



FOR IMMEDIATE RELEASE

February 1, 2024

Contact: Sen. Mark Spreitzer, 608-266-2253

Rep. Sue Conley, 608-237-9144

Rep. Clinton Anderson, 608-237-9145

Sen. Mark Spreitzer, Rep. Sue Conley, and Rep. Clinton Anderson introduce bill to ban child marriage in Wisconsin

MADISON – Today, Senator Mark Spreitzer (D-Beloit), Representative Sue Conley (D-Janesville), and Representative Clinton Anderson (D-Beloit) introduced bipartisan legislation to ban child marriage in Wisconsin with Representative Jimmy Anderson (D-Fitchburg) and Senator Jeff Smith (D-Brunswick).

Senator Mark Spreitzer:

“I am proud to introduce this legislation with my colleagues to end child marriage. Last year, Representative Sue Conley, Representative Clinton Anderson, and I met with members of the Zonta Club of Janesville and other Zonta clubs for an in-depth discussion on the negative impacts of child marriage in Wisconsin. The data is clear: the marriages this bill would outlaw are overwhelmingly between minor children and adults and have clear gender disparities, with the vast majority involving minor brides marrying adult men. Combined with research showing that child marriages have higher rates of domestic violence, it is crystal clear that child marriage must end in Wisconsin.”

Representative Sue Conley:

“I deeply appreciated hearing from local advocates who understand how important it is that we stop child marriage in Wisconsin. Marriage is one of the most significant personal and legal commitments that a person can make, and state law must recognize that no child should be entering into such a consequential, legally binding contract. While child marriages continue to decrease each year, they are still happening because our statutes allow it. We can and should ban child marriage in our state.”

Representative Clinton Anderson:

“We must prohibit child marriage in Wisconsin, and we must provide minors who are currently married with the means and agency to leave that marriage. I hope that my legislative colleagues will join us in taking this essential step to protecting some of the most vulnerable Wisconsinites.”

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*** Attached to this release is the cosponsorship memo and bill for LRB 5749, which would ban child marriage in Wisconsin, as well as a memo from the Legislative Reference Bureau with data on child marriage in Wisconsin.*

15th SENATE DISTRICT

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From: Sen.Spreitzer
Sent: Thursday, February 1, 2024 3:41 PM
To: Sen.Spreitzer
Cc: Legislative All Assembly; Legislative All Senate
Subject: Re: Cosponsorship of LRB-5749, relating to: banning child marriage in Wisconsin
Attachments: Child marriage_2.01.2024.pdf; 23-5749_1.pdf

TO: All Legislators

FROM: Senators Mark Spreitzer and Jeff Smith

Representatives Jimmy Anderson, Sue Conley, and Clinton Anderson

Date: February 1, 2024

Re: Cosponsorship of LRB-5749, relating to: banning child marriage in Wisconsin

DEADLINE: February 12, 2024, at 12pm

Marriage is one of the most significant personal and legal commitments that a person can make. But under current law, the state of Wisconsin still allows minor children to obtain a marriage license as long they are at least 16 years old and provide the county clerk with written consent from their parents or legal guardian.

Attached is a memo from the Legislative Reference Bureau with statistics and information about child marriage in Wisconsin. The unfortunate reality is that these situations are often instances of parental coercion, where children are pressured into legally binding relationships, often with adults. It is especially concerning that there are exceptions in Wisconsin law that permit adults to have sex with children as long as they are married, even though under every other circumstance that would be a crime.

As shown in the data from the attached LRB memo on marriage of minors, the marriages that this bill would outlaw are overwhelmingly between minor children and adults. Additionally, there are clear gender disparities in child marriages, with six times as many minor brides as minor grooms in 2013, the last year the state of Wisconsin collected data on minor marriages by gender. Additionally, research has consistently shown that child marriages have higher rates of domestic violence.

These factors all point to the need for legislative action to better protect children in Wisconsin. LRB-5749 protects children in three ways. First, it eliminates the statutory exceptions that currently allow 16 and 17 year olds to marry in Wisconsin. Second, it repeals statutes that currently permit adults to have sex with children if the child is their spouse. Third, it adds specific statutory language to allow married children to file for divorce. Current statutes are unclear on how to handle divorce proceedings for a minor spouse, and LRB-5749 explicitly empowers married minors to initiate divorce proceedings or seek an annulment independently, without needing parental or guardian consent.

No child should be entering into such a consequential, legally binding contract. In 2022, the most recent year for which there is available data, there were 14 children married in Wisconsin. The good news is that 2022 had the lowest number of child marriages in available data and child marriages

have been decreasing in Wisconsin. The bad news is that child marriages are still happening at all. We must stop allowing child marriage in Wisconsin, and we must provide minors who are currently married with the means and agency to leave that marriage of their own volition. We hope that you will join us in taking this essential step to protect some of our most vulnerable Wisconsinites.

If you would like to cosponsor LRB-5749 please reply to this email by **Monday, February 12th, at noon**. **Cosponsors will be added to both the Assembly and Senate versions unless otherwise specified.**

Analysis by the Legislative Reference Bureau

This bill eliminates an existing exception to the marriageable age for certain minors between the ages of 16 and 18 and, accordingly, establishes that all persons must be 18 years of age or older in order to marry.

Under current law, a person who is at least 16 years old, but under 18 years old, may obtain a marriage license if the person provides the county clerk with written consent from the person's parents, guardian, custodian, or parent having the actual care, custody, and control of the person. The required written consent must meet certain formal requirements for verification and must be filed with the county clerk at the time the person files an application for a marriage license. In certain limited circumstances, a court may provide the required written consent. The bill eliminates any exception to the general requirement that a person must be 18 years of age or older in order to marry.

Under current law, a person who is at least 19 years old who has sexual intercourse with a child who is at least 16 years old is guilty of a Class A misdemeanor, unless the child is the person's spouse. Current law also provides that a person who is under 19 who has sexual contact with a child who is 15 years old or who has sexual intercourse with a child who is at least 15 is guilty of a Class A misdemeanor unless the person is the child's spouse. The bill eliminates these spousal exceptions unless the person was a child when the marriage occurred.

Current law provides that a court may annul a marriage on certain grounds, including if a party was 16 or 17 years of age and did not have the consent of a parent or guardian or judicial approval or if the party was under 16 years of age. In those circumstances, current law allows the underaged person or a parent or guardian to bring suit at any time before the underaged person turns 18 but requires that the parent or guardian bring suit within one year of obtaining knowledge of the marriage. Under the bill, a person who was under the age of 18 at the time of the marriage may bring suit for annulment within 10 years of the marriage. The bill also allows a parent or guardian to bring suit for annulment at any time prior to the underaged party turning 18 and eliminates the requirement that such a suit be brought within one year of obtaining knowledge of the marriage.

Finally, the bill also expressly provides that a married minor may file an action for divorce or legal separation.



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5749/1
SWB&CMH:skw&emw

2023 BILL

1 **AN ACT to repeal** 765.02 (2); **to renumber** 765.02 (1); **to amend** 48.14 (6), 765.11
2 (1), 765.30 (2) (a), 767.313 (1) (c), 948.09 and 948.093; and **to create** 767.185
3 of the statutes; **relating to:** the age for marriage and eliminating spousal
4 exceptions for certain sex crimes against children.

Analysis by the Legislative Reference Bureau

This bill eliminates an existing exception to the marriageable age for certain minors between the ages of 16 and 18 and, accordingly, establishes that all persons must be 18 years of age or older in order to marry.

Under current law, a person who is at least 16 years old, but under 18 years old, may obtain a marriage license if the person provides the county clerk with written consent from the person's parents, guardian, custodian, or parent having the actual care, custody, and control of the person. The required written consent must meet certain formal requirements for verification and must be filed with the county clerk at the time the person files an application for a marriage license. In certain limited circumstances, a court may provide the required written consent. The bill eliminates any exception to the general requirement that a person must be 18 years of age or older in order to marry.

Under current law, a person who is at least 19 years old who has sexual intercourse with a child who is at least 16 years old is guilty of a Class A misdemeanor, unless the child is the person's spouse. Current law also provides that a person who is under 19 who has sexual contact with a child who is 15 years old or who has sexual intercourse with a child who is at least 15 is guilty of a Class A

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misdemeanor unless the person is the child's spouse. The bill eliminates these spousal exceptions unless the person was a child when the marriage occurred.

Current law provides that a court may annul a marriage on certain grounds, including if a party was 16 or 17 years of age and did not have the consent of a parent or guardian or judicial approval or if the party was under 16 years of age. In those circumstances, current law allows the underaged person or a parent or guardian to bring suit at any time before the underaged person turns 18 but requires that the parent or guardian bring suit within one year of obtaining knowledge of the marriage. Under the bill, a person who was under the age of 18 at the time of the marriage may bring suit for annulment within 10 years of the marriage. The bill also allows a parent or guardian to bring suit for annulment at any time prior to the underaged party turning 18 and eliminates the requirement that such a suit be brought within one year of obtaining knowledge of the marriage.

Finally, the bill expressly provides that a married minor may file an action for divorce or legal separation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 48.14 (6) of the statutes is amended to read:

2 48.14 **(6)** Consent to marry under s. 765.02, 2021 stats.

3 **SECTION 2.** 765.02 (1) of the statutes is renumbered 765.02.

4 **SECTION 3.** 765.02 (2) of the statutes is repealed.

5 **SECTION 4.** 765.11 (1) of the statutes is amended to read:

6 765.11 **(1)** If any parent, grandparent, child, ~~or natural guardian of a minor~~
7 ~~applicant for a marriage license,~~ any brother, sister, or guardian of either of the
8 applicants for a marriage license, either of the applicants, the district attorney, or a
9 circuit court commissioner believes that the statements of the application are false
10 or insufficient, or that an applicant is adjudicated incompetent without the right to
11 marry, that person may file with the court having probate jurisdiction in the county
12 in which the marriage license is applied for, a petition under oath, setting forth the
13 grounds of objection to the marriage, and asking for an order requiring the parties
14 making the application to show cause why the marriage license should not be

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1 refused. Whereupon, the court, if satisfied that the grounds of objection are prima
2 facie valid, shall issue an order to show cause as aforesaid, returnable as the court
3 directs, but not more than 14 days after the date of the order, which shall be served
4 forthwith upon the applicants for the marriage license residing in the state, and upon
5 the clerk before whom the application has been made, and shall operate as a stay
6 upon the issuance of the marriage license until further ordered; if either or both of
7 the applicants are nonresidents of the state the order shall be served immediately
8 upon the nonresident by publication of a class 1 notice, under ch. 985, in the county
9 in which the application is pending, and by mailing a copy thereof to the nonresident
10 at the address contained in the application.

11 **SECTION 5.** 765.30 (2) (a) of the statutes is amended to read:

12 765.30 (2) (a) *Penalty for false statement.* Any person who in any affidavit or
13 statement made under s. ~~765.02 (2)~~, 765.09 or 765.11, willfully and falsely swears,
14 or who procures another to swear falsely in regard to any material fact relating to
15 the competency of either or both of the parties applying for a marriage license, ~~or as~~
16 ~~to the ages of such parties, if minors, or who falsely pretends to be the parent or~~
17 ~~guardian having authority to give consent to the marriage of such minor.~~

18 **SECTION 6.** 767.185 of the statutes is created to read:

19 **767.185 Action for divorce or legal separation by minor.** A person who
20 is under the age of 18 and who is married may file an action for divorce or legal
21 separation.

22 **SECTION 7.** 767.313 (1) (c) of the statutes is amended to read:

23 767.313 (1) (c) A party was ~~16 or 17 years of age and did not have the consent~~
24 ~~of his or her parent or guardian or judicial approval, or a party was under 16~~ 18 years
25 of age. Suit may be brought by the underaged party ~~or~~ within 10 years of the

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1 marriage or by a parent or guardian at any time prior to the party's attaining the age
2 of 18 years, but a parent or guardian must bring suit within one year of obtaining
3 knowledge of the marriage.

4 **SECTION 8.** 948.09 of the statutes is amended to read:

5 **948.09 Sexual intercourse with a child age 16 or older.** Whoever has
6 sexual intercourse with a child ~~who is not the defendant's spouse and~~ who has
7 attained the age of 16 years is guilty of a Class A misdemeanor if the defendant has
8 attained the age of 19 years when the violation occurs. This section does not apply
9 if the child is the defendant's spouse and the defendant was a child when the
10 marriage occurred.

11 **SECTION 9.** 948.093 of the statutes is amended to read:

12 **948.093 Underage sexual activity.** Whoever has sexual contact with a child
13 who has attained the age of 15 years but has not attained the age of 16 years, or
14 whoever has sexual intercourse with a child who has attained the age of 15 years, is
15 guilty of a Class A misdemeanor if the actor has not attained the age of 19 years when
16 the violation occurs. This section does not apply if the actor is the child's spouse and
17 the actor was a child when the marriage occurred.

18 **SECTION 10. Initial applicability.**

19 (1) The treatment of ss. 948.09 and 948.093 first applies to an action that occurs
20 on the effective date of this subsection.

21 (2) The treatment of s. 767.313 (1) (c) first applies to an action for annulment
22 filed on the effective date of this subsection.

23 (END)



WISCONSIN LEGISLATIVE REFERENCE BUREAU

MEMORANDUM

TO: Senator Mark Spreitzer
FROM: Jillian Slaight, managing legislative analyst
DATE: February 1, 2024
SUBJECT: Marriage of minors

You asked us to provide information about marriage of minors in Wisconsin, including data relating to frequency and recently proposed legislation. This memorandum provides a brief background, provides resources summarizing other states' laws, summarizes current Wisconsin law, and supplies data about marriage of minors in Wisconsin.

Background

Marriage of minors, or “child marriage,” predates the founding of the United States and persists today.¹ Recent reporting has drawn attention to the efforts of groups like Unchained at Last that seek to end the practice and lobby state legislatures to this end.² Specifically, these groups target existing laws that enable minors to marry with the consent of their parents, a practice that advocacy groups allege results in coerced marriages that harm girls especially.³ Scholarship on the subject, though scant, bolsters these claims, identifying correlations between child marriage among girls and poor mental health outcomes, diminished educational opportunities, and higher rates of poverty.⁴

The Tahirih Justice Center, a group lobbying against child marriage, provides a [useful chart](#) relating to marriage age requirements in 50 states, last updated in May 2018. The chart pinpoints each state’s “age floor” (i.e., the minimum age at which a person may marry). It also specifies

¹ Nicholas Syrett, *American Child Bride: A History of Minors and Marriage in the United States* (Raleigh, NC: University of North Carolina Press, 2016).

² Anjali Sui, Dan Nolan, and Chris Amico, “[Child Marriage in America: By the Numbers](#),” PBS Frontline, July 6, 2017, <http://apps.frontline.org/>.

³ See, for example, “[About Arranged/Forced Marriage](#),” Unchained at Last, accessed Sep. 14, 2018, <http://www.unchainedatlast.org/>. See also “[Forced Marriage](#),” Tahirih Justice Center, accessed April 25, 2023, <https://www.tahirih.org/>.

⁴ Yann Le Strat, Caroline Dubertret, and Bernard Le Foll, “Child Marriage in the United States and Its Association With Mental Health in Women,” *Pediatrics* 128 (September 2011), 524-530; Alissa Koski and Jody Heymann, “Child Marriage in the United States: How Common Is the Practice, and Which Children Are at Greatest Risk?,” *Perspectives on Sexual and Reproductive Health* 50 (June 2018), 59-65.

which states require minors to obtain judicial approval—rather than parental consent alone—prior to marriage; which states prohibit marriage before age 18 under all circumstances; which states prohibit marriage before age 18 with some exceptions; which states prohibit marriage before age 17; and which states prohibit marriage before age 16.

Our research indicates that since this chart was last updated, several states have enacted laws to prohibit marriage before age 18 under all circumstances. Ten states currently fall under this category: Connecticut, Delaware, Massachusetts, Michigan, Minnesota, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

Wisconsin law

Wis. Stat. § [765.02 \(1\)](#) states that “every person who has attained 18 years of age may marry if otherwise competent.” Wis. Stat. § [765.02 \(2\)](#) creates an exception for those under the age of 18 by allowing a 16- or 17-year-old to marry “with the written consent of the person’s parents, guardian, custodian . . . , or parent having the actual care, custody and control of the person.” The couple applying for a marriage license must submit this documentation of consent along with other required materials to the county clerk.

Data

The Wisconsin Department of Health Services (DHS) maintains certificates of marriages and divorces and compiles related data annually. Table 1 and chart 1 present data pertaining to the marriage of 16- and 17-year-olds in the state. Overall, these figures confirm national trends indicating a consistent and sustained decline in marriage of minors. Table 2 and chart 2 present data pertaining to the spouses of minors in the state—i.e., how many minors are married to other minors and how many minors are married to adults.

Table 1. Number of marriages in Wisconsin involving a 16- or 17-year old, since 1995.

Year	Sixteen-year-olds	Seventeen-year-olds
2022	3	11
2021	8	22
2020	5	13
2019	6	12
2018	9	28
2017	12	24
2016	20	28
2015	16	33
2014	17	50
2013	25	47
2012	30	56

Year	Sixteen-year-olds	Seventeen-year-olds
2011	29	66
2010	40	87
2009	61	97
2008	71	117
2007	87	117
2006	79	131
2005	83	143
2004	95	143
2003	110	160
2002	113	168
2001	123	152
2000	121	190
1999	165	190
1998	192	217
1997	166	219
1996	178	242
1995	186	235

Chart 1. Number of marriages in Wisconsin involving a 16- or 17-year old, since 1995.

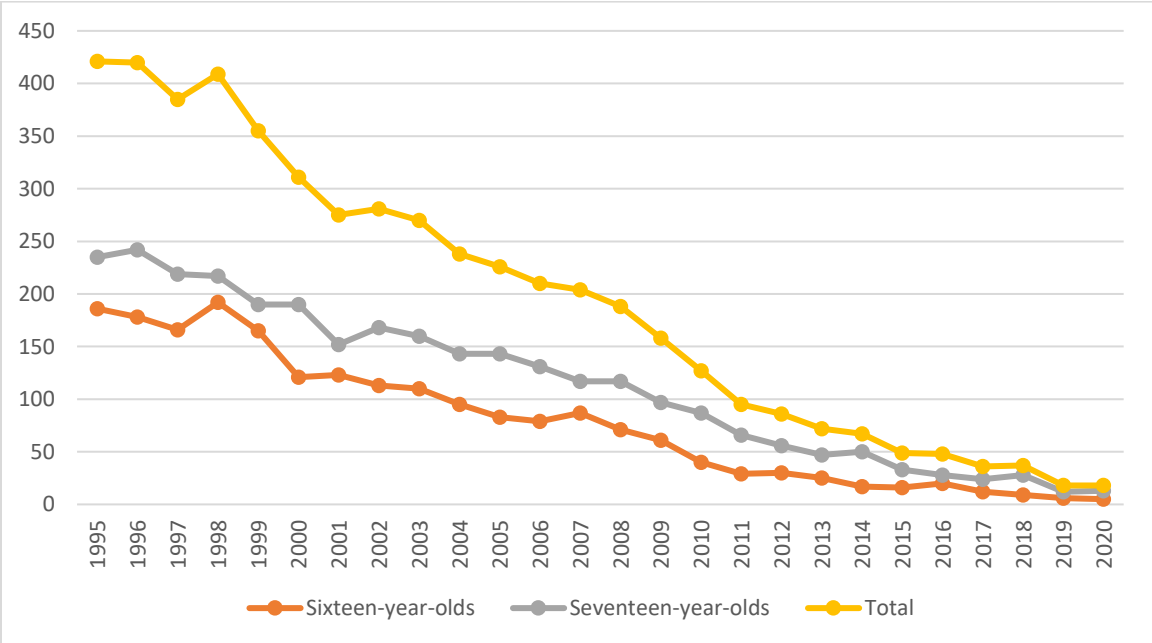
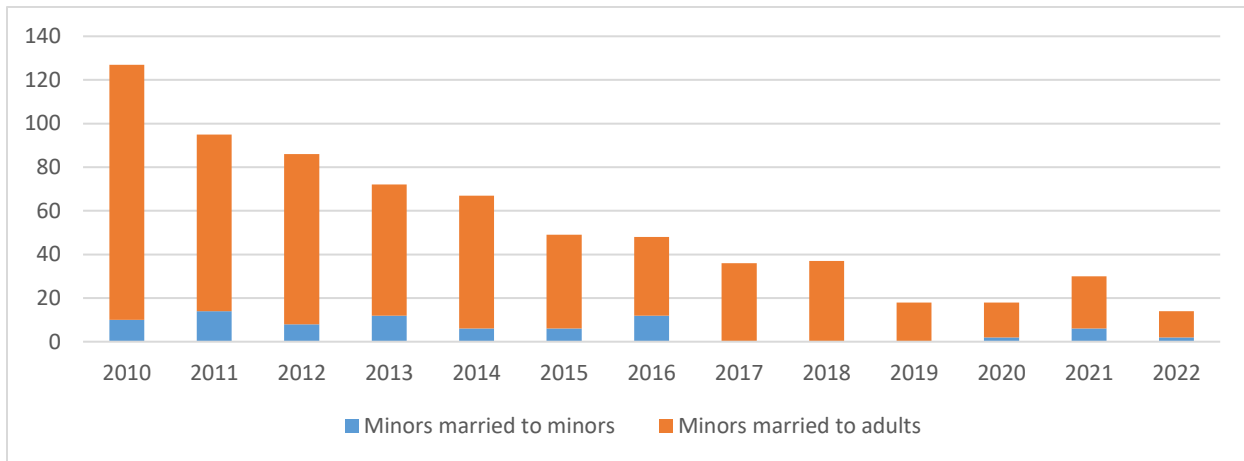


Table 2. Minors married to other minors and adults in Wisconsin, 2010–2022.

Year	Minors married to other minors	Minors married to adults
2022	2	12
2021	6	24
2020	2	16
2019	0	18
2018	0	37
2017	0	36
2016	12	36
2015	6	43
2014	6	61
2013	12	60
2012	8	78
2011	14	81
2010	10	117

Chart 2. Minors married to other minors and adults in Wisconsin, 2010–2022.



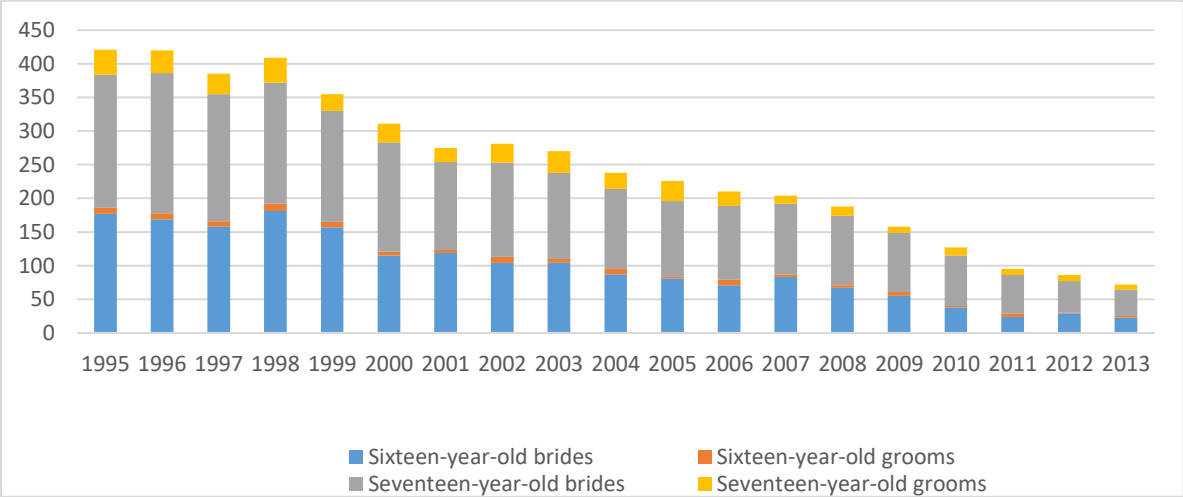
Prior to 2014, DHS categorized persons marrying not only by age, but also by gender. Table 3 and chart 3 present marriage by minors, categorized by gender, between 1995 and 2013. These figures confirm a nationwide tendency for girls to marry as minors more frequently than boys.

Table 3. Gender of 16- and 17-year-olds married in Wisconsin, 1995–2013.

Year	Sixteen-year-old brides	Sixteen-year-old grooms	Seventeen-year-old brides	Seventeen-year-old grooms
2013	23	2	39	8

Year	Sixteen-year-old brides	Sixteen-year-old grooms	Seventeen-year-old brides	Seventeen-year-old grooms
2012	29	1	47	9
2011	24	5	57	9
2010	38	2	75	12
2009	55	6	88	9
2008	67	4	103	14
2007	83	4	105	12
2006	71	8	110	21
2005	81	2	113	30
2004	87	8	119	24
2003	104	6	128	32
2002	104	9	140	28
2001	119	4	131	21
2000	115	6	162	28
1999	157	8	165	25
1998	181	11	180	37
1997	158	8	189	30
1996	169	9	208	34
1995	177	9	198	37

Chart 3. Gender of 16- and 17-year-olds married in Wisconsin, 1995–2013.



I hope this information is helpful. If you have any follow-up questions or additional research requests, please contact me at jillian.slaight@legis.wisconsin.gov or (608) 504-5884.