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MEMORANDUM

September 8, 2017

TO: Interested Persons

FROM: Vanessa Conway, Research Analyst, 303-866-4753

SUBJECT: Age of Marriage Consent Laws in Colorado and Other States

Summary

This memorandum addresses the minimum age for marriage in Colorado and other states. Table 1, Marriage Applications by Minors in Colorado, 1990-2015, provides information on the number of marriage license applications in Colorado. The data in this table were provided by the Colorado Department of Public Health and Environment (CDPHE). These statistics represent marriage license applications completed and reported by county clerk and recorder offices across the state, and do not necessarily reflect marriages that have taken place. Additionally, CDPHE is unable to verify the reported data, so it is possible some of it could have been reported or entered incorrectly. At CDPHE's recommendation, the table does not include a breakdown of the numbers by gender, as Colorado's counties have incorporated more gender neutral applications, and individuals have increasingly omitted gender identification, muddying the gender distinctions in the data.

Table 2, Age and Requirements for Minor Marriage in the 50 States and the District of Columbia, outlines, by state, the minimum age for consent for marriage, the minimum age with parental or judicial consent, which type of consent is required for minor marriage, and other relevant factors. States requiring parental consent typically include statutory provisions for custody by a single parent, a guardian, or state agency. Table 2 does not include administrative licensing requirements that may apply solely to minors seeking marriage licenses. It also does not consider common law marriage, nor marriage by emancipated minors, except where the statute restricting marriage by minors creates a direct exception for emancipated minors.

Changes to Minor Marriage Laws in Colorado Since 1997

Under Colorado law, the minimum age for consent is 18. Parental consent is required for minors aged 16 and 17. Parental and judicial consent are required for all parties under age 16. In the last 20 years, two bills have proposed changes to Colorado law regarding minor marriage. In 1998, House Bill 98-1183 added a provision clarifying that when parental consent is required, it may be given by the parent who has legal custody or “decision-making responsibility concerning such matters.” The provision became effective February 1, 1999. In 2006, during the First Special Session, the General Assembly passed Senate Bill 06S-006, which restricted common law marriage to parties aged 18 or older. The provision became effective on July 18, 2006.

Table 1
Marriage Applications by Minors in Colorado,
1990 to 2015

Year	Age					
	12	13	14	15	16	17
1990	-	1	14	34	236	485
1991	-	-	4	29	217	491
1992	-	-	2	32	223	435
1993	-	1	6	31	253	464
1994	-	-	4	19	248	444
1995	-	1	2	31	238	425
1996	-	-	-	23	213	425
1997	-	1	1	25	206	400
1998	-	-	3	13	173	360
1999	-	-	3	11	162	336
2000	-	-	-	14	122	332
2001	-	1	4	20	193	339
2002	-	-	-	18	144	313
2003	-	-	1	9	132	277
2004	-	-	1	10	118	217
2005	-	-	-	6	118	233
2006	1	-	2	7	97	245
2007	-	-	2	4	90	222
2008	-	1	1	4	108	222
2009	1	-	1	2	95	199
2010	-	-	1	3	56	194
2011	1	-	-	-	60	158
2012	2	-	2	1	50	118
2013	-	3	1	2	40	101
2014	-	-	-	1	39	93
2015	-	-	-	-	29	92

Source: Colorado Department of Public Health & Environment.

Table 2
Age and Requirements for Minor Marriage in the 50 States and the District of Columbia

	Minimum Age for Consent for Marriage	Minimum Age for Marriage With Parental or Judicial Consent	Type of Consent Required for Minor Marriage	Other Relevant Factors	Statutory Citation
Alabama	18	16	Parental consent is required for all parties under age 18.	NA	Ala. Code § 30-1-4; § 30-1-5.
Alaska	18	14	Parental consent is required for parties aged 16 and 17; if parents are unwilling or unable to consent, a court may also consent. Parties aged 14 and 15 require judicial and parental consent, or judicial consent and finding that parents are unwilling or unable to consent.	Judicial consent requires finding that the marriage is in the best interest of the minor.	Alaska Stat. § 25.05.171.
Arizona	18	No age requirement	Parental consent is required for parties aged 16 and 17. Parental and judicial consent are required for all parties under age 16.	Judicial consent requires parties to the marriage to complete premarital counseling, a finding that the minor is entering the marriage voluntarily, and a finding that the marriage is in the best interests of the minor. The court may require the minor to continue to attend school, and may also place any other reasonable condition on the marriage.	Ariz. Rev. Stat. § 25-102.
Arkansas	18	17 (males); 16 (females); No age requirement if female party to the marriage is pregnant	Parental consent is required for all parties under age 18. Judicial consent is also required if the female party to the marriage is pregnant and either the female party is under age 16 or the male party is under age 17.	Parental consent may be voided by the court where there is clear and convincing evidence that the parent is not fit to make decisions concerning the child and the marriage is not in the child's best interest.	Ark. Code § 9-11-102; § 9-11-103.
California	18	No age requirement	Parental and judicial consent are required for all parties under age 18.	The court may require parties to the marriage of a minor to participate in premarital counseling.	Cal. Fam. Code § 301; § 302; § 304.
Colorado	18	No age requirement	Parental consent is required for parties aged 16 and 17. Parental and judicial consent are required for all parties under age 16.	Judicial consent requires finding that the minor party is capable of assuming the responsibilities of marriage and that the marriage would serve the party's best interest. Pregnancy alone does not establish that the party's best interests would be served.	§ 14-2-106; § 14-2-108, C.R.S.

**Table 2 (Cont.)
Age and Requirements for Minor Marriage in the 50 States and the District of Columbia**

	Minimum Age for Consent for Marriage	Minimum Age for Marriage With Parental or Judicial Consent	Type of Consent Required for Minor Marriage	Other Relevant Factors	Statutory Citation
Connecticut	18	16	Judicial and parental consent are required for all parties under age 18.	Effective October 1, 2017.	Conn. Gen. Stat. § 46b-20a.
Delaware	18	No age requirement	Judicial consent is required for all parties under age 18.	Judicial consent considers the best interests of the minor, the wishes of the minor and the minor's parents, the mental and physical health of the parties to the marriage, and the criminal history of the parties to the marriage.	Del. Code tit. 13, § 123.
District of Columbia	18	16	Parental consent is required for all parties under age 18.	NA	D.C. Code § 46-403, § 46-411.
Florida	18	16; No age requirement if the parties are the parents of a child or if the female party is pregnant and the female party or both parties are under age 18	Parental consent is required for all parties under age 18. Judicial consent is required, and supersedes the requirement for parental consent, if the minor parties are the parents of a child or the female minor party to the marriage is pregnant.	NA	Fla. Stat. § 741.0405.
Georgia	18	16	Parental consent is required for all parties under age 18.	NA	Ga. Code Ann. § 19-3-2; § 19-3-37.
Hawaii	18	15	Parental consent is required for parties aged 16 and 17. Parental and judicial consent are required for parties aged 15.	NA	Haw. Rev. Stat. § 572-1, § 572-2.
Idaho	18	No age requirement	Parental consent is required for parties aged 16 and 17. Parental and judicial consent are required for all parties under age 16.	Judicial consent requires a petition showing that any party under age 16 is physically and/or mentally so far developed as to assume full marital and parental duties, and/or that it is to the best interest of society that the marriage be permitted.	Idaho Code Ann. § 32-202.

**Table 2 (Cont.)
Age and Requirements for Minor Marriage in the 50 States and the District of Columbia**

	Minimum Age for Consent for Marriage	Minimum Age for Marriage With Parental or Judicial Consent	Type of Consent Required for Minor Marriage	Other Relevant Factors	Statutory Citation
Illinois	18	16	Either parental or judicial consent is required for all parties under age 18.	Judicial consent requires a finding that the minor party is capable of assuming the responsibilities of marriage and that the marriage will serve the minor's best interest. Pregnancy alone does not establish that the minor party's best interest will be served.	750 Ill. Comp. Stat. 5/203, 5/208.
Indiana	18	15	Parental consent is required for parties aged 17. Parental and judicial consent are required for ages 15 and 16.	Judicial consent requires a verified petition that the female party to the marriage is pregnant or is a mother, and that the male party to the marriage is the putative father of the female's expected child or the father of the female's child, and that the individuals desire to marry each other.	Ind. Code § 31-11-1-4; § 31-11-1-5; § 31-11-1-6.
Iowa	18	16	Parental and judicial consent are required for all parties under age 18.	Judicial consent requires a finding that the minor party or parties are capable of assuming the responsibilities of marriage and that the marriage will serve the best interest of the minor party or parties. Pregnancy alone does not establish the best interest of the minor party or parties. A judge may determine if a parent has unreasonably withheld consent and, if so, may supersede the requirement for parental consent.	Iowa Code § 595.2.
Kansas	18	15	Parental consent is required for parties aged 16 and 17. Judicial consent is required for age 15.	Judicial consent requires a finding that the marriage is in the best interest of the minor.	Kan. Stat. Ann. § 23-2505.
Kentucky	18	16; No age requirements in the case of pregnancy	Parental consent is required for parties aged 16 and 17. Judicial consent and pregnancy is required for all parties under age 16.	In the case of pregnancy for minor parties aged 16 and 17, judicial consent may supersede the requirement for parental consent.	Ky. Rev. Stat. Ann. § 402.020.

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Age and Requirements for Minor Marriage in the 50 States and the District of Columbia**

	Minimum Age for Consent for Marriage	Minimum Age for Marriage With Parental or Judicial Consent	Type of Consent Required for Minor Marriage	Other Relevant Factors	Statutory Citation
Maine	18	No age requirement	Parental consent is required for parties aged 16 and 17. Parental and judicial consent are required for all parties under age 16.	Judicial consent requires consideration of the best interest of the parties under age 16, including the age of both parties and any criminal record of a party who is aged 18 or older.	Me. Rev. Stat. Ann. tit. 19-A, § 652.
Maryland	18	15	Parental consent is required for ages 16 and 17, unless the female party is pregnant or has given birth. For parties aged 15, the law requires both parental consent and that the female party must be pregnant or have given birth.	NA	Md. Code., Fam. Law § 2-301.
Massachusetts	18	No age requirement	Parental and judicial consent are required for all parties under age 18.	NA	Mass. Gen. Laws ch. 207, § 7; § 25.
Michigan	18	16	Parental consent is required for all parties under age 18.	NA	Mich. Comp. Laws § 551.51; § 551.103.
Minnesota	18	16	Parental and judicial consent are required for all parties under age 18.	NA	Minn. Stat. § 517.02.
Mississippi	21	No age requirement	Parental consent is required for male parties to a marriage aged 17, 18, 19, and 20, and for female parties aged 15, 16, 17, 18, 19, and 20. Parental and judicial consent are required for male parties under age 17 and female parties under age 15.	NA	Miss. Code Ann. § 93-1-5.
Missouri	18	No age requirement	Parental consent is required for parties aged 15, 16, and 17. Parental and judicial consent are required for all parties under age 15.	Judicial consent requires a showing of good cause and by reason of such unusual conditions as to make such marriage advisable.	Mo. Rev. Stat. § 451.090.

**Table 2 (Cont.)
Age and Requirements for Minor Marriage in the 50 States and the District of Columbia**

	Minimum Age for Consent for Marriage	Minimum Age for Marriage With Parental or Judicial Consent	Type of Consent Required for Minor Marriage	Other Relevant Factors	Statutory Citation
Montana	18	16	Parental and judicial consent are required for all parties under age 18.	Judicial consent requires both parties to the marriage to participate in marriage counseling, and the finding that the minor party is capable of assuming the responsibilities of marriage and that the marriage will serve the party's best interests. Pregnancy alone does not establish that the minor party's best interests will be served.	Mont. Code. Ann. § 40-1-213; § 40-1-202.
Nebraska	17	No age requirement	Parental consent is required for all parties under age 17.	NA	Neb. Rev. Stat. § 42-102; § 42-105.
Nevada	18	No age requirement	Parental consent is required for parties aged 16 and 17. Parental and judicial consent are required for all parties under age 16.	Judicial consent requires a finding that the marriage will serve the best interests of the minor party. Pregnancy alone does not establish the party's best interests will be served, and cannot be required by a court as a necessary condition for the marriage.	Nev. Rev. Stat. § 122.020; § 122.025.
New Hampshire	18	14 (males); 13 (females); 18 (same sex marriages)	Parental consent is required for all parties under age 18.	Any marriage contracted by a party under age 18 may be annulled at the suit of the minor party, or at the suit of a parent, unless the party has confirmed the marriage after age 18.	N.H. Rev. Stat. Ann. § 457:4; § 457:5.
New Jersey	18	No age requirement	Parental consent is required for parties aged 16 and 17. Parental and judicial consent are required for all parties under age 16.	NA	N.J. Rev. Stat. § 37:1-6.
New Mexico	18	No age requirement	Parental consent or judicial consent upon the request of a parent is required for parties aged 16 and 17. Judicial consent is required for all parties under age 16.	Judicial consent for parties under age 16 requires the request of a parent, either in settlement of proceedings to compel support and establish parentage, or when the minor party is pregnant.	N.M. Stat. § 40-1-6.

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Age and Requirements for Minor Marriage in the 50 States and the District of Columbia**

	Minimum Age for Consent for Marriage	Minimum Age for Marriage With Parental or Judicial Consent	Type of Consent Required for Minor Marriage	Other Relevant Factors	Statutory Citation
New York	18	17	Parental consent is required for all parties under age 18.	A marriage is voidable if either party is under the age of 18; however the fact of either party being under age 18 does not constitute an absolute right to annulment. Annulment is at the discretion of the court, which will consider all the facts and circumstances surrounding the marriage.	N.Y. Dom. Rel. § 7; § 15-a.
North Carolina	18	14	Parental consent is required for parties aged 16 and 17. Parties aged 14 and 15 require judicial consent and the fact of the minor being pregnant or a parent, or being the putative father of a child, whether born or unborn.	Judicial consent requires a finding that the minor party is capable of assuming the responsibilities of marriage and that the marriage will serve the minor party's best interests. Best interests are established by considering the opinion of the minor party's parents or legal guardian, the minor party's guardian ad litem, the relationship between the minor party and the minor party's parents, and any other relevant evidence. The fact of pregnancy or parentage alone does not establish the party's best interests are served. The court appoints a minor party aged 14 or 15 a guardian ad litem upon the filing of a civil action requesting judicial authorization to marry.	N.C. Gen. Stat. § 51-2; § 51-2.1.
North Dakota	18	16	Parental consent is required for parties aged 16 and 17.	NA	N.D. Cent. Code § 14-03-02.
Ohio	18	18 (males); 16 (females); No age requirement if the female party is pregnant or has given birth	Parental consent is required for parties aged 16 and 17. Judicial consent is required for all parties under age 18 where the female party is pregnant or has given birth.	All parties under age 18 must receive marriage counseling.	Ohio Rev. Code § 3101.01; § 3101.04; Ohio Juvenile Rule 42.

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Age and Requirements for Minor Marriage in the 50 States and the District of Columbia**

	Minimum Age for Consent for Marriage	Minimum Age for Marriage With Parental or Judicial Consent	Type of Consent Required for Minor Marriage	Other Relevant Factors	Statutory Citation
Oklahoma	18	16; No age requirement when in settlement of a suit for paternity or when the female party is pregnant or has given birth	Parental consent is required for parties aged 16 and 17. Judicial consent is required for all parties under age 16.	NA	Okla. Stat. Ann. tit. 43, § 3.
Oregon	18	17	Parental consent is required for all parties under age 18.	NA	Or. Rev. Stat. § 106.010; § 106.060.
Pennsylvania	18	No age requirement	Parental consent is required for parties aged 16 and 17. Parental and judicial consent are required for all parties under age 16.	Judicial consent requires a finding that the marriage is in the best interest of the minor party.	23 Pa. Cons. Stat. § 1304.
Rhode Island	18	No age requirement	Parental consent is required for parties aged 16 and 17. Parental and judicial consent are required for all parties under age 16.	Judicial consent requires an hearing on the advisability of the marriage, in which the court acts as the minor's guardian, and which includes a required investigation by the department of human services.	R.I. Gen. Laws Ann. § 15-2-11.
South Carolina	18	16	Parental consent is required for all parties under age 18.	NA	S.C. Code Ann. § 20-1-100, § 20-1-250, § 20- 1-300.
South Dakota	18	16	Parental consent is required for all parties under age 18.	NA	S.D. Codified Laws § 25-1-9.

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	Minimum Age for Consent for Marriage	Minimum Age for Marriage With Parental or Judicial Consent	Type of Consent Required for Minor Marriage	Other Relevant Factors	Statutory Citation
Tennessee	18	16; Age requirement can be waived in counties of specific population	Parental consent is required for all parties under age 18. A court has the power to waive the age restriction; except that in counties with a population between 34,850 and 35,000, according to the 1990 federal census or any subsequent federal census, the county legislative body must first have approved the section of law permitting judges to waive the age restriction.	NA	Tenn. Code Ann. § 36-3-104; § 36-3-105; § 36-3-106; § 36-3-107.
Texas	18	No age requirement if minor is legally emancipated; eligibility for emancipation at age 16	A party may only be issued a marriage license upon a showing of a court order removing the disabilities of minority of the party for general purposes.	NA	Tex. Fam. Code Ann. § 2.101; § 31.001.
Utah	18	15	Parental consent is required for parties aged 16 and 17. Parental and judicial consent is required for age 15.	Judicial consent requires a determination that the minor party is entering into the marriage voluntarily, and that the marriage is in the minor party's best interests. The court must require both parties to complete premarital counseling, and may require the minor party to continue to attend school, or place any other conditions that it deems reasonable.	Utah Code § 30-1-2; § 30-1-9.
Vermont	18	16	Parental consent is required for all parties under age 18.	NA	Vt. Stat. Ann. tit. 18, § 5142.
Virginia	18	No age requirement if minor is legally emancipated; eligibility for emancipation at age 16	Parties under age 18 must present a certified copy of an order of emancipation by the court.	NA	Va. Code Ann. § 20-48 § 16.1-333.

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Age and Requirements for Minor Marriage in the 50 States and the District of Columbia**

	Minimum Age for Consent for Marriage	Minimum Age for Marriage With Parental or Judicial Consent	Type of Consent Required for Minor Marriage	Other Relevant Factors	Statutory Citation
Washington	18	No age requirement	Parental consent is required for parties aged 17. Judicial consent is required for all parties under age 17.	Judicial consent requires a showing of necessity.	Wash. Rev. Code § 26.04.010; § 26.04.210.
West Virginia	18	No age requirement	Parental consent is required for parties aged 16 and 17. Parental and judicial consent are required for all parties under age 16.	Judicial consent requires a finding that the marriage is in the best interest of the minor party.	W. Va. Code § 48-2-301.
Wisconsin	18	16	Parental consent is required for all parties under age 18.	NA	Wis. Stat. § 765.02.
Wyoming	18	16	Parental consent is required for parties aged 16 and 17. Parental and judicial consent are required for all parties under age 16.	NA	Wyo. Stat. § 20-1-102.

Source: Legislative Council Staff.