

Date of Hearing: August 25, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 1267 (Pellerin) – As Amended August 10, 2026

FOR CONCURRENCE

SUBJECT: MARRIAGE: PROHIBITION ON MINORS

SYNOPSIS

In order to enter into a legally valid marriage or domestic partnership, existing law requires both parties to meet a series of qualifications, including being at least 18 years old. However, minors in California may potentially still enter into either legal relationship if they comply with a statutory framework that, among other elements, requires the consent of at least one parent or guardian and a series of interviews with Family Court Services and the final decree of a judge. Since 2019, statutorily required reporting from the county registrar offices reflects relatively low numbers of marriages involving one or more minors, with a high of 17 marriages statewide in 2019 and a low of nine in 2022. Nevertheless, the past few years have seen a number of legislative efforts to completely foreclose the possibility of minor marriages. This measure represents the most recent campaign, and would make 18 the minimum age to enter into a marriage or domestic partnership without exception. The bill's sponsors and supporters contend that no minor should be able to enter into a legally binding marriage, and argue that such legal relationships are harmful, particularly to young women, resulting in higher risks of human trafficking, domestic violence, and other gender-based violence.

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. It is opposed by the ACLU California Action which argues that, while they are supportive of the bill's aim to protect young people in this state, prohibiting them from entering into a marriage or domestic partnership inappropriately restricts their legal autonomy.

SUMMARY: Expands the existing prohibition on marriages involving a minor to prohibit any person under 18 years of age from marrying or entering into a domestic partnership. Specifically, **this bill:**

- 1) Repeals all existing provisions in the Family Code and Health and Safety Code relating to the court procedures for authorizing a marriage involving a minor or domestic partnership, the State Registrar's annual compilation of the number of minor marriages, and a local registrar's obligation to report minor marriage certificates to the State Registrar.
- 2) Makes marriages entered into on or after January 1, 2027 where one or more party is a minor voidable.

EXISTING LAW:

- 1) Defines "minor" as an individual under 18 years of age. (Family Code Section 6500. All further statutory references are to the Family Code unless otherwise specified.)

- 2) Authorizes two people to enter into a domestic partnership if both parties meet a series of qualifications, including that both individuals are at least 18 years old, except as specified in Section 297.1. (Section 297.)
- 3) Authorizes a person under 18 years of age that otherwise meets the requirements to enter into a domestic partnership to do so after obtaining a court order granting the parties permission.
 - a) Requires written consent of the parents of each minor party to the domestic partnership, unless the minor has no parent or guardian or their parent or guardian is not capable of consenting. (Section 297.1 (b).)
- 4) Requires the court to comply with all of the following in determining whether to issue a court order granting permission to establish a domestic partnership:
 - a) Require Family Court Services to separately interview the parties intending to establish a domestic partnership 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, the parents or guardians must be interviewed separately;
 - b) Require Family Court Services to prepare and submit to the court a written report, containing any assessment of potential force, threat, persuasion, fraud, coercion, or duress by either of the parties or their family members relating to the intended domestic partnership. Requires the report to also contain recommendations of Family Court Services for either granting or denying the parties permission to establish a domestic partnership. If Family Court Services knows or reasonably suspects that either party is a victim of child abuse or neglect, requires Family Court Services to submit a report of the known or suspected child abuse or neglect to the county child protective services agencies.
 - c) Separately interview in camera each of the parties after receiving the Family Court Services reports.
 - d) Consider whether there is evidence of coercion or undue influence of the minor. (Section 297.1 (c).)
 - e) Exempts a minor who is 17 years of age and who has received a high school diploma or high school equivalency certificate from these requirements. (Section 297.1 (h)(1).)
- 5) Makes the parties eligible to file a declaration of domestic partnership with the Secretary of State no earlier than 30 days from the time the court order was issued, if the court issues an order granting the parties permission to establish a domestic partnership and one or both of the parties are 17 years old or younger. Exempts minors who are 17 years of age and who have achieved a high school diploma or high school equivalency certificate, or a minor who is 16 or 17 years old and who is pregnant or whose prospective domestic partner is pregnant from this timeline. (Section 297.1 (d), (h)(2).)
- 6) Requires the court if it considers it necessary, as part of the order granting permission to establish a domestic partnership, to require the parties to the prospective domestic partnership to participate, before the partnership is established, in counseling concerning

social, economic, and personal responsibilities incident to the domestic partnership. (Section 297.1 (e).)

- 7) Requires a minor who receives a court order granting them permission to enter into a domestic partnership to also be provided with specified information, including the rights and responsibilities of an emancipated minor, including, but not limited to, the effects of emancipation as described in the Family Code; the circumstances under which a domestic partnership may be determined by a court to be void or voidable and adjudged a nullity and the procedure for obtaining that judicial determination; the 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 the consent of acquiescence of a parent or guardian is required to remain away from the home of the parent or guardian, the rights of an unemancipated minor to apply for a protective or restraining order to prevent abuse, and the rights of a minor to enter into contracts, including contracts for legal services and mental health counseling. (Section 297.1 (g).)
- 8) Defines marriage as a personal relation arising out of a civil contract between two persons, to which the consent of the parties capable of making that contract is necessary. Specifies that consent alone does not constitute marriage, and that consent must be followed by issuance of a license and solemnization as authorized by existing law. (Section 300 (a).)
- 9) Specifies that two unmarried persons 18 years of age or older, who are not otherwise disqualified, are capable of consenting to and consummating marriage. (Section 301.)
- 10) Authorizes an unmarried person under 18 years of age to obtain a marriage license after obtaining a court order granting permission to the underage person to marry, as specified in Section 304. Requires the court order and written consent of at least one of the parents or the guardian of each underage person to be filed with the clerk of the court, and a certified copy of the order to be presented to the county clerk and the time the marriage license is issued. (Section 302.)
- 11) Authorizes the court to make an order consenting to the issuance of a marriage license and granting the minor permission to marry if the minor has no parent or no parent capable of consenting, as specified in Section 304. (Section 303.)
- 12) Requires the court to do all of the following in determining whether to issue a court order granting permission for a minor to marry:
 - a) Require Family Court Services to separately interview the parties intending to marry and, if applicable, at least one of the parents or the guardian of each party who is a minor. If more than one parent or guardian is interviewed, the court must interview each separately;
 - b) Require Family Court Services to prepare and submit to the court a written report, containing any assessment of potential force, threat, persuasion, fraud, coercion, or duress by either of the parties or their family members relating to the intended marriage. Requires the report to also contain recommendations of Family Court Services for either granting or denying the parties permission to marry. Requires Family Court Services, if they know or reasonably suspect that either party is a victim of child abuse or neglect, to

submit a report of the known or suspected child abuse or neglect to the county child protective services agency.

- c) Separately interview in camera each of the parties after receiving the Family Court Services reports.
 - d) Consider whether there is evidence of coercion or undue influence on the minor. (Section 304 (a).)
 - e) Exempts a minor who is 17 years of age and who has received a high school diploma or high school equivalency certificate from these requirements. (Section 304 (f)(1).)
- 13) Makes the parties eligible to request a marriage license no earlier than 30 days from the time the court order was issued, if the court issues an order granting the parties permission to marry and one or both of the parties are 17 years old or younger. Exempts minors who are 17 years of age and who have achieved a high school diploma or high school equivalency certificate, or a minor who is 16 or 17 years old and who is pregnant or whose prospective spouse is pregnant from this timeline. (Section 304 (b), (f)(2).)
- 14) Requires the court if it considers it necessary, as part of the order granting permission to marry, to require the parties to the prospective marriage to participate, before the partnership is established, in counseling concerning social, economic, and personal responsibilities incident to the marriage. (Section 304 (c).)
- 15) Requires a minor who receives a court order granting them permission to marry to also be provided with specified information, including the rights and responsibilities of an emancipated minor, including, but not limited to, the effects of emancipation as described in the Family Code; the circumstances under which a marriage may be determined by a court to be void or voidable and adjudged a nullity and the procedure for obtaining that judicial determination; the 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 the consent or acquiescence of a parent or guardian is required to remain away from the home of the parent or guardian, the rights of an unemancipated minor to apply for a protective or restraining order to prevent abuse, and the rights of a minor to enter into contracts, including contracts for legal services and mental health counseling. (Section 304 (e).)
- 16) Authorizes a minor to make a valid premarital agreement or other marital property agreement if they are emancipated, is otherwise capable of contracting marriage pursuant to Section 302 or 303, or has entered or is entering a marriage that is valid in the jurisdiction where the marriage is solemnized. (Section 1501.)
- 17) Makes a marriage voidable and may be adjudged a nullity if the party who commences the proceeding or on whose behalf the proceeding is commenced was under 18 years of age, unless the party entered into the marriage pursuant to Section 302 or 303. (Section 2210 (a).)
- 18) Authorizes a minor to consent to certain medical and mental health treatments at various ages, including care related to pregnancy prevention or treatment; medical, vision, or dental

care; treatment for injuries caused by intimate partner violence; and treatment for opioid use disorders. (Sections 6920 – 6930.)

- 19) Provides that a minor is considered an emancipated minor if they have entered into a valid marriage, or has established a valid domestic partnership, regardless of whether the marriage or the domestic partnership has been dissolved; is on active duty with the Armed Forces of the United States; or has received a declaration of emancipation. (Section 7002.)
- 20) Establishes that an emancipated minor is considered as an adult for various purposes including the right to support by their parents; the right of the parents to the minor's earnings and to control of the minor; ending all vicarious or imputed liability of the minor's parents or guardian for the minor's torts; the minor's capacity to consent to medical, dental, or psychiatric care, without parental consent, knowledge, or liability; the minor's capacity to enter into a binding contract or give a delegation of power; the minor's capacity to establish their own residence, among various other authorities. (Section 7050.)
- 21) Authorizes a minor to petition the court for a declaration of emancipation, and requires the petition to demonstrate that the minor is at least 14 years old, that they willingly live separate and apart from their parents or guardian with the consent or acquiescence of the parent or guardian, and that they are managing their own financial affairs. Requires a court to grant the petition if it finds that the minor meets these requirements and that emancipation would not be contrary to the minor's best interest. (Section 7120, 7122.)
- 22) Requires the State Registrar to create a document no later than March 1, 2020, with annual updates no later than March 1 of each year thereafter, disaggregated by county, containing only the information received by a local registrar during the preceding calendar year pursuant to Health and Safety Code Section 102356, concerning marriage certificates in which one or both of the parties were minors at the time of solemnization of the marriage. Prohibits the document from including specified personal identifying information of the parties, and requires the State Registrar to make the document available to the public upon request. (Health and Safety Code Section 102233.)
- 23) Requires the local registrar of marriage, for purposes of Health and Safety Code Section 102233, to submit to the State Registrar, at least annually, all of the following information concerning marriage certificates that are 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:
 - a) The total number of those marriage certificates;
 - b) Itemized for each of those marriage certificates, the age of each party at the time of solemnization of the marriage;
 - c) Itemized for each of those marriage certificates, the gender of each party, if available.(Health and Safety Code Section 102356.)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: 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 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.

Opponents of minor marriages point to lower rates of education, and an increased risk of physical and mental abuse, among other data points to support their position. In 2016, the U.S. State Department called “child, early, and forced marriage (CEFM) a human rights abuse that contributes to economic hardship and leads to under-investment in girls’ educational and health care needs.” The report further notes that “CEFM often occurs in contexts of poverty, displacement, or societal pressures, and prevalence rates are highest in the most impoverished and most rural regions of the world.” (Department of State *United States Global Strategy to Empower Adolescent Girls* (March 2016) available at: <https://2009-2017.state.gov/documents/organization/254904.pdf>.)

Existing law as it relates to marriage and domestic partnerships involving a minor. In 2018, the Legislature enacted SB 273 (Hill) Chap. 660, Stats. 2018, which implemented a court review process for minors seeking to get married. 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 such a court order, each minor involved in the relationship must complete a series of requirements. First, if the minor has a parent or guardian able to provide consent, at least one parent or guardian must file a written consent decree with the court. In circumstances where there is no parent or guardian capable of consenting, the court may still issue a marriage license so long as the other requirements are met. A minor whose parent or guardian is capable of consenting but does not obtain such parental consent cannot get married until they turn 18.

In the case that a parent provides consent or is incapable of providing consent, all of the following must be completed before a court can grant the minor or minors permission to obtain a marriage license:

- Family Court Services must separately interview each minor intending to enter into the marriage.
- If applicable, Family Court Services must interview at least one of the minor's parent or guardians.
- Family Court Services must submit a report detailing any potential force, threat, persuasion, fraud, coercion, or duress by either party or their families related to the proposed marriage. The report must also include a recommendation by Family Court Services for the court to either grant or deny the parties' request. In the event Family Court Services knows or reasonably suspects that either party is a victim of child abuse or neglect, existing law requires FCS to submit a report of neglect or abuse to the county child protective services agency.
- After reviewing the FCS report, the court must interview each party separately in camera (that is, in private in the judge's chambers as part of the court proceeding). The court is also required by law to consider whether there is any evidence of coercion or undue influence in the minor.

If all of the above requirements are satisfied and the court grants the parties permission to enter into the marriage, the minor must wait at least 30 days before obtaining a marriage license. There are two exceptions to these procedural requirements: a 17-year-old who has achieved a high school diploma or high school equivalency certificate does not need to complete the interview process with Family Court Services or the in camera interview, and does not need to wait 30 days to obtain either the marriage license or declaration of domestic partnership. Second, a 16- or 17-year old who is pregnant or whose prospective spouse is pregnant is exempt from the 30-day waiting period.

Finally, each court order granting parties permission must also be accompanied with a slate of resources and information relating to each person's rights within the relationship, the rights and responsibilities of an emancipated minor, access to services for domestic violence and sexual assault resources, and information about when and how a legal marriage or domestic partnership may be terminated or annulled.

The procedural requirements, limitations, and exceptions are mirrored for minors intending to enter into a domestic partnership. For the remainder of this analysis, references to marriage or marriage licenses and certificates include domestic partnerships and declarations of domestic partnerships. A minor who enters into a legal marriage is considered emancipated, and receives practically all the rights and responsibilities of an adult.

Existing data collection requirements. In addition to establishing the court review process detailed above, SB 273 also implemented data collection requirements. Existing law now requires local registrars to provide annual reports to the State Registrar reflecting the number of marriage certificates involving a minor that were returned alongside the court order giving the minor permission to marry. The State Registrar is then required, by March 1 of each year, to compile the county reports into a cohesive report reflecting the number of minor marriages, the age of each party, and their gender, where available, on a county-by-county basis. However, until 2024, registrars were not required to include data reflecting the numbers of marriages involving minors that occurred in the county if the license was not returned with the required court order.

Therefore, until recently, there were potentially additional marriages involving minors conducted throughout the state that were not captured under existing statutory reporting requirements.

In 2024, the Legislature enacted SB 575 (Wahab) Chap. 984, Stats. 2024. In addition to closing the marriage license-court order loophole, SB 575 also required the State Registrar to search all marriage records transmitted by a local registrar between 2019 and 2024 and compile a report for the Legislature. The report must reflect the total number of marriages involving a minor, include an anonymized list of each marriage, the ages and gender of each party, and a breakdown of the numbers of such marriages by county. That report is due to the Legislature on September 1, 2027.

The State Registrar reported only 9 legal marriages involving minors in 2022, and a high of 17 in 2019. (California Department of Health (February 4, 2020) *California 2019 Information Concerning Marriages of Minors*, (February 7, 2023) *California 2022 Information Concerning Marriages of Minors*.) However, each of these reports occurred prior to the enactment of SB 575 and therefore potentially failed to capture all marriages involving minors that occurred in the state. The State Registrar report for 2025, which captures the changes included in SB 575 to close the reporting loophole, reflects 10 total reported marriages involving minors across the entire state. (California Department of Health (February 5, 2026) *California 2025 Information Concerning Marriages of Minors*.)

This bill would prohibit any minor in California from obtaining a marriage license with no exception, including minors that have been previously emancipated. The bill would also repeal all of the related data collection provisions, including the provision requiring the Registrar's upcoming reporting deadline. In support of the measure, the sponsors and supporters contend that such a strict prohibition is a commonsense approach to protecting the state's minors, and is consistent with other age-based restrictions. 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.

Unchained at Last, the other sponsors of the bill, contends that California's statutory scheme is antiquated and dangerous:

[The statute 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.

While explicitly supportive of measures to protect minors and the bill's apparent intentions, ACLU California Action is opposed to the bill: "we also strongly believe in and support self-determination and bodily autonomy for all people, including young people who are pregnant and/or parenting." The ACLU contends that the SB 273 framework currently in place is "a robust protective mechanism intended to balance young people's well-being and decision-making

autonomy.” Additionally, the ACLU argues that the data-collection required by SB 575 is not complete, and that this measure is therefore premature.

Understanding the author and sponsors laudable goal of protecting minors from coercive and abusive relationships, there are a couple of points worthy of clarification. First, California statute does impose an age requirement of 18 years old *subject to* the statutory exception established by SB 273 which allows a minor to request permission from a court to marry. Second, as noted above, a minor who enters into a legally valid marriage becomes emancipated and receives many of the rights and responsibilities of an adult. This includes the legal right to leave a marital home, retain an attorney and enter into contracts, and bring any legal action including to sue for divorce. The author and sponsors also claim that minors who have been legally married may face challenges accessing domestic violence shelters and other resources. However, turning away those suffering from abuse, whether they are minors or not, would arguably be contradictory to the ethos of many if not all domestic violence shelters and there does not appear to be any legal reason why a shelter would turn away a minor that has been emancipated through legal marriage.

As echoed by the ACLU, it would be impossible to find a reasonable individual supportive of allowing young children to marry or enter into abusive relationships. However, one could reasonably argue that in some instances, a 16 or 17-year-old may have the maturity and rational capacity to consent to marry, and may face unique circumstances that make marriage a reasonable option. For example, a 17-year-old who is pregnant and plans to have the child may wish to marry the 18-year old father, whether to access the father’s health insurance if available through his job or because that is what they believe is most appropriate for their circumstances. Ideally, one would not need to marry for health insurance, but until and unless we establish universal health care, such a choice may be reasonable. In any case, it is highly unlikely that every legal marriage involving a minor included coercion, by parents or older suitors. To be sure, in some cases such coercion may indeed exist. That is why SB 273 (noted above) enhanced court oversight in order to guard against any undue influence. Given the very small number of marriages that are reported by the courts as being authorized, the existing law appears to be effective in that it appears that only a handful are being approved each year in the state. Even with the guardrails created by SB 273, however, it is certainly possible that a minor child could be coerced and convinced to marry an adult or even another minor, and that a parent or guardian forcing the relationship would be able to provide the court the requisite consent to facilitate the establishment of this legal relationship. To the extent that the court approval process may act as a foil against preventing such unwanted and harmful relationships by creating a veneer of validity, it is also possible that the SB 273 process may have the opposite of its intended effect. The answer to the policy question then seems to be whether, on balance, the few underage marriages that involve two wholly willing parties, whatever their circumstances may be, are outweighed by the potential for harm to unwilling parties – to that point it is reasonable to conclude that even one person coerced into an unwanted marriage, particularly one with legal implications, is one too many.

It is also true that, while minors are legally restricted from engaging in a number of other otherwise-legal activities such as obtaining a drivers license, purchasing alcohol, and enlisting in the military, California statute *does* provide exemptions for many actions. For example, while minors typically need parental consent to obtain most health care services, they can consent to mental health treatment or counseling at 12 years old, medical care related to pregnancy treatment or prevention at any age, and medical care and counseling related to drug- or alcohol-related concerns at 12 years old. (Family Code Sections 6924, 6925, 6929, respectively.) There is

an important distinction between each of these, and various other, examples – namely that they are time-sensitive in nature. A minor who discovers they are pregnant at 17 cannot wait until they are 18 to seek treatment, while it is not wholly unreasonable to require the same minor to wait one year to get married. Nevertheless, it should be recognized that, despite acknowledging minors may not be ideally suited to make certain decisions on their own behalf, there is precedent for exceptions to those rules.

Unchained at Last claims “[m]ore than 8,000 California children are entered into marriage every year, and the annual number has been increasing in recent years. As of 2021, more than 14,000 minors living in California already had been married. 100% of these marriages would have been considered a sex crime outside of marriage, because a child-marriage license is a ‘get out of jail free’ card for a would-be child rapist. Sex with a child under age 18 is a sex crime in California unless the perpetrator first marries the child.” (*California Coalition to End Child Marriage* available at: <https://www.unchainedatlast.org/california-coalition-to-end-child-marriage/>.) First, it is important to note that California classifies rape as a crime, regardless of whether or not the parties are married. California’s rape laws were modernized in 2021 to eliminate the “spousal rape exception,” and today rape is treated the same regardless of whether it occurred within a marriage or not. Therefore, while a party may not be liable for *statutory* rape, they may still be prosecuted for rape. Additionally, the State Registrar’s recording of child marriages reflects vastly different numbers, as previously discussed. It seems that the number of *legally valid* marriages, which are what this bill would restrict, reached a high of 17 in 2019, the first year that such records were statutorily required to be provided by the State Registrar. Since then, there were a recorded 11 marriages involving minors in 2020 and 2021, nine in 2022, 15 in 2023, and 10 in 2024. It is not entirely clear where this significant discrepancy comes from, but it may be due at least in part to the inclusion of *nonlegal* marriages involving minors.

Because this bill only impacts the age requirement for *legally valid marriages*, this measure standing alone will not eliminate *non-legal* marriages involving minors. Existing statutory requirements center on documenting the number of *legal* marriages, those involving a marriage license and the courts where numerous professionals evaluate and discuss the implications of marriage with the intending parties. However, it is much more challenging and potentially impossible to fully document the rate of “marriages” that occur *outside* of the legal system, that are never registered with the county recorders or the State Registrar. These marriages may occur within discrete or isolated communities, coerced by family or other community members. While barring minors from engaging in *legal* marriage may help prevent some unwanted or ill-advised legal union, which in and of itself may be sufficient to justify this measure, it would *not* prevent other non-legal marriages and forced relationships. Earlier this year, this Committee heard and approved AB 2534 (Kalra, 2026), which expands the Domestic Violence Prevention Act to explicitly authorize victims of intended or completed forced marriages to obtain domestic violence restraining orders against those forcing the marriage or their intended spouse. It seems these two measures are complementary, working in tandem to provide recourse for all parties to an unwanted forced marriage, whether they are a minor or otherwise, to protect themselves before, during, and after the relationship.

Constitutional Concerns. The ACLU also argues that this bill conflicts with “California’s longstanding commitment to honoring minors’ ability to make important personal decisions for themselves,” pointing to California’s Proposition 3. California voters approved Proposition 3 in November 2024 which enacted Article I Section 7.5 of the California Constitution providing that “the right to marry is a fundamental right.” The language of the constitutional amendment

reflected the United States Supreme Court's ruling in *Obergefell v. Hodges* which likewise identified marriage as a fundamental liberty protected by the United States Constitution. (*Obergefell v. Hodges* (2015) 576 U.S. 644.)

While it is possible to interpret the language of Proposition 3 to likewise protect the right of minors to choose who to marry and when, it is not necessarily a foregone conclusion that AB 1267 in any way violates Proposition 3. When Proposition 3 was on the ballot in 2024, minors were already restricted in their ability to enter into a marriage – as mentioned numerous times in this analysis, California law does in fact limit marriage to individuals 18 years of age or older, with the narrow exception of those who can obtain permission from a court pursuant to the SB 273 framework. In other words, as is the case today, minors could only get married if they complied with the procedure under Family Code Section 304. As evidenced by the existence of this current measure, those restrictions continued even after the passage of Proposition 3. Therefore, it is entirely possible that a court could dismiss a challenge to the constitutionality of the measure, holding that, while fundamental, the right to marry is not immune to any restrictions.

ARGUMENTS IN SUPPORT: This bill is sponsored by the 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. In support of the measure Unchained at Last submits:

We see the devastation firsthand on a daily basis. We are a survivor-led nonprofit working to end forced and child marriage in the United States through direct services and systems change. We provide wraparound, often life-saving services (for free) to individuals who are escaping forced marriage, a form of modern slavery.

These escapes are never easy, but our clients usually see a positive outcome – unless they are not yet age 18. 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 like us, enter a domestic violence shelter, retain an attorney or bring a legal action. In fact, if we help a minor in California to escape a forced marriage, we could face criminal charges.

When girls who reach out to us learn of their limited options, many turn to suicide attempts and self harm.

While child marriage creates a nightmarish legal trap for children, it does the opposite for pedophiles and sexual predators: It gives them a get-out-of-jail-free card. Sex with a minor is a crime in this state – unless the perpetrator first marries the minor.

Child marriage is recognized as a human rights abuse; it destroys almost every aspect of an American girl's life, including her health, education, economic opportunities and physical safety. It typically leads to a loss of sexual and reproductive rights, with survivors forced to endure nonconsensual sex, pregnancy, childbirth and childrearing.

States across the U.S. and around the world are passing legislation like AB 1267, to make the marriage age 18, no exceptions. This is in keeping with the promise the U.S. and every country made, under the United Nations Sustainable Development Goals, to end child

marriage by year 2030, due to the global acknowledgment that marriage before age 18 is a harmful practice that particularly impacts girls and is hindering gender equality.

AB 1267 will cost nothing and harm no one (except sexual predators), and it will end a harmful practice and human rights abuse that produces devastating, lifelong repercussions for girls. For these reasons, we respectfully ask for your “AYE” vote on this important measure and look forward to seeing this bill pass unanimously – as it has in other states – so legislators can confirm that girls matter.

ARGUMENTS IN OPPOSITION: This bill is opposed by ACLU California Action. They submit:

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,³ 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,⁴ which demands a context-specific approach to address the underlying problems that drive it.⁵

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.

REGISTERED SUPPORT / OPPOSITION:

Support

CA Commission on the Status of Women and Girls (co-sponsor)

Unchained At Last (co-sponsor)

AHA Foundation

American Atheists

Atheists United

California Behavioral Health Association

California Catholic Conference

California Freethought Day

California National Organization for Women
California Now
California Women's Law Center
Central Valley Justice Coalition
Chelsea Clinton
City and County of San Francisco
Cleaneearth4kids.org
Conference of California Bar Associations
County of Santa Clara
Diamond Collective
Equality Now
Family Violence Appellate Project
FFRF Action Fund
Freedom From Religion Foundation
Girl Scouts Heart of Central California
Girls INC. of Los Angeles
Global Girls Worldwide Women
Indivisible California Green Team
Indivisible San Jose
Livermore Indivisible
Love Never Fails
Muslims for Progressive Values
Protect Our Defenders
Safe House Project
Secular Student Alliance
Service Women's Action Network
Tahirih Justice Center
Together We Will Albany-Berkeley
Ultraviolet Action
United Nations Association - California
Women's Liberation Front
Youth for Neurodiversity INC.
Zonta E-club of Silicon Valley
Zonta International
Zonta Newport Harbor

Opposition

ACLU California Action

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