

Testimony in Support of LD1185: An Act to Prohibit Persons Under 18 Years of Age from Marrying
Presented to the Maine Committee on Judiciary | March 31, 2025

Chair Carney, Chair Kuhn and distinguished committee members:

Unchained At Last is a survivor-led nonprofit organization working to end forced and child marriage in Maine and across the United States through direct services and systems change. We at Unchained, and our many allies in the Maine Coalition to End Child Marriage that we convene, urge the state legislature to eliminate the archaic, harmful practice of child marriage.

The marriage age in Maine is 18,¹ but the law includes alarming loopholes: Parents may marry off a 17-year-old with nothing more than “written consent,” or a judge may enter a 17-year-old into marriage.²

Just a few years ago a parent could marry off a child of *any age* in Maine. The current loopholes became the law in 2020 (when the effective marriage age was moved to 16)³ and were revised in 2023 (when the effective marriage age was moved to 17).⁴ The 2020 and 2023 law changes were a good first step, but they did not go far enough.

The current law continues to disempower and endanger minors:

- Some 79% of the minors who married in Maine before the 2023 law change were aged 17 (and 100% of the minors who married in Maine before the 2020 law change were age 16 or 17).⁵ Thus the 2023 law protected only 21% of those impacted by child marriage.
- The law does not seek any input from a teen whose parent “consents” to their marriage, and it provides no recourse for a teen whose own parent is forcing them to marry. We have found – as we provide crucial services to forced and child marriage survivors across the U.S. – that parents almost always play a critical role in facilitating a forced marriage. “Consent” is often coercion. And we have seen repeatedly that even when a teen sobs openly and begs for help, the clerk is powerless to intervene, and the teen is powerless to prevent the marriage license from being issued.
- Similarly, the judicial review process does not require any input from the teen nor provide recourse for a teen whose parents are forcing them to marry. The law does not require judges to interview the teen; indeed it does not include any criteria that courts are required to consider before approving the marriage of a 17-year-old.⁶

¹ Maine Revised Statutes (MRS) Title 19-A, § 652. Note that the law requires “written consent” from the minor’s parents or guardians (plural).

² MRS Title 19-A, § 652(7).

³ LD 545/SP 167 passed into law without the governor’s signature on January 12, 2020. It became effective June 15, 2020. See: https://legislature.maine.gov/legis/bills/display_ps.asp?LD=545&snum=129.

⁴ LD 443 was signed into law on June 1, 2023. It became effective August 30, 2023. See: https://legislature.maine.gov/legis/bills/display_ps.asp?LD=443&snum=131.

⁵ Based on Unchained’s analysis of marriage-certificate data going back to 2017, retrieved from the Maine Division of Public Health Systems, Office of Data, Research and Vital Statistics.

⁶ MRS Title 19-A, § 652(7).

- Even a more robust judicial-review process would put the onus on a teen whose parents are forcing them to marry to figure out how to explain their predicament to the court without facing repercussions at home. Due to this pressure, every teen we have worked with has stayed silent or lied to the court.
- Teens are automatically emancipated upon marriage,⁷ which terminates the parents' financial obligation to the teen,⁸ regardless of the teen's level of financial and emotional independence. In other circumstances, a minor cannot be emancipated unless a court determines the minor has arranged their own room, board, health care and education or employment and is "sufficiently mature" to care for themselves.⁹ Automatic emancipation through marriage without regard to financial status and maturity level can force a minor to become financially dependent on their spouse – and financial dependence is both a risk factor for domestic violence¹⁰ and a common reason abuse survivors feel they cannot leave an abusive home.¹¹ Automatic emancipation through marriage without regard to maturity level obviously brings further danger.
 - Automatic emancipation can lead to teen homelessness, especially since 70% to 80% of marriages before age 18 end in divorce.¹²
 - Automatic emancipation based on marriage also creates a powerful incentive for a parent to force their child into marriage, so the parent can evade a child support obligation or child custody battle. We have seen this happen across the U.S., including a case that recently ended up before the Idaho Supreme Court.¹³
- The marriage-age laws incentivize and legalize the trafficking of minors under the guise of marriage. Federal law does not set a minimum age for spousal or fiancé visas;¹⁴ instead it defers to the law in the state where the couple will reside.¹⁵ Thus Maine's current marriage-age laws allow and encourage 17-year-olds to be legally trafficked for their citizenship, forced to marry adults overseas so the adults can get a visa and path to citizenship. Maine's laws also allow and encourage individuals to legally traffic 17-year-olds from overseas to Maine as their spouse.

⁷ Trenton v. Brewer, 134 Me. 295, 1936 (citing White v. Henry, 24 Me. 531): "It seems to be settled law that the marriage of a minor son, with the consent, and not contrary to the direction of his parents, works complete emancipation."

⁸ *Id.* (citing Lowell v. Newport, 66 Me. 78): "Emancipation in infancy severs parent-child relationship as fully as though the child were twenty-one years of age."

⁹ MRS Title 15, § 3506-A(4).

¹⁰ Robert Bornstein, *The Complex Relationship Between Dependency and Domestic Violence: Converging Psychological Factors and Social Forces*, *The American Psychologist* (September 2006), <https://www.ncbi.nlm.nih.gov/pubmed/16953747>.

¹¹ Nancy Salamone, *Domestic Violence and Financial Dependency*, *Forbes* (2 September 2010), <https://www.forbes.com/2010/09/02/women-money-domestic-violence-forbes-woman-net-worth-personal-finance.html>.

¹² Vivian Hamilton, *The Age of Marital Capacity: Reconsidering Civil Recognition of Adolescent Marriage*, William & Mary Law School Scholarship Repository (2012), <https://scholarship.law.wm.edu/facpubs/1430>.

¹³ Carver v. Hornish, No. 49320 (Idaho 2022). See: <https://isc.idaho.gov/appeals/49320.pdf>.

¹⁴ 8 U.S. Code § 1101.

¹⁵ U.S. Senate Committee on Homeland Security and Governmental Affairs, *How the U.S. Immigration System Encourages Child Marriages* (11 January 2019), <https://www.hsdl.org/c/abstract/?docid=820021>.

- This is not a small problem. USCIS approved 8,868 petitions involving minors as young as age 13 for spousal or fiancé(e) entry into the U.S. between 2007 and 2017. The younger party was a girl in 95% of the petitions.¹⁶

Child marriage is inherently dangerous:

- Marriage before age 18 creates a “Kafkaesque” legal trap for minors;¹⁷ indeed, the United Nations Office of the High Commissioner for Human Rights considers all child marriage to be forced marriage.¹⁸ Even highly mature 17-year-olds can easily be forced into marriage or forced to stay in a marriage before they turn 18 and attain the full rights of adulthood:¹⁹
 - Minors cannot easily escape if their parents are planning an unwanted wedding for them, because unlike an adult who leaves home, a minor who leaves home without their parent’s consent is a “runaway.”²⁰
 - Where would minors go even if they could escape? We have found that domestic violence shelters across the U.S. routinely turn away unaccompanied minors, due to funding guidelines and/or liability concerns. Youth shelters are not a solution: They must obtain the written consent of the teen’s guardian prior to admission.²¹
 - Minors cannot easily retain an attorney to help them with their complex legal needs, because most contracts with minors are voidable.²² In our experience, lawyers are reluctant to take on a minor as a client based on a voidable retainer agreement.
 - Minors are not allowed to independently bring a legal action,²³ which creates additional obstacles.
 - As noted above, marriage emancipates minors, which gives them *some* rights of adulthood. However:
 - In the case of an unwanted marriage, the limited rights of emancipation arrive too late, only after a minor has endured the trauma of the forced marriage.

¹⁶ *Id.* (Note that the State Department ultimately rejected the two petitions involving 13-year-olds.)

¹⁷ Nicholas Kristof, *A 14-Year-Old Bride, Wed to Her Rapist, Playing on a Jungle Gym*, New York Times (19 June 2021), <https://www.nytimes.com/2021/06/19/opinion/sunday/child-marriage-rape.html>.

¹⁸ United Nations Office of the High Commissioner for Human Rights, *Child and Forced Marriage, Including in Humanitarian Settings*, <https://www.ohchr.org/en/women/child-and-forced-marriage-including-humanitarian-settings>.

¹⁹ MRS Title 1, § 73: The age of adulthood is 18.

²⁰ MRS Title 22, § 4099-D(3).

²¹ Rules for Licensure of Emergency Shelters for Children, Rule 10-148, Chapter 9, Section 4(E)(4). Note that, in an emergency, the youth shelter may admit the teen but must obtain the consent of the teen’s guardian within 12 hours, per Rule 10-148, Chapter 9, Section 4(E)(5).

²² MRS Title 33, § 52: “No action shall be maintained on any contract made by a minor, unless he, or some person lawfully authorized, ratified it in writing after he arrived at the age of 18 years, except for necessities or real estate of which he has received the title and retains the benefit.”

²³ Maine Rules of Civil Procedure 17(b): A minor must sue or defend through a representative, next friend or guardian ad litem.

- An emancipated minor does not have all the rights of adulthood; they have only the limited rights specifically enumerated by statute.²⁴ They still face many obstacles when trying to escape an unwanted marriage. In our experience, for example, domestic violence shelters typically turn away minors who are emancipated.
- Emancipated minors may face difficulties accessing the limited rights they do have. Imagine, for example, how a landlord would feel about renting an apartment to a 17-year-old, even if the teen is emancipated.
- Child marriage destroys nearly every aspect of American girls' lives, including their health, education and economic opportunities²⁵ and even their physical safety.²⁶ Further, nearly all marriage before age 18 – some 70% to 80% of such marriage – ends in divorce,²⁷ which brings additional hardship. Indeed, the U.S. State Department calls marriage before age 18 a “human rights abuse.”²⁸
 - The impacts of underage marriage are even more severe for teen mothers. Teen mothers who marry and then divorce are more likely to suffer economic deprivation and instability than teen mothers who stay single – and, as noted above, teen marriage has a 70% to 80% divorce rate.²⁹
- Child marriage undermines reproductive and sexual rights. Globally, child marriage is associated with higher rates of sexually transmitted infections including HIV, as well as early and unwanted pregnancies, because child brides often are unable to negotiate safe sex and access to medical care.³⁰ Indeed, individuals in the U.S. who married before age 18 report high rates of unwanted or unplanned pregnancies.³¹ Child marriage can easily be forced marriage, and, in our experience, a forced marriage at any age typically means the loss of reproductive rights, with survivors forced to have unprotected sex and to endure pregnancy and childbirth without their consent.

²⁴ See: MRS Title 18-A, § 5-803; Title 18-C, §§ 2-501, 2-503, 2-517, 5-103; Title 22, §§ 1503, 2944; Title 26, § 774; Title 29-A, §§ 352, 1302; Title 34-B, § 7004; Title 32, §§ 4321, 4323.

²⁵ Fraidy Reiss, *Child Marriage in the United States: Prevalence and Implications*, Journal of Adolescent Health (December 2021), [https://www.jahonline.org/article/S1054-139X\(21\)00341-4/fulltext](https://www.jahonline.org/article/S1054-139X(21)00341-4/fulltext).

²⁶ Individuals in the U.S. who were married before age 18 report high rates of physical, sexual, financial or emotional abuse during their marriage as well as unwanted or unplanned pregnancies. See: Aditi Wahi, et al., *The Lived Experience of Child Marriage in the United States*, Social Work Public Health (12 February 2019), <https://pubmed.ncbi.nlm.nih.gov/30747055>. Note that this is consistent with global trends. See, for example: Rachel Kidman, *Child Marriage and Intimate Partner Violence: A Comparative Study of 34 Countries*, International Journal of Epidemiology (April 2017), <https://academic.oup.com/ije/article/46/2/662/2417355>.

²⁷ Vivian Hamilton, *The Age of Marital Capacity: Reconsidering Civil Recognition of Adolescent Marriage*, William & Mary Law School Scholarship Repository (2012), <https://scholarship.law.wm.edu/facpubs/1430>.

²⁸ U.S. Department of State, et al., *United States Global Strategy to Empower Adolescent Girls* (March 2016), <https://2009-2017.state.gov/documents/organization/254904.pdf>.

²⁹ Vivian Hamilton, *The Age of Marital Capacity: Reconsidering Civil Recognition of Adolescent Marriage*, William & Mary Law School Scholarship Repository (2012), <https://scholarship.law.wm.edu/facpubs/1430>.

³⁰ United Nations Children's Fund (UNICEF), *Ending Child Marriage: Progress and Prospects* (July 2014), <https://data.unicef.org/resources/ending-child-marriage-progress-and-prospects>.

³¹ Aditi Wahi, et al., *The Lived Experience of Child Marriage in the United States*, Social Work Public Health (12 February 2019), <https://pubmed.ncbi.nlm.nih.gov/30747055>.

Indeed, Human Rights Watch gives Maine an F grade on child rights (a raw score of 43.75%) and ranks it 41st out of 50 states – largely because of Maine’s dangerous marriage-age laws.³²

Child marriage is happening at an alarming rate:

- Some 1,174 minors were entered into marriage in Maine between 2017 and 2023.³³
- Some 77% were girls wed to adult men³⁴ an average of 3.7 years older.³⁵

The simple, commonsense solution is a marriage age of 18, no exceptions:

Under the United Nations Sustainable Development Goals, 193 countries – including the U.S. – have promised to end child marriage by year 2030.³⁶ States across the U.S. and around the world are keeping this promise by banning all marriage before 18, without exceptions.³⁷ Specifically, they are passing legislation that keeps the marriage age at 18 and eliminates any loopholes (#18NoExceptions). Legislation to this effect harms no one, costs nothing and ends a human rights abuse.

Waiting until 18 to marry brings obvious benefit, and it does not cause harm, beyond an inconvenience, for teens who are eager to marry but must hold off for a matter of months:

- A girl is pregnant and wants to co-parent? She and the father can easily co-parent outside of marriage if they simply sign a voluntary acknowledgment of paternity³⁸ – and all birthing centers must make this form available.³⁹ Once paternity is established, the father’s health insurance may cover the baby,⁴⁰ and the father’s liabilities to the baby may be enforced the same way any other father’s liabilities may be enforced.⁴¹ (Again, note that a pregnant teenage girl in the U.S. who marries is highly likely to divorce and then much more likely to suffer economic deprivation and instability than a pregnant girl who stays single, as explained above.)
- A teen needs financial, healthcare, housing or other resources they cannot get from their parents? We must make options available to teens that do not require them to enter a contractual sexual relationship from which they cannot easily escape. Using a minor’s

³² Human Rights Watch, *How Do US States Measure Up on Child Rights?*, <https://www.hrw.org/feature/2022/09/13/how-do-states-measure-up-child-rights>.

³³ Based on Unchained’s analysis of marriage certificate data retrieved from the Maine Division of Public Health Systems, Office of Data, Research and Vital Statistics. Data prior to 2017 estimated based on existing trendline (because the Maine Division of Public Health Systems, Office of Data, Research and Vital Statistics was unable to provide actual data for those years).

³⁴ *Id.*

³⁵ Based on McGill University’s analysis of marriage-certificate data Unchained retrieved from the Maine Division of Public Health Systems, Office of Data, Research and Vital Statistics.

³⁶ United Nations Department of Economic and Social Affairs, *Sustainable Development* (2015), <https://sdgs.un.org/goals/goal5>: Goal 5 is, “Achieve gender equality and empower all women and girls.” Target 5.3 is, “Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.” Indicator 5.3.1 is, “Proportion of women aged 20-24 years who were married or in a union before age 15 and before age 18.”

³⁷ Unchained At Last, *Child Marriage Legislation: Progress Map*, <https://www.unchainedatlast.org/child-marriage-in-the-u-s/#progress>.

³⁸ MRS Title 19-A, § 1851(3).

³⁹ MRS Title 22, § 2761-B.

⁴⁰ MRS Title 24-A, § 2833(2).

⁴¹ MRS Title 19-A, § 1553.

current financial dependence to justify an early marriage is harmful public policy that sets up the minor for a lifetime of dependence. As noted above, not only does financial dependence contribute to the risk of domestic violence,⁴² but many abuse survivors cite financial dependence as the main reason they felt compelled to stay in a violent home.⁴³

- A teen is in an abusive home and needs an escape? Again, we must make options available to vulnerable teens that do not require them to enter a contractual sexual relationship from which they cannot legally escape. Marriage before 18 is a known driver of domestic violence,⁴⁴ not a solution to it.
- Right now Maine, by allowing child marriage, is falling behind the rest of the country and the world. Further, since Maine does not impose a residency requirement for marriage,⁴⁵ it is becoming the “destination site” for child marriage – since *every other* state in the northeast, as far west as Pennsylvania and as far south as Delaware, has banned child marriage in the last few years.⁴⁶ Indeed, the number of child marriages in Maine *tripled* between 2020 (when three minors were wed) and 2021 (when nine minors were wed).⁴⁷

Maine must catch up to the rest of the nation and the world by passing LD1185 and banning all marriage before age 18, no exceptions. We must act now to end the archaic, sexist, harmful practice of child marriage.

⁴² Robert Bornstein, *The Complex Relationship Between Dependency and Domestic Violence: Converging Psychological Factors and Social Forces*, *American Psychologist* (September 2006), <https://www.ncbi.nlm.nih.gov/pubmed/16953747>.

⁴³ Nancy Salamone, *Domestic Violence and Financial Dependency*, *Forbes* (2 September 2010), <https://www.forbes.com/2010/09/02/women-money-domestic-violence-forbes-woman-net-worth-personal-finance.html>.

⁴⁴ Individuals in the U.S. who were married before age 18 report high rates of physical, sexual, financial or emotional abuse during their marriage as well as unwanted or unplanned pregnancies. See: Aditi Wah, et al., *The Lived Experience of Child Marriage in the United States*, *Social Work Public Health* (12 February 2019), <https://pubmed.ncbi.nlm.nih.gov/30747055>. Note that this is consistent with global trends. See, for example: Rachel Kidman, *Child Marriage and Intimate Partner Violence: A Comparative Study of 34 Countries*, *International Journal of Epidemiology* (April 2017), <https://academic.oup.com/ije/article/46/2/662/2417355>.

⁴⁵ MRS Title 19-A, § 651(1).

⁴⁶ Unchained At Last, *Child Marriage Legislation: Progress Map*, <https://www.unchainedatlast.org/child-marriage-in-the-u-s/#progress>.

⁴⁷ Based on Unchained’s analysis of marriage-certificate data retrieved from the Maine Division of Public Health Systems, Office of Data, Research and Vital Statistics.