

THIRD READING

Bill No: AB 1267
Author: Pellerin (D), Dixon (R), Petrie-Norris (D) and Quirk-Silva (D), et al.
Amended: 7/2/26 in Senate
Vote: 21

SENATE HEALTH COMMITTEE: 10-0, 7/2/25

AYES: Menjivar, Durazo, Gonzalez, Grove, Limón, Padilla, Richardson, Rubio,
Weber Pierson, Wiener

NO VOTE RECORDED: Valladares

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/29/25

AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

SENATE JUDICIARY COMMITTEE: 12-0, 6/30/26

AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern,
Valladares, Wahab, Wiener

NO VOTE RECORDED: Weber Pierson

ASSEMBLY FLOOR: 66-8, 6/2/25 - See last page for vote

SUBJECT: Marriage: prohibition on minors

SOURCE: California Commission on the Status of Women and Girls
Unchained at Last

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.

ANALYSIS:

Existing law:

- 1) Provides that the right to marry is a fundamental right. (California Constitution (Cal. Const.), art. I, § 7.5.)
- 2) Defines “minor” as an individual under 18 years of age. (Family (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 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.)
- 5) Notwithstanding 4), 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.)
- 6) Establishes the procedure by which a minor may obtain a court order to enter into a marriage or domestic partnership, as required under 5), as follows:

- 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.)
- 7) Exempts, from the interview, report, and 30-day waiting period requirements set forth in 6), a minor who is 17 years of age and has achieved a high school diploma or a high school equivalency certificate, or 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), 304(f).)
- 8) 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).)
- 9) 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 specified 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. (Fam. Code, § 298.8.)
- 10) Requires the local registrar of marriages to submit to the State Registrar, at least annually, specified information concerning marriage certificates accepted for registration by them during the same calendar year and in which one or both of the parties were minors at the time of solemnization of the marriage. (Health & Safety (Saf.) Code, § 102356(a).)
- 11) 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 10). (Health & Saf. Code, § 102233.)

- 12) Provides that a marriage is voidable and may be adjudged a nullity if, at the time of the marriage, certain conditions existed, including that 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. (Fam. Code, § 2210.)
- 13) Establishes the crime of unlawful sexual intercourse with a minor, provided the perpetrator is not the spouse of the minor. (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 all marriages involving a minor entered into after the effective date of this measure voidable at the election of the person who was a minor at the time of the marriage.

Comments

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, Chapter 660, Statutes of 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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

The Senate Appropriations Committee passed this bill pursuant to Senate Rule 28.8.

SUPPORT: (Verified 8/3/26)

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

Unchained At Last (co-source)

AHA Foundation

American Atheists

Atheists United

California Catholic Conference

California Women's Law Center

California Freethought Day

California National Organization for Women

Central Valley Justice Coalition

CleanEarth4Kids.org

Conference of California Bar Associations

County of Santa Clara

Diamond Collective

Equality Now

Family Violence Appellate Project

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

Approximately 480 individuals

OPPOSITION: (Verified 8/3/26)

ACLU California Action

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.

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.

ASSEMBLY FLOOR: 66-8, 6/2/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Ellis, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Castillo, Davies, DeMaio, Dixon, Gallagher, Macedo, Patterson, Sanchez

NO VOTE RECORDED: Chen, Flora, Hadwick, Lackey, Ta

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113

8/5/26 14:57:30

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