

Evaluating the Minimum Marriage Age in the U.S.

In the United States, the marriage age is set by each state and territory, either by the common law or by individual statutes. Marriage under 18 was legal in all 50 states until 2018. Currently, South Dakota is among the 78% of states that allow marriage under 18 under exceptional circumstances, and it is 1 of 24 states (along with the District of Columbia) that have a minimum marriage age of 16.

An individual in the U.S. can marry without parental consent at the age of 18 in all states except for Nebraska (19 years old) and Mississippi (21 years old).

Exceptional circumstances for underage marriage include:

- Consent of a court clerk or judge
- Consent of the parents or legal guardians of the minor
- If one of the parties is pregnant or has given birth to a child
- If the minor is emancipated

Examples of other requirements by state:

- Arizona, Colorado & Idaho: cannot be more than a 3-year age difference
- California: along with written parental consent, there is a 30-day waiting period and a meeting with the judge before marriage
- Colorado:
- Florida: the other party cannot be more than two years older than the minor
- Georgia: cannot be more than a four-year age difference and those who are 17 must take premarital education classes
- Indiana: requires parental consent, a judicial order and proof of emancipation; there cannot be more than a four-year age difference; and marital counseling and a 15-day waiting period is required
- Louisiana: must be less than a three-year age difference
- Missouri: while the minimum marriage age is 16 with parental consent, a person over 21 cannot marry someone under 18
- Montana: requires parental consent, at least two counseling sessions and a meeting with a judicial officer
- Texas: must have proof of emancipation

(See map on reverse side)

