

Child Marriage in North Carolina:

New Evidence & Policy Recommendations





Lyric Thompson

Senior Director, Policy & Advocacy, ICRW

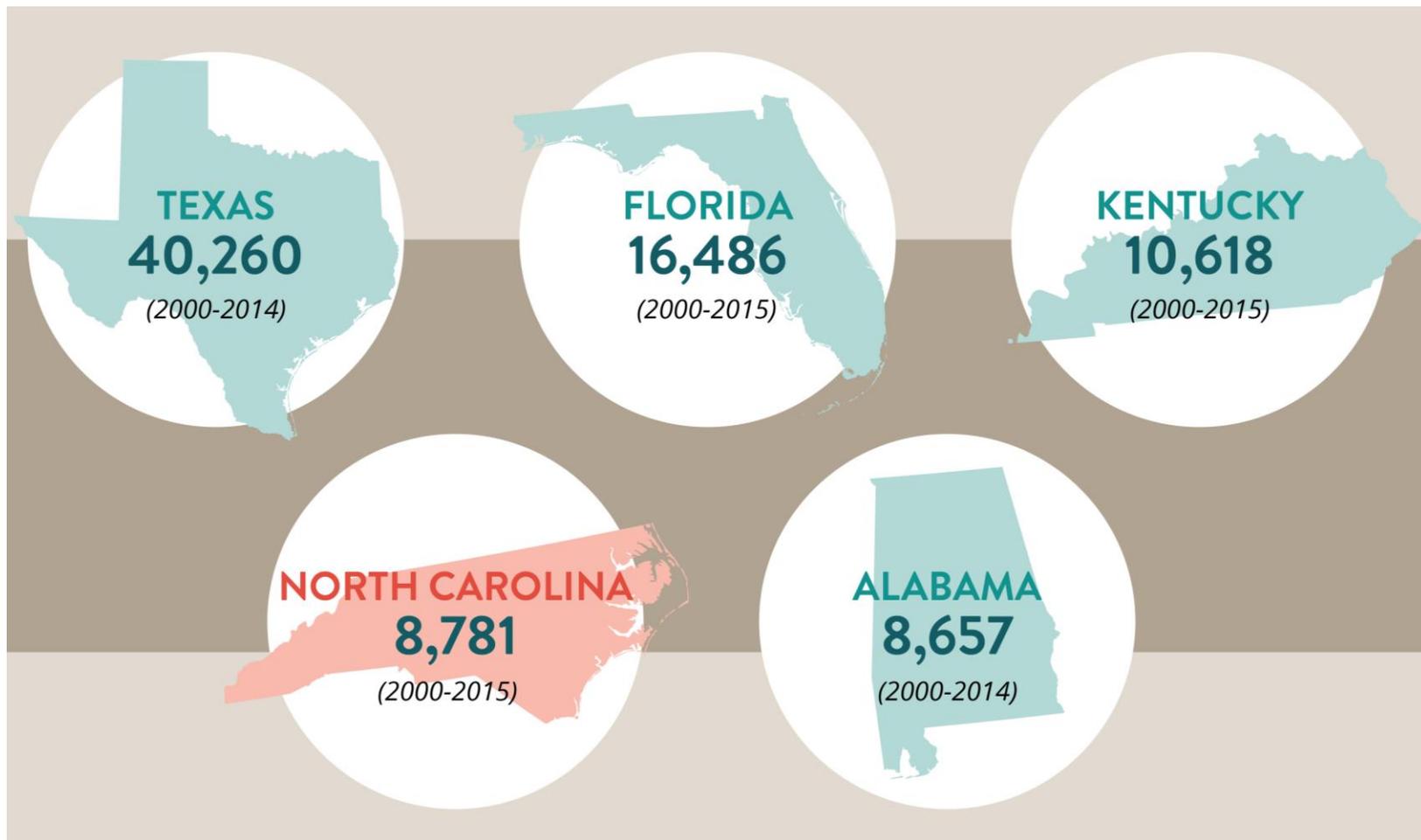
Twitter: @ICRW, @lyricthompson

Methodology

- ICRW compiled marriage license applications shared by Register of Deeds or their data vendors. Data was requested back to 2000. **No personal identifying information was shared.**
- All records were checked to ensure that ages of both applicants were recorded, entered correctly, and at least one applicant was a minor when the application was submitted.
- In total, *ICRW received data from 50 counties representing 43% of the population of North Carolina in 2018.*
- ***In order to estimate statewide prevalence, the same rate of marriage license applications was assumed*** in the remaining 50 counties. ICRW researchers extrapolated the rate for the remaining counties based on population size, adding the two sums together in order to obtain a final statewide estimate.

Thousands of children are marrying

- Between 2000 and 2019, at least 3,949 marriage license applications involving 4,218 minors were submitted in the 50 counties that participated in the analysis.
- Extrapolating by population assuming the same rates of child marriage in the remaining 50 counties, estimate would put NC among top 5 states in the nation in terms of total numbers.





APPROXIMATELY
93%

of applications included
in this analysis were
for a marriage between
a minor and an adult.

#EndChildMarriage in #NC

Age Gaps Were Large

- Largest: 40 years between a 57-year-old and 17-year-old
- Majority of applications for 15 and under in conflict with state statutory rape laws
- Anecdotal evidence suggests NC becoming a destination for child marriage



In **57%** of cases reviewed when a minor age 15 or under was permitted to marry, sex between the parties outside of marriage would be considered a felony.

#EndChildMarriage #NC

Policy Recommendations

The evidence reveals that North Carolina's marriage law has allowed thousands of children to marry adults, many with an age gap of ten years or more, providing a legal loophole in which the state sanctions what could otherwise be a Class B1 or C Felony.

Laws and policies that set a firm marriage age of 18, no exceptions, are the strongest way to limit child marriage and prevent its harms. **North Carolina statutes on marriage should be amended to ensure that children cannot be married in the state, and that exceptions for pregnancy and parental consent are eliminated.**

Legislators should remove the pregnancy exception at NC Stat 51-2.1 and amend the statute that immediately precedes it:

§ 51-2. Capacity to marry.

(a) All unmarried persons of 18 years, or older, may lawfully marry, except as hereinafter forbidden.

~~(a1) Persons over 16 years of age and under 18 years of age may marry, and the register of deeds may issue a license for the marriage, only after there shall have been filed with the register of deeds 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.~~

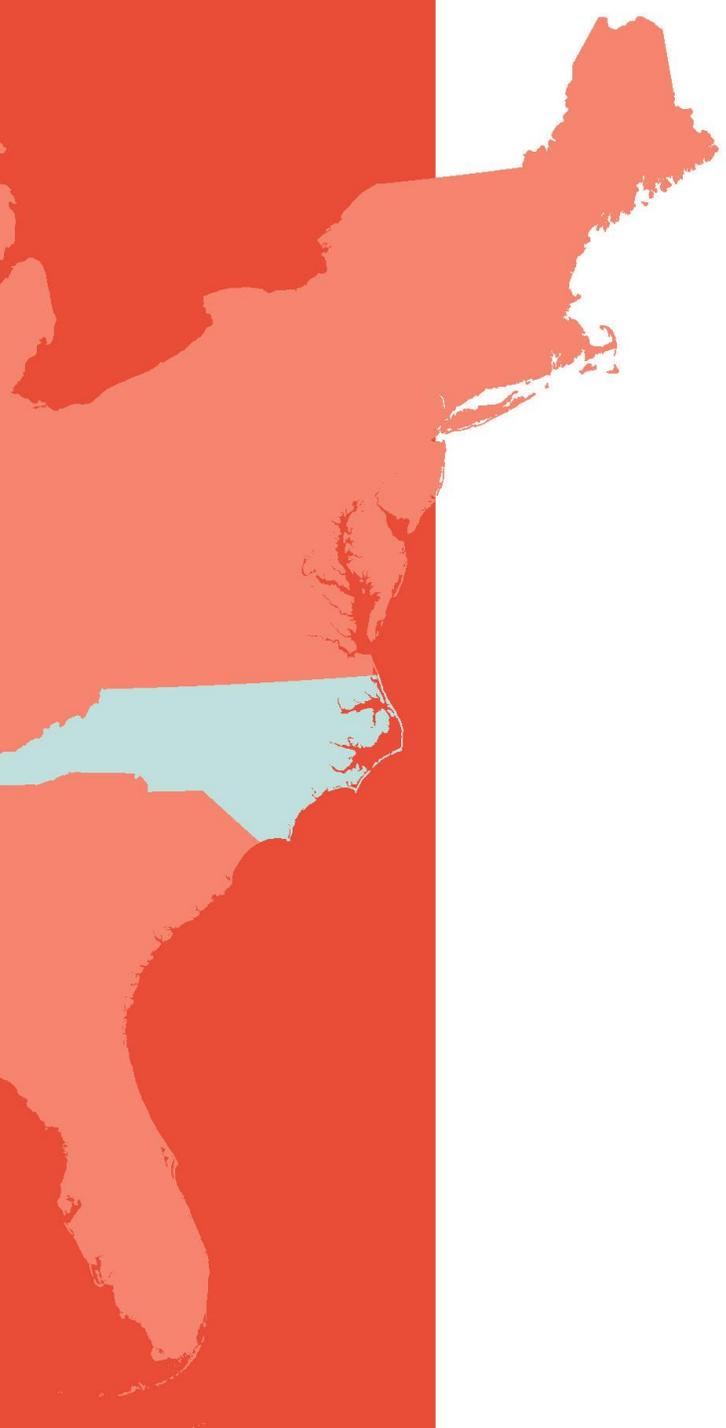
~~(b) Persons over 14 years of age and under 16 years of age may marry as provided in G.S. 51-2.1.~~

~~(b1) It shall be unlawful for any person under 14 years of age to marry.~~

(c) When a license to marry is procured by any person under 18 years of age by fraud or misrepresentation, a parent of the underage party, a person, agency, or institution having legal custody or serving as a guardian of the underage party, or a guardian ad litem appointed to represent the underage party pursuant to G.S. 51-2.1(b) is a proper party to bring an action to annul the marriage.

Annex: Counties Represented

| County | | | | | | | |
|-----------|-----------|----------|-----------|-------------|------------|--------------|--------|
| Alexander | Clay | Forsyth | Henderson | Montgomery | Pitt | Stanly | Yancey |
| Buncombe | Cleveland | Franklin | Jackson | New Hanover | Polk | Surry | |
| Burke | Columbus | Gaston | Jones | Onslow | Randolph | Transylvania | |
| Caldwell | Craven | Gates | Lenoir | Orange | Richmond | Watauga | |
| Camden | Currituck | Guilford | Lincoln | Pamlico | Rockingham | Wayne | |
| Caswell | Dare | Halifax | Macon | Pasquotank | Rowan | Wilson | |
| Chowan | Duplin | Haywood | Madison | Person | Rutherford | Yadkin | |



Thank you!

