, consent will not be valid if it is not given or validated after the person has been returned to full freedom. [...]

Article 59

The minor cannot marry without the consent of his/her parents. In the event of disagreement between the parents, or the impossibility of expressing it, it will be up to the Juvenile Judge of the minor's domicile to authorize the marriage or not, after hearing the opinion of the parents if possible. There will be no recourse against the decision.

Article 60

In the absence of the father and mother, the consent of the grandparents of the minor is required. In case of disagreement, it will suffice that two of them consent to the marriage.

If this is not possible, it will be up to the Juvenile Judge of the minor's domicile to decide whether to authorize the marriage after hearing the grandparents. There is no recourse against this decision.

Article 61

In the absence of parents, grandfathers and grandmothers, the consent of the guardian is required; if this one does not exist, the authorization of the Juvenile Judge of the minor's domicile will be requested.

Article 62

The age prescribed in article 46 will not be required:

1. For a minor woman who has given birth to a child or who is pregnant.
2. For a minor male when the woman with whom he wants to marry has conceived a child that he recognizes as his own or that has been judicially declared as such.

Article 63

Against the refusal of consent by those called by law to give it, there will be no recourse, unless the refusal is from the guardian, in which case the Judge of first Instance of the minor's domicile shall decide what is appropriate.

Chapter IX: Of the Annulment of the Marriage

Article 118

The annulment of a marriage contracted without free consent can only be started by one of the spouses whose consent was not free [...]

Article 120

The marriage contracted by persons who have not reached the age required to contract it validly, cannot be challenged:

- 1-When the contracting parties have reached the minimum age to marriage if the relevant process for annulment has not been initiated;

⁵ In 2014, the Supreme Court of Justice declared that the minimum age for marriage is 16 years, both for men and women. See Judgment 1353/2014 of the Supreme Court of Justice.

2-When the woman who does not have the required age, has conceived. [...]

Article 133

Violations by public officials of the provisions relating to marriage and that do not constitute a crime, shall be punished with fines from two thousand (2,000) to five thousand (5,000) bolivars. Any citizen may promote the application of this penalty, provided that he is not included in the exception of the previous article, before the Judge of First Instance in Civil Matters, who may also proceed ex officio.

