

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1267 (Pellerin)
Version: June 22, 2026
Hearing Date: June 30, 2026
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Marriage: prohibition on minors

DIGEST

This bill repeals provisions permitting a person under the age of 18 from entering into a marriage or a domestic partnership with parental consent, thereby establishing the state's minimum marriage and domestic partnership age at 18 years.

EXECUTIVE SUMMARY

Without parental consent, a person can't legally get married, or enter into a domestic partnership, in California until they're 18 years of age. California is one of three states, however, that has no minimum age for entering into a marriage or domestic partnership with parental consent and approval of a court. The process by which such court approval can be obtained, as put in place by SB 273 (Hill, Ch. 660, Stats. 2018) requires, among other things, the minor who wishes to get married to be interviewed privately on two separate occasions to ensure that they are not being coerced or threatened into the marriage or domestic partnership.

This bill eliminates the provisions permitting a person under the age of 18 to get married or enter into a domestic partnership under any circumstances, including when the minor is emancipated. The bill also provides that marriages entered into by a minor on or after January 1, 2027, are void; the author has agreed to amendment to keep these illegal marriages voidable at the election of the person who married as a minor, consistent with existing law.

This bill is sponsored by the California Commission on the Status of Women and Girls and Unchained at Last, and is supported by a number of organizations, including women's advocacy organizations, religious groups, and atheist groups, and three individuals. This bill is opposed by ACLU California Action.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides that the right to marry is a fundamental right. (Cal. Const., art. I, § 7.5.)
- 2) Defines “minor” as an individual under 18 years of age. (Fam. Code, § 6500.)
- 3) Limits a minor’s ability to give legal consent or be legally liable for their actions, including:
 - a) Providing that a minor is civilly liable for a wrong done by the minor, but is not liable for exemplary damages unless the minor was capable of knowing that the act was wrongful. (Fam. Code, § 6600.)
 - b) Providing that a minor may, in some cases, make a contract in the same manner as an adult; however, a minor cannot give a delegation of power, make a contract relating to real property, or make a contract relating to personal property not in the immediate possession or control of the minor, and the minor may, in most cases, disaffirm a contract within a reasonable time afterwards. (Fam. Code, §§ 6700, 6701, 6710.)
 - c) Providing that a minor may consent to certain medical and mental health treatments, including medical care related to the prevention or treatment of pregnancy (at any age), treatment for injuries caused by intimate partner violence (at age 12 years or older), and treatment for opioid use disorder (12 years of age for most treatments; 16 years of age for opioid use disorder treatments involving buprenorphine). (Fam. Code, §§ 6920-6930.)
 - d) Providing that a minor aged 16 years or older may, with the consent of a parent or court approval, enlist in the Armed Forces of the United States. (Fam. Code, § 6950.)
- 4) Provides that a person is an emancipated minor if any of the following conditions are satisfied:
 - a) The person has entered into a valid marriage or has established a valid domestic partnership, regardless of whether the marriage or domestic partnership has been dissolved.
 - b) The person is on active duty with the Armed Forces of the United States.
 - c) The person has received a declaration of emancipation from the court, as specified. (Fam. Code, §§ 7002, 7120, 7122.)
- 5) Provides that an emancipated minor shall be considered an adult for most purposes, including:
 - a) The minor’s right to be supported by their parents.
 - b) The right of the minor’s parents to the minor’s earnings and to control the minor.

- c) The minor's capacity to consent to medical, dental, or psychiatric care, without parental consent, knowledge, or liability.
 - d) The minor's capacity to enter into a binding contract, give a delegation of power, or buy, sell, lease, encumber, or transfer an interest in real property.
 - e) The minor's capacity to sue or be sued, and compromise, settle, arbitrate or adjust a claim or proceeding.
 - f) The minor's capacity to make or revoke a will.
 - g) The minor's capacity to establish their own residence, apply for a work permit without parental consent, and enroll in a school or college. (Fam. Code, § 7050.)
- 6) Provides that two unmarried persons 18 years of age or older, who are not otherwise disqualified, are capable of consenting to and consummating marriage or a domestic partnership. (Fam. Code, §§ 297.1, 301.)
- 7) Notwithstanding 6), permits an unmarried person under 18 years of age and otherwise qualified to consent to a marriage or domestic partnership with the consent of a parent or guardian and a court order. If the minor has no parent or guardian capable of consenting, the court may grant permission as well as issue the order. (Fam. Code, §§ 297.1, 302, 303.)
- 8) Establishes the procedure by which a minor may obtain a court order to enter into a marriage or domestic partnership, as required under 7), as follows and subject to the exceptions in 9) and 10):
 - a) Family Court Services must separately interview the parties intending to marry and, if applicable, at least one of the parents or guardians of each party who is a minor. If more than one parent or guardian is interviewed, they must be interviewed separately.
 - b) Family Court Services must prepare and submit to the court a written report containing an assessment of potential force, threat, persuasion, fraud, coercion, or duress by either of the parties or their family members relating to the intended marriage, as well as Family Court Services' recommendation for either granting or denying the parties permission to marry. If Family Court Services knows or reasonably suspects that either party is a victim of child abuse or neglect, Family Court Services shall submit a report of the known or suspected child abuse or neglect to the county child protective services agency.
 - c) After receiving the Family Court Services report, the court must separately interview in camera (privately and off the record) each of the parties prior to making a final determination regarding the court order, and consider whether there is evidence of coercion or undue influence on the minor.
 - d) If the court issues an order granting permission to marry or enter into a domestic partnership, and if one or both of the parties is a minor, the parties

shall be eligible to request a marriage license no earlier than 30 days from the time the court issued the order.

- e) As parts of its order granting permission to marry or enter into a domestic partnership, the court, if it considers necessary, shall require the parties to the prospective marriage or domestic partnership to participate, prior to the marriage or establishment of the domestic partnership, in counseling concerning social, economic, and personal responsibilities incident to the marriage or domestic partnership; the parties shall not be required to confer with religious counselors of any denomination. In determining whether to order counseling, the court shall consider, among other factors, the availability of the parties to pay for counseling; the court may impose a reasonable fee to cover the cost of counseling provided by the court or county, which shall be used exclusively to cover the cost of the counseling services.
 - f) For purposes of the data collection in 13)-16), the court order granting permission to enter into the marriage or domestic partnership must include the gender and date of birth of each party.
 - g) Upon the issuance of an order granting permission to enter into the marriage or domestic partnership, the minor shall be provided with information regarding the rights and responsibilities of an emancipated minor; the circumstances under which a marriage or domestic partnership may be determined to be void or voidable and adjudged a nullity; the procedures for legal separation and dissolution of a marriage or termination of a domestic partnership; telephone numbers for the National Domestic Violence Hotline and the National Sexual Assault Hotline; and the conditions under which an unemancipated minor may leave home and seek to remain in a shelter or otherwise live separately from the minor's parent or guardian and whether their consent is required, the rights of an unemancipated minor to apply for a protective order or restraining order to prevent abuse, and the rights of a minor to enter into contracts, including for legal services and mental health counseling. (Fam. Code, §§ 297.1, 304.)
- 9) Exempts, from the interview, report, and 30-day waiting period requirements set forth in 8), a minor who is 17 years of age and has achieved a high school diploma or a high school equivalency certificate. (Fam. Code, §§ 297.1(h)(1), 304(f)(1).)
- 10) Exempts, from the 30-day waiting period requirement, a minor who is 16 or 17 years of age and who is pregnant or whose prospective spouse or domestic partner is pregnant. (Fam. Code, §§ 297.1(h)(2), 304(f)(2).)
- 11) Requires a person solemnizing a marriage involving a minor to return to the county recorder, along with the marriage license, a copy of the court order granting permission to marry, if one or both of the parties to the marriage were minors at the time of solemnization. (Fam. Code, § 423.)

- 12) Requires the court order and written consent of the parent(s) or guardian(s) of each minor entering into a domestic partnership to be filed with the clerk of the court and a certified copy of the order to be filed with the Secretary of State with the Declaration of Domestic Partnership. (Fam. Code, § 297.1 (a).)
- 13) Requires the Secretary of State to create a document, available to the public on request, that is updated annually by March 1 of each year, disaggregated by county, containing the following information concerning domestic partnerships registered in the preceding calendar year and in which one or both of the parties were minors at the time the domestic partnership was established:
 - a) The total number of those registered domestic partnerships.
 - b) For each domestic partnership, the age of each party at the time the domestic partnership was established.
 - c) For each domestic partnership, the gender of each party as documented on the court order, unless the court order does not include gender. (Fam. Code, § 298.8.)
- 14) Requires the local registrar of marriages to submit to the State Registrar, at least annually, all of the following information concerning marriage certificates accepted for registration by them during the same calendar year and in which both of the parties were minors at the time of solemnization of the marriage:
 - a) The total number of those marriage certificates.
 - b) For each of those marriages, the age of each party at the time of solemnization of the marriage.
 - c) For each of those marriages, the gender of each party as documented in the court order, unless the court order does not include gender. (Health & Saf. Code, § 102356(a).)
- 15) Requires the State Registrar to create a document, and make the document available to the public on request, updated annually by March 1 of each year, disaggregated by county, containing the information received from the local registrars under 14). (Health & Saf. Code, § 102233.)
- 16) Permits a minor to make a valid premarital agreement or other marital property agreement if the minor is emancipated, has obtained a court order and permission to marry as required in 6), or has entered or is entering a marriage that is valid in the jurisdiction where the marriage is solemnized. (Fam. Code, § 1501.)
- 17) Permits a party to terminate a domestic partnership in one of two ways:
 - a) Through a Notice of Termination of Domestic Partnership filed with the Secretary of State, provided that the domestic partnership is not more than five years in duration, there are no children of the relationship of the parties, and other conditions are met. This process allows the parties to terminate the

- domestic partnership without filing a proceeding for dissolution with the courts. (Fam. Code, § 299(a)-(b).)
- b) Through a proceeding for the dissolution of a domestic partnership, nullity of domestic partnership, or legal separation of partners in a domestic partnership in the superior court. This proceeding is essentially the same as a proceeding for dissolution of marriage. (Fam. Code, § 299(d).)
- 18) Permits a party to terminate a marriage through a proceeding for dissolution of marriage in the superior court, which is commenced through the filing of a petition. (Fam. Code, div. 6, §§ 2000 et seq.)
- 19) Provides that a marriage is voidable and may be adjudged a nullity if, at the time of the marriage, certain conditions existed, including:
- a) The party who commences the proceeding to have the marriage adjudged a nullity was a minor, unless the party entered into the marriage with the requisite court order and permission from a parent or guardian.
 - b) Consent of either party was obtained by fraud, unless the party whose consent was obtained by fraud afterwards, with full knowledge of the facts constituting the fraud, freely cohabitated with the other as their spouse.
 - c) Consent of either party was obtained by force, unless the party whose consent was obtained by force afterwards freely cohabitated with the other as their spouse. (Fam. Code, § 2210 (Section 2210).)
- 20) Establishes the crime of unlawful sexual intercourse with a minor, provided the perpetrator is not the spouse of the minor, as follows:
- a) An adult (defined as a person aged 18 years or older) who engages in an act of unlawful sexual conduct with a minor less than two years younger than the adult is liable for a civil penalty not to exceed \$2,000.
 - b) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed \$5,000.
 - c) A person who engages in an unlawful act of sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator is guilty of a misdemeanor.
 - d) A person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony and shall be punished by imprisonment of up to three years and liable for a civil penalty not to exceed \$10,000.
 - e) A person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or felony, and shall be punished by a term of imprisonment of up to four years and a civil penalty not to exceed \$25,000. (Pen. Code, § 261.5.)

This bill:

- 1) Prohibits a person under 18 years of age from marrying or entering into a domestic partnership.
- 2) Repeals all provisions related to the court order procedure for a minor to enter into a marriage or domestic partnership, the State Registrar's annual compilation of minor marriage numbers, and a local registrar's obligation to report minor marriage certificates to the State Registrar.
- 3) Makes marriages entered into under the conditions in Section 2210 void, rather than voidable.

COMMENTS

1. Author's comment

California, New Mexico, and Mississippi are the only states that have no minimum age to marry. Child marriages cause lifelong consequences, including stripping minors of their right an education, economic mobility, and puts them at greater risk for experiencing violence and unwanted pregnancies. Many organizations – including Human Rights Watch and the U.S. State Department – consider marriage before age 18 to be a human rights abuse and a form of child abuse.

Allowing children to marry undermines statutory rape laws and creates a legal shield for child predators and human traffickers.

State law sets the age of majority – meaning, who is considered to be an adult – at 18 years old. Although California grants minors certain limited rights, the age of majority plays a crucial role in determining when individuals are granted certain rights and responsibilities, including the right to vote, enter into contracts, and make important legal decisions.

Minors can easily be forced to marry or to stay in a marriage before they turn 18 and can access the full rights of adulthood. Regardless of their maturity level, minors even a day before their 18th birthday cannot easily leave home, get help from an advocate, enter a domestic violence shelter, retain an attorney, or bring a legal action independently.

California must protect our kids and end child marriage once and for all.

2. Background on minor consent laws

As a general rule in California, a minor is a person who is under 18 years of age, and anyone 18 years of age or older is an adult.¹ Adults are presumed capable of giving legal consent, absent extenuating circumstances,² whereas minors are generally not capable of providing legal consent except as specifically set forth in statute.³

California grants minors the right to make a number of decisions about their own health and wellness without parental consent. For example, minors 12 years of age or older can give consent for their own mental health treatment;⁴ all minors can consent to medical services relating to the prevention or treatment of pregnancy, except that a minor may not be sterilized without parental consent;⁵ minors 12 years of age or older may give consent to treatment for certain communicable diseases, including a sexually transmitted disease;⁶ a minor 12 years of age or older may consent to diagnosis or treatment arising from rape, sexual assault, or intimate partner violence;⁷ and a minor 12 years of age or older can consent to diagnosis or treatment of drug and alcohol disorder, though a minor must be 16 years of age before they can consent to opioid use disorder treatment that uses buprenorphine.⁸

But marriage for minors is different.⁹ A minor can get married at any age *with* parental consent, subject to the approval of a court, following an investigation and separate interviews of the parties.¹⁰ (The court process is discussed in greater detail in Comment 3.) A minor cannot get married at any age *without* parental consent, unless the minor has no parent or guardian capable of consenting and the court, after the process set forth in Comment 3, approves the issuance of the marriage license.¹¹

¹ Fam. Code, §§ 6500, 6501.

² For example, the Probate Code authorizes the establishment of a conservatorship for a person deemed to be substantially unable to manage their own affairs, which results in the conservatee being legally deprived of some of their decisionmaking authority. (Prob. Code, div. 4, pt. 3, §§ 1800 et seq.) Even then, a conservatee retains the right to give or refuse consent in a number of contexts – including the right to consent to a marriage – unless the court specifically holds otherwise. (Prob. Code, div. 4, pt. 3, ch. 4, §§ 1870 et seq.)

³ See Fam. Code, div. 11, §§ 6500 et seq.

⁴ Fam. Code, § 6924.

⁵ *Id.*, § 6925.

⁶ *Id.*, § 6926.

⁷ *Id.*, §§ 6927, 6928, 6930.

⁸ *Id.*, §§ 6929, 6929.1.

⁹ References to marriage include domestic partnership unless domestic partnerships are expressly mentioned.

¹⁰ Fam. Code, §§ 302-304.

¹¹ *Id.*, § 303.

There are also a few things adults aren't legally allowed to do until they're 21: purchase alcohol,¹² purchase tobacco products,¹³ purchase cannabis products for recreational use,¹⁴ and purchase certain firearms and ammunition.¹⁵

3. The court approval process for a marriage involving a minor and recent legislation

In 2018, the Legislature enacted SB 273,¹⁶ which significantly expanded the judicial review procedure through which a minor could obtain consent to marry. Before then, a minor technically needed parental consent and court approval to get married, but the approval "process" was a single Judicial Council form that form notified the minor that the court might order the parties premarital counseling prior to issuing the order.¹⁷

Under SB 273, when a minor seeks a court order to marry, Family Court Services must first interview each party intending to marry and at least one parent or guardian of each proposed minor spouse; if Family Court Services interviews more than one parent or guardian, the interviews must be conducted separately.¹⁸ Family Court Services then must prepare and submit to the court a report based on the interviews containing any finding of potential force, threat, persuasion, fraud, coercion, or duress by either of the parties or their family members relating to the intended marriage, and a recommendation for either granting or denying the request for marriage.¹⁹ After receiving the report, the court must separately interview each of the parties to the intended marriage in camera (privately and off the record) before making a final determination regarding the request.²⁰ As part of the determination, the court must consider whether there is evidence of coercion or undue influence on the minor.²¹ If the court issues an order permitting the marriage, the parties are not eligible to request a marriage license until 30 days after the court order was issued.²² The court also retains its ability to order the parties to premarital counseling.²³

The SB 273 framework has two exceptions. First, a minor who is 17 years of age and has achieved a high school diploma or high school equivalency certificate is exempt from the Family Court Services and in camera interview procedure and the 30-day waiting

¹² Bus. & Prof. Code, § 25658.

¹³ Bus. & Prof. Code, §§ 22962, 22963.

¹⁴ *Id.*, § 26140.

¹⁵ *Id.*, §§ 27505, 27510

¹⁶ SB 273 (Hill, Ch. 660, Stats. 2018).

¹⁷ See Sen. Com. on Judiciary, Analysis of Sen. Bill No. 273 (2017-2018 Reg. Sess.) as amended May 3, 2017.

¹⁸ Fam. Code, § 304(a). The procedures laid out in Family Code section 304 are identical to the procedures put in place for domestic partnerships. (*See id.*, § 297.1.)

¹⁹ *Id.*, § 304(a). If Family Court Services believes that either party is a victim of child abuse or neglect, they must report the abuse or neglect to the county child protective services. (*Ibid.*)

²⁰ *Ibid.*

²¹ *Ibid.*

²² *Id.* at § 304(b).

²³ *Id.* at § 304(c).

period to obtain a marriage license.²⁴ Second, if a minor is 16 or 17 years of age and pregnant, or their prospective spouse is pregnant, they are exempt from the 30-day waiting period.²⁵

SB 273 also put in place enhanced data-gathering requirements for marriages involving minors. Prior to the enactment of SB 273, there was no mandated tracking of how many minors petitioned for, and were granted, permission to marry each year. SB 273 required county registrars to annually report to the State Registrar the number of marriage certificates involving a minor that were returned with the court order giving the minor permission to marry; the State Registrar then must, by March 1 of each year, compile those reports into a single report setting forth the number of minor marriages, the age of each party to the marriage, and the gender of each party (where available) on a county-by-county basis.²⁶

The State Registrar's compilations for the years 2019-2022 reflected only a handful of legal marriages involving minors per year, with a high of 17 in 2019 and a low of 9 in 2022.²⁷ SB 273 left a gap in the reporting requirement, however: if a marriage certificate was returned without a court order, a local registrar was permitted, but not required, to include the data from that certificate in its report to the State Registrar.²⁸

In 2024, this Committee heard SB 575 (Wahab, Ch. 984, Stats. 2024). At the time of the hearing, SB 575 would have established California's marriage age at 18 years, with an exception permitting emancipated minors to enter into domestic partnerships. The author agreed, however, to amend the bill to (1) eliminate the loophole for marriage certificates returned without a court order, thereby requiring local registrars to report every marriage involving a minor to the State Registrar; and (2) require the State Registrar to search all of its marriage records transmitted by a local registrar between 2019 and 2024 and report to the Legislature the total number of such marriages, including an anonymized list of each marriage, the ages of each party, and their genders, and a breakdown of marriages by county. The State Registrar's report is due September 1, 2027.²⁹ The same year, AB 2924 (Petrie-Norris, 2024) was introduced in the Assembly. AB 2924 would have established the state's minimum marriage age at 18 years, with no exception for emancipated minors like the one in SB 575. AB 2924 died in the Assembly Judiciary Committee without being heard.

ACLU California Action, writing in opposition, argues that this bill is premature in light of the impending report from the State Registrar:

²⁴ *Id.* at § 304(f)(1).

²⁵ *Id.* at § 304(f)(2).

²⁶ SB 273 (Hill, Ch. 660, Stats. 2018).

²⁷ See Sen. Com. on Judiciary, Analysis of Sen. Bill No. 575 (2023-2024 Reg. Sess.) as amended Jan. 3, 2024, p. 11.

²⁸ SB 273 (Hill, Ch. 660, Stats. 2018).

²⁹ Health & Saf. Code, § 102233.1.

SB 575 (Wahab, 2024) was enacted precisely to address [the data] gap, requiring the State Registrar to compile comprehensive reports on minor marriages from 2019 forward, to publish annual data going forward, and to compile a report on extralegal marriages. The State Registrar has not yet published any such report and must do so by September 2027. AB 1267 would foreclose the judicial pathway before the Legislature has a meaningful opportunity to evaluate whether SB 273's protections are working, and before the State Registrar's improved reporting has generated a reliable baseline.

The Legislature should delay final action until the State Registrar's SB 575 reporting has produced at least two full annual cycles of verified data on the actual prevalence of minor marriage under the SB 273 framework.

4. The data on minor marriage, and the data on minor marriage in California

The Obama Administration's Global Strategy to Empower Adolescent Girls explains the following about child, early, and forced marriage (CEFM):

Families marry girls before the age of 18 for a number of reasons, including social beliefs about the appropriate age of marriage for girls; fears that older girls will not find spouses; poor quality of schooling; concerns about the risks of sexual violence girls face in school and on their way to school; the socioeconomic needs of a girl's household; and concerns about premarital sexual behavior that could result in pregnancy outside of marriage, HIV/AIDS, and perceived dishonor to the family. This practice is often rooted in patriarchal beliefs that value girls less and confine them to traditional roles of motherhood and domestic labor.

Ultimately CEFM arises from, and often perpetuates, gender inequality. It is a human rights abuse that contributes to economic hardship and leads to under-investment in girls' educational and health care needs.

CEFM undermines economic productivity, threatens sustainable growth and development, and fosters conditions that enable or exacerbate violence and insecurity, including domestic violence. It produces devastating repercussions for a girl's life, effectively ending her childhood. Early marriage forces a girl into adulthood and motherhood before she is physically and mentally mature and before she completes her education, limiting her future options, depriving her of the chance to

reach her full potential, and preventing her from contributing fully to her family and community.³⁰

CEFM does not affect only girls, but it is a gendered problem; research shows that girls are more likely to be married as minors than boys.³¹ Child marriage is “associated with a broad range of psychiatric disorders,”³² high levels of violence, and the disruption of the child’s education.³³ A 2019 qualitative study of individuals who married between the ages of 13 and 17 years also found that a majority of them were pressured by their families to marry, including through threats.³⁴ The studies also participated high levels of family, cultural, and religious pressure to marry young, particularly when the girl was pregnant.³⁵

It is difficult to know how much the data collected globally, or the data collected prior to 2019, are relevant to the current experience of minors marrying in California. Data provided by the State Registrar following SB 273’s implementation showed small numbers of minors getting married each year, from a high of 17 minors in 2019 to 9 minors in 2022.³⁶ All of the minors were 16 or 17, and the largest age gap was 6 years.³⁷ As noted above, however, there were concerns that the State Registrar’s reports were incomplete because local registrars did not have to report minor marriages if the officiant did not return the court order with the completed marriage license. This gap was closed by SB 575.

The report for 2024, which reflects data reported before SB 575 took effect, showed 10 marriages involving minors; all of the minors were 17 years of age, and most of the other spouses were 18 or 19, though there was also a 20-year-old, a 23-year-old, and a 28-year old, as well as one marriage between two 17-year-olds.³⁸ The report for 2025, which reflects data reported after SB 575 took effect, showed 10 marriages involving minors; nine of the ten were 17 years old, with one 16-year-old, and the two oldest spouses were 22 years of age.³⁹

³⁰ United States Department of State, United States Global Strategy to Empower Adolescent Girls (Mar. 2016) pp. 5-6, available at <https://2009-2017.state.gov/documents/organization/254904.pdf> (link current as of June 25, 2026).

³¹ E.g., Wadi, et al., *The Lived Experience of Child Marriage in the United States* (2019) Social Work in Public Health, Vol. 34, No. 3, p. 201.

³² Le Strat, *Child Marriage in the United States and Its Association with Mental Health in Women* (2011) Pediatrics, Vol. 128, Iss. 3, p. 527.

³³ Wadi, *supra*, at pp. 204, 206.

³⁴ *Id.* at p. 204.

³⁵ *Id.* at pp. 207-208.

³⁶ Sen. Com. on Judiciary, Analysis of Sen. Bill No. 575 (2022-2023 Reg. Sess.) as amended Jan. 3, 2024, p. 11.

³⁷ *Ibid.*

³⁸ California Department of Public Health, California 2022 Information Concerning Marriages of Minors (Feb. 13, 2025).

³⁹ California Department of Public Health, California 2022 Information Concerning Marriages of Minors (Feb. 5, 2026).

There is still some debate over whether these numbers are accurate. The SB 575 report, which will audit all of the marriage certificates submitted to the State Registrar between 2019 and 2024, is not due until next year. There are also some who believe that, to the extent there is a wider problem of “marriages” involving minors in California, it is happening extra-legally, e.g., through religious ceremonies performed without a marriage license.

Despite efforts and outreach to the author’s office, sponsors, and other stakeholders, Committee staff were unable to identify or speak to anyone who was married, or entered into a domestic partnership, as a minor in California after the implementation of SB 273. It is therefore difficult to assess the effectiveness of the SB 273 investigation process, the nature of the marriages being approved by the courts, and whether there are additional judicial or extrajudicial minor marriages taking place in California.

5. This bill prohibits persons under 18 years of age from marrying or entering into a domestic partnership

This bill eliminates the provisions permitting a minor to get married, or enter into a domestic partnership, with parental consent and court approval, thereby establishing the minimum age for consent to marry or enter a domestic partnership at 18 years. The bill does not include an exception for emancipated minors. The bill also, accordingly, deletes the code sections relating to the annual collection of data relating to marriage licenses in which one party was a minor, but leaves intact the statute requiring the State Registrar to issue the multiyear report required by SB 575. For the author and sponsors, this change is a no-brainer to protect California’s girls, and is consistent with California’s other age-based restrictions. For example, the California Commission on the Status of Women and Girls writes:

California currently sets age minimum requirements for several activities such as voting, driving, owning firearms, drinking, and is currently considering restrictions on social media use this legislative session with Assemblymember Lowenthal’s AB 1709. This bill aligns with such protections for girls who are most vulnerable to child marriage and these harmful consequences by making 18 the minimum age that one may enter into a marriage.

In addition to the imposition of an absolute minimum marriage age, the bill makes changes to the framework for marriages that are currently voidable, but not automatically void, due to circumstances rendering the consent of one of the parties ineffective. To the extent this bill modifies the voidability status of marriages other than marriages involving minors, this was the result of a drafting error, and the author has agreed to amend the bill to revert those provisions to current law. To the extent the bill makes a marriage entered into by a minor on or after the implementation date of this bill void, there are concerns that this restricts the options of survivors. A void marriage

is a legal nullity – it never existed.⁴⁰ Current law, therefore, gives a survivor of an illegal marriage entered into as a minor the choice to void the marriage or to petition for dissolution,⁴¹ which gives them greater rights with respect to ongoing support and division of assets.⁴² By making a marriage void, rather than voidable, the survivor loses that choice. The author, therefore, has agreed to amend the bill to provide that a marriage involving a minor, entered into on or after January 1, 2027, is voidable at the election of the person who was a minor at the time of the marriage.

As the author notes, 17 other states and the District of Columbia now set their marriage age at 18 years, with no exceptions for parental consent or judicial approval.

6. Constitutional questions

As ACLU California Action notes, California’s voters approved Proposition 3, declaring that “the right to marry is a fundamental right” protected by the California Constitution in the November 2024 election.⁴³ This declaration is consistent with the United States Supreme Court’s protection of marriage as a fundamental liberty protected by the United States Constitution.⁴⁴

The United States Supreme Court has not, however, directly addressed the question of whether minors have a fundamental right to marry; opinions have stated in dicta that the answer is no.⁴⁵ The question of whether the California Constitution protects a minor’s right to marry in particular circumstances is more complicated.

When Proposition 3 was approved, minors had a limited right to marry; a court could determine that the voters, in granting an absolute right with no qualification for age, meant to enshrine the right as it was currently in effect in the state, including limited allowance for minor marriage. The voter information guide for the November 2024 election does refer to child marriages, in the “con” portion of the discussion; the “yes” and “pro” sides, however, do not assert that Proposition 3 is intended to apply to minors.⁴⁶ Similarly, the proponents’ arguments in favor of Proposition 3 discussed protecting the right to marry on the basis of race and gender, while the rebuttal argument threatened that Proposition 3 would open remove all protections on marriage, including limits on child marriage.⁴⁷ But the anti-Proposition 3 arguments

⁴⁰ Fam. Code, § 2212.

⁴¹ This choice is granted only to the person who was illegally married as a minor; if the other spouse was an adult at the time of the marriage, they do not have the right to petition to void the marriage. (Fam. Code, § 2212.)

⁴² See Fam. Code, §§ 2250-2255, 2500-2660, 3500-5616.

⁴³ See Cal. Const., art. I, § 7.5.

⁴⁴ E.g., *Obergefell v. Hodges* (2015) 576 U.S. 644, 663.

⁴⁵ E.g., *Thompson v. Oklahoma* (1988) 487 U.S. 815, 823 (plur. opn. of Stevens, J.); *Bellotti v. Baird* (1979) 443 U.S. 622, 642; see also *Moe v. Dinkins* (2d Cir. 1982) 669 F.2d 67, 68 (“the right of minors to marry has not been viewed as a fundamental right deserving strict scrutiny”).

⁴⁶ California Official Voter Information Guide, Gen. Elec. (Nov. 5, 2024) Quick Reference Guide, p. 5

⁴⁷ *Id.*, Proposition 3 arguments, pp. 22-23.

were so hyperbolic, it's easy to imagine voters not taking any of the opponents' positions seriously; it's therefore not clear how much weight should be placed on the voter materials as evidence of the voters' intent.

Contrary to those dire predictions, Proposition 3 did not, in fact, totally do away with any and all government restrictions on marriage. It is therefore extremely unlikely that the California Supreme Court would hold that Proposition 3 recognizes an unbounded right of minors to marry, and Committee staff are not aware of anyone arguing that such a right exists. The question is more narrow: whether some class of minors – be they emancipated minors, minors who have enlisted in the military, or minors who have been determined by a court to be capable of giving their consent – should be granted the right to marry. Because Proposition 3 is so new, there is no case law to provide guidance on how the California Supreme Court is likely to answer this question.

7. Amendments

As noted above, the author has agreed to amend the bill to correct a drafting error that inadvertently altered the voidable status of certain marriages unrelated to minor marriages, and to make an illegal marriage involving a minor voidable at the election of the minor. The amendments are set forth below, subject to any nonsubstantive changes the Office of Legislative Counsel may make.

Amendment

At page 26, in line 26, delete “void” and insert “voidable and may be adjudged a nullity”

6. Arguments in support

According to the County of Santa Clara:

This bill would correct California's dangerous, archaic laws that allow a parent and/or a judge to enter a minor of *any age* into marriage – making California's laws a stunning outlier not only in the United States but also globally. California Department of Public Health data show 88 minors were entered into marriage here between 2019 and 2025, including girls as young as 15 who were wed to men in their 20s and 30s.

Disturbingly, a child-marriage license is a “get out of jail free” card for a would-be child rapist, since sex with a child is considered rape unless the perpetrator first marries the child.

Minors can easily be forced to marry or to stay in a marriage before they turn 18 and get the full rights of adulthood. Regardless of their maturity level, minors even a day

before their 18th birthday cannot easily leave home, get help from an advocate, enter a domestic violence shelter, retain an attorney or bring a legal action independently. This is why, globally, all marriage before age 18 is considered forced marriage, which is a form of modern slavery.

Further, child marriage destroys American girls' health, education and economic opportunities, and increases their risk of experiencing violence. Those who marry before 18 have a 70-80% chance of divorcing, which brings additional hardship and instability. The U.S. State Department calls marriage before 18 a "human rights abuse." The United Nations calls it a "harmful practice."

AB 1267 would end this human rights abuse and bring California in line with states across the nation – including Oregon and Washington – and countries around the world that are making their marriage age 18, no exceptions.

7. Arguments in opposition

According to ACLU California Action:

Prohibiting minors from marrying in every case is a departure from California's longstanding commitment to honoring minors' ability to make important personal decisions for themselves, particularly in the realm of reproductive autonomy. Just as minors have the right to decide to have an abortion or to carry a pregnancy to term (or to seek a restraining order) on their own, they should maintain the right to marry, with robust protections in place to prevent coercion and abuse. We understand that young people need support when they find themselves in abusive and coercive relationships, and that a one-size-fits-all approach does not work to address the unique circumstances each young person may be facing. Forced, *extralegal* "marriages" are part of a complex global problem with roots in misogyny, poverty, social norms, and instability, which demands a context-specific approach to address the underlying problems that drive it.

Marriage can provide critical legal protection for pregnant minors and young parents – including emancipation, the right to consent to their own medical care, and access to spousal benefits unavailable to unmarried partners. Under Cal. Fam. Code § 7002, marriage is one of only three pathways to emancipation for a minor, which in turn triggers § 7050's grant of full health care autonomy – the right to consent to medical, dental, and psychiatric care without parental approval. An absolute ban eliminates this avenue without providing any equivalent substitute.

A total marriage ban could also drive young people who are already in abusive relationships further underground, out of reach of social services. Parents who coerce their children into relationships may not be deterred by a ban on legal marriage and instead could insist on religious or other forms of cultural marriage

outside of the legal system and with none of the protections that the current system provides.

SUPPORT

California Commission on the Status of Women & Girls (co-sponsor)

Unchained At Last (co-sponsor)

AHA Foundation

American Atheists

Atheists United

California Catholic Conference

California Freethought Day

California National Organization for Women

CleanEarth4Kids.org

Central Valley Justice Coalition

California Women's Law Center

County of Santa Clara

Equality Now

FFRF Action Fund

Global Girls Worldwide Women

Girls Inc. of Los Angeles

Indivisible San Jose

Love Never Fails

Muslims for Progressive Values

Protect Our Defenders

Safe House Project

Secular Student Alliance

Tahirih Justice Center

Together We Will

UltraViolet Action

Zonta International, District 9

Zonta Newport Harbor

Three individuals

OPPOSITION

ACLU California Action

RELATED LEGISLATION

Pending legislation: None known.

Prior legislation:

SB 575 (Wahab, Ch. 984, Stats. 2024) is discussed in Comment 3 of this analysis.

AB 2924 (Petrie-Norris, 2024) is discussed in Comment 3 of this analysis.

SB 273 (Hill, Ch. 660, Stats. 2018) is discussed in Comment 3 of this analysis.

PRIOR VOTES

This bill was substantially gutted and amended on June 11, 2026, therefore all prior votes are irrelevant.
