



Legislation Text

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Res. No. 1244

By Council Members Cohen, Rosenthal, Lander, Levine, Cabrera, Rose, Salamanca, Maisel, Palma, Mealy, Koslowitz, Levin, King, Kallos, Johnson, Torres and Richards

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation prohibiting marriage under the age of 18, without exceptions.

Whereas, New York’s Domestic Relations Law allows 16 and 17 year olds to marry if they have parental consent, with no process to ensure that a child has not been coerced; and

Whereas, Further, New York’s Domestic Relations Law allows 14 and 15 year olds to marry if they have judicial approval in addition to parental consent, including in cases where the age difference between parties would otherwise be classified as statutory rape; and

Whereas, UNICEF calls marriage before the age of 18 “a fundamental violation of human rights,” because it puts girls at risk of exploitation and positions them to face a lifetime of disadvantage, including increased rates of dropping out of school, experiencing domestic violence, and dying from complications in pregnancy and childbirth; and

Whereas, A 2010 study on early marriage in the United States, “Early Teen Marriage and Future Poverty,” found that a woman who marries young is 31% more likely to live in poverty later in life; and

Whereas, A 2011 study, “Child Marriage in the United States and Its Association with Mental Health in Women,” found that women who marry before age 18 experience higher rates of psychiatric disorders than women who marry as adults; and

Whereas, The divorce rate is between 70 and 80 percent for marriages entered under the age of 18; and

Whereas, The current legal concept of parental consent fails to account for the emotional and social

capacities necessary to understand the consequences of the decision to marry, which a child developmentally lacks; and

Whereas, The societal and familial pressure to marry underage due to an out-of-wedlock pregnancy is no longer as stigmatizing as it once was, and support exists outside of marriage for minors in that situation; and

Whereas, Data compiled by Unchained at Last, an advocacy group against coerced marriage, show that 3,853 minors were married in New York between 2000 and 2010; and

Whereas, Many states prohibit marriage under the age of 18, although every state allows exceptions, including New York; and

Whereas, In addition to New York, other states have recently made progress in restricting or banning child marriage, with similar bills having been introduced in Maryland and New Jersey; and

Whereas, In Virginia, a law went into effect in July 2016, setting the minimum age for marriage at 18, or 16 if a child has been legally emancipated, removing the previous exceptions for children as young as 13 to marry if they had parental consent and were pregnant; and

Whereas, In November 2015, New York State Assembly Member Amy Paulin introduced A. 8563, legislation to prohibit marriage under the age of 18, without exceptions; and

Whereas, Raising the age of consent for marriage to 18 would protect children from possible exploitation and lower the chances they would face a lifetime of negative economic, social, and health consequences; now, therefore, be it

Resolved, That the Council of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation prohibiting marriage under the age of 18, without exceptions.

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