

CONCURRENCE IN SENATE AMENDMENTS

AB 1267 (Pellerin, et al.)

As Amended August 10, 2026

Majority vote

SUMMARY

Prohibits any person under 18 years old from marrying or entering into a domestic partnership.

Senate Amendments

Delete the Assembly version of the bill and instead:

- 1) Repeal all relevant statutes related to the procedure for obtaining a court order authorizing a minor to enter into a marriage or domestic partnership, and the State Registrar and local registrar's obligation to compile annual minor marriage numbers.
- 2) Make marriages entered into on or after January 1, 2027 where the party who commences the proceeding was under 18 voidable.

COMMENTS

Currently, Family Code Section 300 requires both parties to be at least 18 years old in order to enter into a legally valid marriage. However, Sections 302 and 303 also authorize California courts to grant minors permission to obtain a marriage license in certain situations. In order to qualify for a court order, each minor involved in the relationship must complete a series of requirements before the court, including interviews with Family Court Services and the judge. This review framework was implemented in 2018 via SB 273 (Hill) Chapter 660, Statutes of 2018, which also imposed data collection requirements on local registrars and the State Registrar to track the number of minor marriages in the state.

The State Registrar report for 2025 reflects 10 total reported marriages involving minors across the entire state. The largest reported age gap between the married parties was five years with one party aged 17 years old and the other 22. Of the remaining nine marriages, four were between parties ages 17 and 18, two were between parties ages 17 and 19, one was between parties ages 17 and 20, and one was between parties ages 16 and 18. (California Department of Health (February 5, 2026) *California 2025 Information Concerning Marriages of Minors*.)

This bill prohibits any minor in California from obtaining a marriage license with no exception, including minors that have been previously emancipated.

The author and sponsors contend that this strict prohibition is a commonsense approach to protecting the state's minors, and is consistent with other age-based statutory restrictions. The sponsors also argue that California's statutory scheme is antiquated and dangerous: "[It allows] children of *any age* to be entered into marriage, with no real recourse for a child who does not want to marry. [...] We have almost no way to support even the most mature 17-year-old who is facing an impending or existing forced marriage, since minors face overwhelming legal and practical barriers if they try to leave home, get help from advocates[,] enter a domestic violence shelter, retain an attorney or bring a legal action."

According to the Author

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 to 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.

Arguments in Support

This bill is sponsored by the California Commission on the Status of Women and Girls and Unchained at Last. It enjoys further support from a variety of local governments, affinity organizations, domestic violence prevention organizations, legal services providers, and multiple individuals. The California Commission on the Status of Women and Girls submits:

California is one of four states in the U.S. without a minimum age for marriage, falling far behind other states in protecting girls from child marriage and the negative impacts that often come with underage marriage. Child marriage is rooted in a deep history of abuse and coercion, contributing to difficulties in protecting girls from human trafficking, domestic violence in which an older partner inflicts violence, statutory rape, and other gender-based violence. Individuals who enter into underage marriages are disproportionately girls ages 16 or 17 to adult men who are, on average, four years older, raising serious concerns about their ability to consent. Research further demonstrates that these minors often lose significant rights and become de facto wards of their spouse, in which they lose the ability to become financially independent, obtain a protective order, hire an attorney, and stay at a domestic violence shelter until they turn 18. These individuals are, therefore, at increased risk of homelessness, financial dependency, abuse, and do not often obtain the education needed to maintain their own autonomy.

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.

Arguments in Opposition

This bill is opposed by ACLU California Action. They write:

While we share your commitment to protecting minors from exploitation and coercion, we are deeply concerned that this legislation, as drafted, overreaches in ways that risk serious unintended harm to the young people it seeks to protect.

We wholeheartedly agree that young people deserve to lead healthy, safe, and fulfilling lives. We support what we believe are the intentions of the bill, to address the harm of coercive relationships on young people and protect them from abuse. However, we also strongly believe in and support self-determination and bodily autonomy for all people, including young people who are pregnant and/or parenting.

Under current California law as reformed by SB 273 (Hill, Ch[apter] 660, Stat[utes of] 2018), a minor may only marry upon:

- (1) separate interviews of the minor and at least one parent by Family Court Services;
- (2) a written Family Court Services report to the court identifying any findings of coercion, duress, or abuse;
- (3) an independent judicial interview of the parties; and
- (4) a judicial determination that the marriage is not the product of coercion or undue influence.¹

This framework is not a loophole, but rather a robust protective mechanism intended to balance young people's well-being and decision-making autonomy. Eliminating it entirely removes the option of marriage as a potential pathway even in those circumstances where a minor, in consultation with parents or legal guardians and subject to the discretion of a judicial body, seeks out the critical benefits and legal protections that marriage can provide.

FISCAL COMMENTS

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

VOTES:

ASM HEALTH: 13-1-2

YES: Bonta, Addis, Aguiar-Curry, Rogers, Carrillo, Flora, Mark González, Krell, Patel, Celeste Rodriguez, Schiavo, Sharp-Collins, Stefani

NO: Sanchez

ABS, ABST OR NV: Chen, Patterson

ASM APPROPRIATIONS: 12-1-2

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Tangipa

NO: Dixon

ABS, ABST OR NV: Sanchez, Ta

ASSEMBLY FLOOR: 66-8-5

YES: 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

NO: Castillo, Davies, DeMaio, Dixon, Gallagher, Macedo, Patterson, Sanchez

ABS, ABST OR NV: Chen, Flora, Hadwick, Lackey, Ta

UPDATED

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