

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS35185-NJ-25

Short Title: End Child Marriage.

(Public)

Sponsors: Senators Everitt, Grafstein, and Bradley (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THAT ONLY INDIVIDUALS EIGHTEEN YEARS OR OLDER MAY
3 LAWFULLY MARRY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 51-2 reads as rewritten:

6 "§ 51-2. Lawful age to marry.

7 (a) ~~All~~ Only unmarried persons of 18 years, or older, may lawfully marry.

8 (a1) ~~Persons over 16 years of age and under 18 years of age may marry a person no more~~
9 ~~than four years older, and the register of deeds may issue a license for the marriage, only after~~
10 ~~there has been filed with the register of deeds a certified copy of an order issued by a district~~
11 ~~court authorizing the marriage as provided in G.S. 51-2.1, or a written consent to the marriage,~~
12 ~~said consent having been signed by the appropriate person as follows:~~

13 (1) ~~By a parent having full or joint legal custody of the underage party; or~~

14 (2) ~~By a person, agency, or institution having legal custody or serving as a~~
15 ~~guardian of the underage party.~~

16 ~~Such written consent shall not be required for an emancipated minor if a certificate of~~
17 ~~emancipation issued pursuant to Article 35 of Chapter 7B of the General Statutes or a certified~~
18 ~~copy of a final decree or certificate of emancipation from this or any other jurisdiction is filed~~
19 ~~with the register of deeds.~~

20 (b) ~~Repealed by Session Laws 2021-119, s. 1, effective August 26, 2021, and applicable~~
21 ~~to marriage licenses pending or issued on or after that date.~~

22 (b1) ~~It shall be unlawful for any person under 16 years of age to marry.~~

23 (c) ~~When a license to marry is procured by any person under 18 years of age by fraud or~~
24 ~~misrepresentation, a parent of the underage party, a person, agency, or institution having legal~~
25 ~~custody or serving as a guardian of the underage party, or a guardian ad litem appointed to~~
26 ~~represent the underage party pursuant to G.S. 51-2.1(b) is a proper party to bring an action to~~
27 ~~annul the marriage."~~

28 SECTION 2. G.S. 51-2.1 reads as rewritten:

29 "§ 51-2.1. Marriage of certain underage parties.

30 (a) ~~A district court judge may issue an order authorizing a marriage between a person~~
31 ~~over 16 years of age and under 18 years of age, to a person no more than four years older under~~
32 ~~this section only upon finding as fact and concluding as a matter of law that the underage party~~
33 ~~is capable of assuming the responsibilities of marriage and the marriage will serve the best~~
34 ~~interest of the underage party. In determining whether the marriage will serve the best interest of~~
35 ~~an underage party, the district court shall consider the following:~~



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- (1) ~~The opinion of the parents of the underage party as to whether the marriage serves the best interest of the underage party.~~
- (2) ~~The opinion of any person, agency, or institution having legal custody or serving as a guardian of the underage party as to whether the marriage serves the best interest of the underage party.~~
- (3) ~~The opinion of the guardian ad litem appointed to represent the best interest of the underage party pursuant to G.S. 51-2.1(b) as to whether the marriage serves the best interest of the underage party.~~
- (4) ~~The relationship between the underage party and the parents of the underage party, as well as the relationship between the underage party and any person having legal custody or serving as a guardian of the underage party.~~
- (5) ~~Any evidence that it would find useful in making its determination.~~

~~There shall be a rebuttable presumption that the marriage will not serve the best interest of the underage party when all living parents of the underage party oppose the marriage. The fact that the female is pregnant, or has given birth to a child, alone does not establish that the best interest of the underage party will be served by the marriage.~~

~~(b) An underage party seeking an order granting judicial authorization to marry pursuant to this section shall file a civil action in the district court requesting judicial authorization to marry. The clerk shall collect court costs from the underage party in the amount set forth in G.S. 7A-305 for civil actions in district court. Upon the filing of the complaint, summons shall be issued in accordance with G.S. 1A-1, Rule 4, and the underage party shall be appointed a guardian ad litem in accordance with the provisions of G.S. 1A-1, Rule 17. The guardian ad litem appointed shall be an attorney and shall be governed by the provisions of subsection (d) of this section. The underage party shall serve a copy of the summons and complaint, in accordance with G.S. 1A-1, Rule 4, on the father of the underage party; the mother of the underage party; and any person, agency, or institution having legal custody or serving as a guardian of the underage party. The underage party also shall serve a copy of the complaint, either in accordance with G.S. 1A-1, Rule 4, or G.S. 1A-1, Rule 5, on the guardian ad litem appointed pursuant to this section. A party responding to the underage party's complaint shall serve his response within 30 days after service of the summons and complaint upon that person. The underage party may participate in the proceedings before the court on his or her own behalf. At the hearing conducted pursuant to this section, the court shall consider evidence, as provided in subsection (a) of this section, and shall make written findings of fact and conclusions of law.~~

~~(c) Any party to a proceeding under this section may be represented by counsel, but no party is entitled to appointed counsel, except as provided in this section.~~

~~(d) The guardian ad litem appointed pursuant to subsection (b) of this section shall represent the best interest of the underage party in all proceedings under this section and also has standing to institute an action under G.S. 51-2(c). The appointment shall terminate when the last judicial ruling rendering the authorization granted or denied is entered. Payment of the guardian ad litem shall be governed by G.S. 7A-451(f). The guardian ad litem shall make an investigation to determine the facts, the needs of the underage party, the available resources within the family and community to meet those needs, the impact of the marriage on the underage party, and the ability of the underage party to assume the responsibilities of marriage; facilitate, when appropriate, the settlement of disputed issues; offer evidence and examine witnesses at the hearing; and protect and promote the best interest of the underage party. In fulfilling the guardian ad litem's duties, the guardian ad litem shall assess and consider the emotional development, maturity, intellect, and understanding of the underage party. The guardian ad litem has the authority to obtain any information or reports, whether or not confidential, that the guardian ad litem deems relevant to the case. No privilege other than attorney-client privilege may be invoked to prevent the guardian ad litem and the court from obtaining such information. The confidentiality of the information or reports shall be respected by the guardian ad litem, and no~~

disclosure of any information or reports shall be made to anyone except by order of the court or unless otherwise provided by law.

(e) ~~If the last judicial ruling in this proceeding denies the underage party judicial authorization to marry, the underage party shall not seek the authorization of any court again under this section until after one year from the date of the entry of the last judicial ruling rendering the authorization denied.~~

(f) ~~Except as otherwise provided in this section, the rules of evidence in civil cases shall apply to proceedings under this section. All hearings pursuant to this section shall be recorded by stenographic notes or by electronic or mechanical means. Notwithstanding any other provision of law, no appeal of right lies from an order or judgment entered pursuant to this section."~~

SECTION 3. G.S. 51-2.2 reads as rewritten:

~~"§ 51-2.2. Parent includes adoptive parent.~~

~~As used in this Article, the terms "parent", "father", or "mother" includes one who has become a parent, father, or mother, respectively, by adoption."~~

SECTION 4. G.S. 51-3 reads as rewritten:

"§ 51-3. Want of capacity; void and voidable marriages.

All marriages between any two persons nearer of kin than first cousins, or between double first cousins, ~~or between a male person under 16 years of age and any female, or between a female person under 16 years of age and any male,~~ or between persons either of whom has a husband or wife living at the time of such marriage, or between persons either of whom is at the time physically impotent, or between persons either of whom is at the time incapable of contracting from want of will or understanding, shall be void. No marriage followed by cohabitation and the birth of issue shall be declared void after the death of either of the parties for any of the causes stated in this section except for bigamy. A marriage contracted under a representation and belief that the female partner to the marriage is pregnant, followed by the separation of the parties within 45 days of the marriage which separation has been continuous for a period of one year, shall be voidable unless a child shall have been born to the parties within 10 lunar months of the date of separation."

SECTION 5. G.S. 51-16 reads as rewritten:

"§ 51-16. Form of license.

License shall be in the following or some equivalent form:

To any ordained minister of any religious denomination, minister authorized by a church, any magistrate, or any other person authorized to solemnize a marriage under the laws of this State: A.B. having applied to me for a license for the marriage of C.D. (the name of the man to be written in full) of (here state his residence), aged ____ years (race, as the case may be), the son of (here state the father and mother, if known; state whether they are living or dead, and their residence, if known; if any of these facts are not known, so state), and E.F. (write the name of the woman in full) of (here state her residence), aged ____ years (race, as the case may be), the daughter of (here state names and residences of the parents, if known, as is required above with respect to the man). ~~(If either of the parties is under 18 years of age, the license shall here contain the following:)~~ And the written consent of G.H., father (or mother, etc., as the case may be) to the proposed marriage having been filed with me, man and there being no legal impediment to such marriage known to me, you are hereby authorized, at any time within 60 days from the date hereof, to celebrate the proposed marriage at any place within the State. You are required within 10 days after you shall have celebrated such marriage, to return this license to me at my office with your signature subscribed to the certificate under this license, and with the blanks therein filled according to the facts, under penalty of forfeiting two hundred dollars (\$200.00) to the use of any person who shall sue for the same.

Issued this ____ day of ____, ____

____ L.M.

Register of Deeds of ____ County

Every register of deeds shall, at the request of an applicant, designate in a marriage license issued the race of the persons proposing to marry by inserting in the blank after the word "race" the words "white," "black," "African-American," "American Indian," "Alaska Native," "Asian Indian," "Chinese," "Filipino," "Japanese," "Korean," "Vietnamese," "Other Asian," "Native Hawaiian," "Guamarian," "Chamorro," "Samoan," "Other Pacific Islander," "Mexican," "Mexican-American," "Chicano," "Puerto Rican," "Cuban," "Other Spanish/Hispanic/Latino," or "other," as the case may be. The certificate shall be filled out and signed by the minister, officer, or other authorized individual celebrating the marriage, and also be signed by two witnesses present at the marriage, who shall add to their names their place of residence, as follows:

I, N.O., an ordained or authorized minister or other authorized individual of (here state to what religious denomination, or magistrate, as the case may be), united in matrimony (here name the parties), the parties licensed above, on the ____ day of _____, ____, at the house of P.R., in (here name the town, if any, the township and county), according to law.

N.O.

Witness present at the marriage:
S.T., of (here give residence)."

SECTION 6. G.S. 51-17 reads as rewritten:

"§ 51-17. Penalty for issuing license unlawfully.

Every register of deeds who knowingly or without reasonable inquiry, personally or by deputy, issues a license for the marriage of any two persons to which there is any lawful impediment, or where either of the persons is under the age of 18 years, ~~without the consent required by law,~~ shall forfeit and pay two hundred dollars (\$200.00) to any parent, guardian, or other person standing in loco parentis, who sues for the same: Provided, that requiring a party to a proposed marriage to present a certified copy of his or her birth certificate, or a certified copy of his or her birth record in the form of a birth registration card as provided in G.S. 130-102, in accordance with the provisions of G.S. 51-8, shall be considered a reasonable inquiry into the matter of the age of such party."

SECTION 7. This act becomes effective October 1, 2025, and applies to marriages solemnized on or after that date.