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HOUSE BILL 388: FAMILY LAW - MARRIAGE OF CERTAIN MINORS

By Anne Bodnar

Effective October 1, 1999, House Bill 388, titled "Marriage of Certain Minors," clarifies the circumstances in which a minor may lawfully enter into a marriage. In addition, this law establishes a bright line minimum age standard under which no minor is permitted to marry, regardless of that individual's circumstances.

In particular, this law states that no minor under the age of fifteen may get married. However, a minor who is sixteen or seventeen years old may marry, but only if they meet certain conditions. Sixteen or seventeen year old minors must have the consent of a parent or guardian and this parent or guardian must stipulate that such individual is the requisite age. Alternatively, no consent is necessary if the sixteen or seventeen year old minor can present evidence from a licensed physician that the woman wishing to be married is either pregnant or had already given birth. Minors who are fifteen years old, however, are only allowed to marry if they can have both the parental/guardian consent and are either pregnant or have given birth.

By establishing this bright line rule requiring that a minor must be at least fifteen years old to enter into marriage, regardless of the circumstances, Maryland has recognized that minors below a certain age are incapable of making an informed decision about marriage. This law clarifies a henceforth murky area of family law and protects the interests of minors who are too young to resolve such an issue on their own.