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# DOMESTIC RELATIONS Emancipation of Minors: Establish the Conditions for Minors to Become Emancipated by Law; Provide That a Person be at least 18 years of age in order to contract for marriage except under limited Circumstances; Repeal an Exception to Such Age Requirements in the Case of Pregnancy or Live Birth; Repeal an Exception to Parental Consent Based Upon Pregnancy or Live Birth; Change Certain Provisions Relating to Minor's Contracts for Property or Valuable Consideration or Necessaries; Change Certain Provisions Relating to in Whom Parental Power Lies; Change Certain

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## DOMESTIC RELATIONS

***Emancipation of Minors: Establish the Conditions for Minors to Become Emancipated by Law; Provide That a Person be at least 18 years of age in order to contract for marriage except under limited Circumstances; Repeal an Exception to Such Age Requirement in the Case of Pregnancy or Live Birth; Repeal an Exception to Parental Consent Based Upon Pregnancy or Live Birth; Change Certain Provisions Relating to Minor's Contracts for Property or Valuable Consideration or Necessaries; Change Certain Provisions Relating to in Whom Parental Power Lies; Change Certain Provisions Relating to Parents' Obligations to Children Born out of Wedlock; Change Certain Provisions Relating to Abandonment of a Dependent Child; Change Certain Provisions Relating to Voidance and Ratification of Conveyance to or by an Infant; Change Certain Provisions Relating to Reversion of Property Set Apart for Spouse, Children, or Dependents; Provide for Related Matters; Repeal Conflicting Laws; and for Other Purposes.***

**CODE SECTIONS:** O.C.G.A. §§ 19-3-2 (amended), -36 to -38 (amended), 15-11-200 to -208 (new), 1-2-8 (amended), 13-3-20 (amended), 19-7-1 (amended), 19-7-24 (amended), 19-10-1 (amended), 44-5-41 (amended), 44-13-20 (amended)

**BILL NUMBERS:** HB 847

**ACT NUMBER:** 466

**GEORGIA LAWS:** 2006 Ga. Laws 141

**SUMMARY:** The Act serves two different and seemingly independent purposes. First, the Act codifies Georgia's common law regarding the emancipation of minors. The Act creates nine new Code sections, which establish the conditions for minors to become emancipated, provides for court proceedings for emancipation, and address rescission of emancipation. The Act also establishes

the rights and responsibilities of an emancipated minor. Second, the Act amends Code sections relating to who may contract marriage. The Act eliminates an exception to the parental consent requirement for those below the age of majority who want to marry when a pregnancy or live birth is involved. The Act establishes 18 years as the minimum age at which a person in Georgia may contract to marry. The Act also provides that persons 16 or 17 years of age may contract to marry if they obtain parental consent. The Act eliminates the ability of any person under age 16 to contract marriage, no matter the individual circumstances. The Act eliminates any reference to the parental consent exception for minors contracting marriage when pregnancy or live birth is involved.

EFFECTIVE DATE: July 1, 2006

### *Preface*

This Note began as an analysis of HB 1023, the Marriage Age Act. As is discussed in detail below, HB 1023 passed the House with little organized resistance but was defeated in the Senate Judiciary Committee by a vote of 4 to 3. The major substantive portions of the Bill were then tacked on to HB 847, the Emancipation of Minors Act.

This Note will discuss both HB 1023 and HB 847. The history of each Bill and the consideration and passage by the House of Representatives of each will be presented independently. This Note will then analyze the two Bills as one beginning with consideration and passage by the Senate, where HB 1023 and HB 847 coalesced.

*History of 1023*

Lisa Lynnette Clark, 37, maintains that “she prefers older men but that [her son’s 15-year-old friend] wooed her so aggressively that he finally won her over.”<sup>1</sup> “[H]e was just so nice,” Ms. Clark said in a CNN interview.<sup>2</sup> The “he” Ms. Clark referred to is a boy identified in court papers only as “A.S.G.”<sup>3</sup> On November 8, 2005, A.S.G. told his grandmother and guardian, Judy Ann Hayles, that he was suffering from food poisoning and could not go to school.<sup>4</sup> This seemingly innocent act began a chain of events that would embarrass the State of Georgia<sup>5</sup> and attract worldwide mockery.<sup>6</sup> A.S.G. used his time away from school that day to get married.<sup>7</sup> His bride, Ms. Clark, was allegedly carrying the 15-year-old’s child, a critical factor in A.S.G.’s legal ability to contract marriage in Georgia.<sup>8</sup>

A.S.G. went with Ms. Clark to the Dawson County courthouse, where they applied for a marriage license.<sup>9</sup> Dawson County Probate Clerk Tammy Chester told reporters that she “had no choice” but to issue the marriage license under the applicable Georgia law.<sup>10</sup> Dawson County Probate Judge Jennifer Burt released a statement in which she said “that she reviewed the marriage application and applied the appropriate provisions under state law before issuing the license.”<sup>11</sup> Code section 19-3-2 specifies who may contract marriage.<sup>12</sup> In 1962, the Georgia General Assembly “raised the minimum marrying age . . . from 14 to 16 but also made an exception in the case of pregnancy.”<sup>13</sup> According to Fox News judicial analyst

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1. John Ghirardini & Kathy Jefcoats, *Law & Order*, ATLANTA J.-CONST., Dec. 13, 2005, at B3.
  2. Anderson Cooper 360° (CNN television broadcast Dec. 13, 2005).
  3. Mark Davis, *Mom Back in Jail after Son’s Birth*, ATLANTA J.-CONST., Feb. 14, 2006, at B1.
  4. Axia Pascual, Clint Williams & Chandler Brown, *Groom, 15, and Pregnant Bride, 37, Add up to Trouble*, COX NEWS SERV., Nov. 14, 2005.
  5. See Audio Recording of House Proceedings, Feb. 23, 2006 (remarks by Rep. Bobby Franklin), <http://www.state.ga.us/services/leg/audio/2006archive> [hereinafter House Audio].
  6. See *Married and Pregnant to a Boy, 15*, DAILY TEL. (Sydney, Austl.), Nov. 16, 2005.
  7. Pascual et al., *supra* note 4.
  8. *Id.*
  9. *Id.*
  10. *Id.*
  11. Greg Bluestein, *Georgia Woman, 37, Accused of Sexual Relationship with 15-Year-Old Who is now Her Husband*, THE ASSOC. PRESS STATE & LOCAL WIRE, Nov. 14, 2005.
  12. See O.C.G.A. § 19-3-2 (2005).
  13. Greg Bluestein, *Lawmakers Debate Tying the Knot on Marriage Loophole*, THE ASSOC. PRESS STATE & LOCAL WIRE, Jan. 27, 2006 [hereinafter *Lawmakers Debate Tying the Knot*].

Judge Andrew Napolitano, “[t]he law was written in an era when it was expected that a pregnant woman would marry the man who impregnated her, and they would become a family and raise the child.”<sup>14</sup> Code section 19-3-2 provided that minors can marry as long as they are at least 16 years old and have parental consent.<sup>15</sup>

However, the law also provided that minors of any age can marry in Georgia without parental consent if the bride is pregnant or if she has already given birth to the couple’s child.<sup>16</sup> Because Ms. Clark was pregnant with A.S.G.’s child, the 15-year-old father-to-be did not need his grandmother’s consent to marry.<sup>17</sup> The only way that Ms. Hayles knew that her grandson had gotten married is that she received notice of the marriage because she is the boy’s guardian.<sup>18</sup> On November 8, 2005 Ms. Clark and A.S.G. arrived at the home of retired Magistrate Judge Johnny Tallant, who then married the couple in his driveway.<sup>19</sup> The next day, in a move described by some legal commentators as “very inconsistent,” Hall County issued an arrest warrant for Ms. Clark, charging her with child molestation.<sup>20</sup> Tanya Washington, assistant professor of law at Georgia State University questioned, “How can the state issue a marriage license condoning the relationship and at the same time press charges against the bride for child molestation?”<sup>21</sup>

Long before the Clark incident, divorced father Brandon Balch was all too aware of the loophole in Georgia’s marriage law allowing minors of any age to marry if a pregnancy was involved. Mr. Balch lived in Florida; his ex-wife, who had temporary custody of their 13-year-old daughter, lived in Alabama.<sup>22</sup> One week before a child custody hearing was to be held, Mr. Balch’s ex-wife took their daughter and a 14-year-old boy on a trip to Georgia to allow the two

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14. The Big Story with John Gibson (Fox New television broadcast Nov. 16, 2005) [hereinafter The Big Story].

15. O.C.G.A. §19-3-2 (2005); *see also*, Pascual et al., *supra* note 4.

16. O.C.G.A. §19-3-2 (2005); *see also*, Pascual et al., *supra* note 4.

17. O.C.G.A. §19-3-2 (2005); *see also*, Pascual et al., *supra* note 4.

18. *Relationship With Teen Puts Woman in Custody*, L.A. TIMES, Nov. 15, 2005, at A18.

19. Pascual et al., *supra* note 4.

20. *Id.*

21. *Id.*

22. *See Lawmakers Debate Tying the Knot*, *supra* note 13; *see also* Greg Bluestein, *U.S. State Tries to End Marriage of Young Teens*, ASSOC. PRESS WORLDSTREAM, Feb. 23, 2006.

children to marry due to pregnancy.<sup>23</sup> Once Mr. Balch's daughter was married, she was legally emancipated and thus his chances to regain custody were eliminated.<sup>24</sup> Members of the House Judiciary Committee would later hear similar stories recounted by judges from around the state.<sup>25</sup> These same judges also told of cases in which adult men had impregnated and married girls under the age of 15.<sup>26</sup>

Despite the experiences of Mr. Balch and others like him, it was not until the salacious facts of the Clark story emerged that this marriage age loophole garnered the kind of wide media coverage and public attention needed to remedy such situations.<sup>27</sup> The marriage of a 37-year-old pregnant woman to the 15-year-old father of her child garnered national and international media coverage.<sup>28</sup> This was not, however, the kind of attention desired by either the citizens or the legislators of Georgia.<sup>29</sup> While the initial reaction from members of the Georgia General Assembly was consistent in condemning Clark's actions, that reaction varied regarding how best to prevent such occurrences in the future.<sup>30</sup>

Referring to the members of the 1962 Georgia General Assembly who enacted the pregnancy exception to Georgia's marriage law, Representative Mary Margaret Oliver of the 83rd House District opined, "I'm sure they did not consider then the possibility of a 15-year-old boy marrying a 37-year-old woman."<sup>31</sup> Representative Bobby Franklin said, "It's just wrong. Parents are responsible for raising their children. They ought to say if their children can marry."<sup>32</sup> And Representative Karla Drenner highlighted a contradiction in Georgia's law when she said, "You can't have an abortion in the state of Georgia without parental permission. But you

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23. *Lawmakers Debate Tying the Knot*, *supra* note 13.

24. *Id.*

25. *See* House Audio, *supra* note 5 (remarks by Rep. Mary Margaret Oliver).

26. *See* House Audio, *supra* note 5 (remarks by Rep. Oliver).

27. *See e.g.*, Pascual et al., *supra* note 4; *The Big Story*, *supra* note 14.

28. *See e.g.*, *Married and Pregnant to a Boy, 15*, *supra* note 6.

29. *See* House Audio, *supra* note 5 (remarks by Rep. Franklin) (discussing embarrassment).

30. *See* House Audio, *supra* note 5 (remarks by Rep. Franklin, Rep. Randal Mangham, and Rep. Ron Forster).

31. *Lawmakers Debate Tying the Knot*, *supra* note 13.

32. Greg Bluestein, *Proposals Seek to Tie Knot on State's Pregnancy Loophole for Would-Be-Brides*, THE ASSOC. PRESS STATE & LOCAL WIRE, Jan. 21, 2006 [hereinafter *Proposals Seek to Tie Knot*].

can get married and then go have an abortion, then go have a divorce. . . . How are we protecting family values here?”<sup>33</sup> Representative Ron Forster expressed his concern over the negative publicity Georgia was receiving as a result of the law which allowed Ms. Clark and A.S.G. to marry.<sup>34</sup> “You look at the worst Third World countries, and they have 12-year-olds getting married,” Forster said. “Georgia doesn’t need to be related in any way to a Third World country.”<sup>35</sup>

Despite this bi-partisan condemnation of a 37-year-old’s marriage to a 15-year-old, Majority Leader Jerry Keen and other members of the Republican-controlled Georgia General Assembly were initially unwilling to publicly support a change to Georgia’s marriage laws.<sup>36</sup> Shortly after the Clark story made international news, Majority Leader Keen responded to a question about whether the incident would prompt the General Assembly to amend Georgia’s marriage laws, “It’s very difficult to govern by exception. You have to govern by rule.”<sup>37</sup> Majority Leader Keen initially stated that the state’s Republican lawmakers would work to pass stricter penalties for child molestation convictions.<sup>38</sup> His reluctance to commit to a change in Georgia’s marriage laws was echoed by two of Georgia’s most powerful politicians, Governor Sonny Perdue and House Speaker Glenn Richardson.<sup>39</sup> Speaker Richardson said he was not sure if it would be wise to change the law based on one or two “bad circumstances.”<sup>40</sup> Governor Perdue “was noncommittal on the need to change the law so children can’t marry.”<sup>41</sup> The media speculated that the Republican leadership’s reluctance to commit to a change to Georgia’s marriage laws could have been influenced by fears that “unfriendly” amendments could be added to proposed legislation.<sup>42</sup>

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33. *Id.*

34. See Matthew S.L. Cate, *Legislators Seek Change in Child Marriage Laws*, CHATTANOOGA TIMES FREE PRESS, Feb. 6, 2006, at B2.

35. *Id.*

36. See Greg Bluestein, *Georgia Looks at Closing Loophole Allowing Children to Marry*, THE ASSOC. PRESS STATE & LOCAL WIRE, Nov. 16, 2005 [hereinafter *Georgia Looks at Closing Loophole*]; see also Cate, *supra* note 34.

37. *Georgia Looks at Closing Loophole*, *supra* note 36.

38. *Id.*

39. Cate, *supra* note 34.

40. *Id.*

41. *Id.*

42. *Proposals Seek to Tie Knot*, *supra* note 32.

Unsatisfied with such a response, and foreseeing the potential for this issue to divide the Republican leadership in an election year, Representative Drenner expressed hope that the issue would “emerge as a sleeper issue.”<sup>43</sup> “We’re protecting society from the perceived threat of homosexual marriage, which [is] already illegal,” Representative Drenner said, “But yet if you’re pregnant, you can get married—and if doesn’t matter if you’re 9 years old or 10 years old.”<sup>44</sup>

During the 2006 legislative session, Georgia legislators authored and supported several bills to close, or at least restrict, the pregnancy exception.<sup>45</sup> Representative Drenner was one of the first to propose reform to Georgia’s marriage laws by supporting a bill that barred, or required parental consent for, marriage of children under 16.<sup>46</sup> Representative Oliver supported a bill requiring parental consent for any minor to marry.<sup>47</sup> Representative Forster of Ringgold, the “wedding capital of Georgia,” initially pushed for a “romantic” exception to Oliver’s proposed bill.<sup>48</sup> Forster’s version would have prohibited children under age 16 from marrying under any circumstances but would have allowed 16- and 17- year olds “to marry without parental consent if the woman is pregnant.”<sup>49</sup>

After a House subcommittee meeting on January 26, 2006, however, “legislators seemed likely to strike a compromise between” the two proposed bills.<sup>50</sup> Representative Forster threw his support behind a bill “that [would] stop anyone younger than 18 from marrying—or at least marrying too easily.”<sup>51</sup> This bill would eventually become HB 1023 and would allow 16- or 17- year olds to marry with parental consent or upon successful petition to a juvenile court judge.<sup>52</sup> Representative Jay Neal also supported the elimination of the pregnancy exception, saying, “Being pregnant doesn’t change

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43. *Id.*

44. *Georgia Looks at Closing Loophole, supra* note 36.

45. Cate, *supra* note 34.

46. *Georgia Looks at Closing Loophole, supra* note 36.

47. *Lawmakers Debate Tying the Knot, supra* note 13.

48. *Id.*

49. *Id.*

50. *Id.*

51. Cate, *supra* note 34.

52. Cate, *supra* note 34; *see also* HB 1023, 2006 Ga. Gen. Assem.

the mental maturity for that teenager.”<sup>53</sup> Representative Neal thought it was wrong for Georgia to have a law that encouraged teenagers to get pregnant so they could marry and thus emancipate themselves from their parents.<sup>54</sup>

### *History of HB 847*

To one extent or another, thirty-five other States have codified their common law regarding the emancipation of minors.<sup>55</sup> The term emancipation, as it concerns those individuals below the age of majority, is defined as, “[a] surrender and renunciation of the correlative rights and duties concerning the care, custody, and earnings of a child; the act by which a parent (historically a father) frees a child and gives the child the right to his or her own earnings.”<sup>56</sup> Further, emancipation of a child “frees the parent from all legal obligations of support.”<sup>57</sup>

Emancipated minors enjoy all the rights of adulthood except those with constitutionally and statutorily mandated age requirements such as voting or consuming alcoholic beverages.<sup>58</sup> These rights include the right to enter into enforceable contracts, the right to sue and be sued in one’s own name, and the right to own property.<sup>59</sup>

Prior to the introduction of HB 847, a Georgia child under the age of 18 could become emancipated from his or her parents in three ways: (1) following a legal marriage; (2) upon joining the United States Military; or (3) by a court order.<sup>60</sup> HB 847 addressed the procedure by which a minor seeking emancipation would obtain a court order.<sup>61</sup> Representative Oliver, a co-sponsor of the Act,

53. Cate, *supra* note 34.

54. Cate, *supra* note 34.

55. See Sandra Vasher, *The Proposed Georgia HB 847: Recommendations*, THE BARTON CHILD L. & POL’Y CLINIC, July 29, 2005 (stating that twenty states have enacted “comprehensive legislation,” another eight states have enacted “less comprehensive” legislation, and “[a]s many as seven states have enacted legislation addressing emancipation as it relates to specific areas of the law.”)

56. *Id.* (quoting BLACK’S LAW DICTIONARY (8th ed. 2004)).

57. *Id.*

58. *Id.*; see also Juvenile Law Center, Emancipation, Frequently Asked Questions, <http://www.jlc.org/home/mediacenter/factsheets/FAQEMN.html>.

59. See Vasher, *supra* note 55.

60. City of Albany Georgia, General Information About Emancipation, [www.albany.ga.us/law\\_library/documents/Emancipation%20of%20a%20Minor.pdf](http://www.albany.ga.us/law_library/documents/Emancipation%20of%20a%20Minor.pdf).

61. See HB 847, as introduced, 2006 Ga. Gen. Assem.

explained that emancipation “can be necessary when older teenagers are financially independent, working and have no competent parents or adults who manage their money or property for them.”<sup>62</sup>

### *Bill Tracking*

#### *Consideration and Passage of HB 1023 by the House*

Representatives Franklin and Neal of the 43<sup>rd</sup> and 1<sup>st</sup> districts, along with Representatives Wendell Willard, Roger Bert Lane, and Edward Lindsey of the 49th, 167th, and 54th districts, respectively, sponsored HB 1023.<sup>63</sup> On January 12, 2006, the Clerk of the House first read HB 1023.<sup>64</sup> On January 13, 2006, the Clerk of the House read HB 1023 for a second time and the Speaker of the House, Glen Richardson, assigned HB 1023 to the Judiciary Committee.<sup>65</sup> The House Judiciary Committee drafted a substitute to HB 1023 and then favorably reported the bill to the House floor on February 21, 2006.<sup>66</sup> The Clerk of the House read HB 1023 for the third time and then Representative Franklin presented the bill to the House.<sup>67</sup>

During the floor debate, Representative Franklin informed the House that HB 1023 flatly prohibits anyone under age 16 from marrying in Georgia, no matter the circumstances.<sup>68</sup> In response to a question from Representative Randal Mangham,<sup>69</sup> Representative Franklin reiterated that the bill responded to the marriage of 37-year-old Lisa Lynnette Clark to 15-year-old A.S.G.<sup>70</sup> Representative Mangham objected to HB 1023 as over-inclusive as it not only would prohibit adult men and women from marrying children below age 16, but also would prohibit children of similar age from marrying—even when a pregnancy was involved and the parents granted their

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62. Mary Margaret Oliver, Op-Ed., *Bills May Shift Boundaries of Adulthood*, ATLANTA J.-CONST., Dec. 2, 2005, at 19A.

63. See HB 1023, as introduced, 2006 Ga. Gen. Assem.

64. State of Georgia Final Composite Status Sheet, HB 1023, Jan. 12, 2006 (Mar. 30, 2006).

65. State of Georgia Final Composite Status Sheet, HB 1023, Jan. 13, 2006 (Mar. 30, 2006).

66. State of Georgia Final Composite Status Sheet, HB 1023, Feb. 21, 2006 (Mar. 30, 2006).

67. See House Audio, *supra* note 5 (remarks by Rep. Franklin).

68. See *id.*

69. See House Audio, *supra* note 5 (remarks by Rep. Mangham).

70. See House Audio, *supra* note 5 (remarks by Rep. Franklin).

consent.<sup>71</sup> In addition, Representative Mangham questioned whether the purpose of the bill was to create illegitimate children.<sup>72</sup> Speaker Richardson called the House back to order.<sup>73</sup> Afterwards, Representative Mangham asked Representative Franklin if he would be amenable to an amendment to HB 1023 which would allow minors under age 16 to marry if a pregnancy was involved and the parents consented.<sup>74</sup> Representative Franklin flatly rejected such an amendment saying that he was “concerned that there might be some coercion on the part of one or both of the parents to get the child married for some purpose that would not be of benefit to the child, and [that] what we need to do as this body is look out for these children.”<sup>75</sup>

Representative Mangham of the 48th district offered a floor amendment which he called the “Romeo and Juliet Exception.”<sup>76</sup> Mangham’s amendment would have allowed minors of any age to contract marriage in Georgia if (1) the applicants for marriage were within 3 years of each other in age; (2) there was evidence that the bride-to-be was pregnant; and (3) the applicants’ parents gave their consent.<sup>77</sup> In presenting his amendment, Representative Mangham stated that HB 1023 “is not carefully crafted” and his amendment would support the intent of the bill, yet address the issue of teen pregnancy.<sup>78</sup> Representative Mangham predicted that, if passed as written, HB 1023 would lead to “the state supporting children and we will be breaking up families that can be legitimate families.”<sup>79</sup> He argued that many people in Georgia were married before they turned 15 years old, and he invited his colleagues to ask their grandparents how old they were when they got married.<sup>80</sup> Representative Mangham then invited his colleagues to be honest with each other and disclose how many of them were sexually active before the age

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71. See House Audio, *supra* note 5 (remarks by Rep. Mangham).

72. See *id.*

73. See House Audio, *supra* note 5 (remarks by Speaker Glen Richardson).

74. See House Audio, *supra* note 5 (remarks by Rep. Mangham).

75. See House Audio, *supra* note 5 (remarks by Rep. Franklin).

76. See House Audio, *supra* note 5 (remarks by Rep. Mangham).

77. See Failed House Floor Amendment to HB 1023, introduced by Rep. Mangham, Feb. 23, 2006.

78. See House Audio, *supra* note 5 (remarks by Rep. Mangham).

79. See *id.*

80. See *id.*

of 15.<sup>81</sup> This invitation drew a stern rebuke from Speaker Richardson<sup>82</sup>

By a vote of 132 to 36, the House rejected Representative Mangham's floor amendment.<sup>83</sup> The House then adopted the committee substitute to HB 1023 without objection.<sup>84</sup> No one objected to the adoption of the favorable committee report on HB 1023.<sup>85</sup> By a vote of 142 to 27 the House passed HB 1023, presented by committee substitute, on February 23, 2006.<sup>86</sup>

### *Consideration and Passage of HB 847 by the House*

Representative Oliver of the 83rd district was joined by Representatives Mark Butler, and Lynn Smith of the 18th and 70th districts, respectively, in sponsoring HB 847.<sup>87</sup> On March 21, 2005, the Clerk of the House first read HB 847.<sup>88</sup> On March 22, 2005, the Clerk of the House read HB 847 for a second time and Speaker Richardson assigned it to the Judiciary Committee.<sup>89</sup> The Judiciary Committee drafted a substitute to HB 847 and then favorably reported the bill.<sup>90</sup> On March 2, 2006, the Clerk of the House read HB 847 for the third time and Representative Butler presented the bill to the House.<sup>91</sup> There were no questions for Representative Butler from the floor of the House.<sup>92</sup>

The House adopted the committee substitute to HB 847 without objection.<sup>93</sup> No one objected to the adoption of the favorable

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81. *See id.*

82. *See* House Audio, *supra* note 5 (remarks by Speaker Richardson).

83. Georgia House of Representatives Voting Record, HB 1023 (Feb. 23, 2006).

84. *See* House Audio, *supra* note 5 (remarks by Speaker Richardson); State of Georgia Final Composite Status Sheet, HB 1023, Feb. 23, 2006 (Mar. 30, 2006).

85. *See* House Audio, *supra* note 5 (remarks by Speaker Richardson).

86. Georgia House of Representatives Voting Record, HB 1023 (Feb. 23, 2006); State of Georgia Final Composite Status Sheet, HB 1023, Feb. 23, 2006 (Mar. 30, 2006).

87. *See* HB 847, as introduced, 2006 Ga. Gen. Assem.

88. State of Georgia Final Composite Status Sheet, HB 847, Mar. 21, 2006 (Mar. 30, 2006).

89. State of Georgia Final Composite Status Sheet, HB 847, Mar. 22, 2006 (Mar. 30, 2006).

90. State of Georgia Final Composite Status Sheet, HB 847, Feb. 21, 2006 [sic] (Mar. 30, 2006).

91. *See* Audio Recording of House Proceedings, Mar. 2, 2006 (remarks by Rep. Mark Butler), <http://www.state.ga.us/services/leg/audio/2006archive> [hereinafter Mar. 2 House Audio].

92. *Id.*

93. *See id.* (remarks by Speaker Richardson); State of Georgia Final Composite Status Sheet, HB 1023, Mar. 2, 2006 [sic] (Mar. 30, 2006).

committee report on HB 847.<sup>94</sup> By a vote of 163 to 0 the House unanimously passed HB 847, as substituted, on March 2, 2006.<sup>95</sup>

### *Consideration and Passage of HB 1023 by the Senate*

The Clerk of the Senate read HB 1023 for the first time on February 28, 2006 and Lieutenant Governor Taylor assigned it to the Senate Judiciary Committee.<sup>96</sup> HB 1023 met its demise in the Senate Judiciary Committee.<sup>97</sup> The bill was defeated by a vote of 4 to 3 in Committee and thus never made it to the floor of the Senate.<sup>98</sup> As discussed below, however, the major substantive provisions of HB 1023 were considered by the Senate when added to HB 847.

### *Consideration and Passage of HB 847 by the Senate*

The Clerk of the Senate read HB 847 for the first time on March 6, 2006 and Lieutenant Governor Taylor assigned it to the Senate Judiciary Committee.<sup>99</sup> The Senate Judiciary Committee favorably reported HB 847 to the full Senate on March 22, 2006.<sup>100</sup> The Clerk of the Senate read the bill for the second time on March 23, 2006.<sup>101</sup> On March 28, 2006 the Clerk read the bill for third time, and Senator Seth Harp of the 29<sup>th</sup> district introduced the bill.<sup>102</sup> Senator Harp also discussed two proposed amendments to HB 847.<sup>103</sup> Senator Harp urged his colleagues in the Senate to support the bill and the first amendment to it, but to vote against the adoption of the second amendment.<sup>104</sup> Amendment one provided that the definition of a minor is “a person who is at least 16 but less than 18 years of age,”

94. See Mar. 2 House Audio, *supra* note 91 (remarks by Speaker Richardson).

95. Georgia House of Representatives Voting Record, HB 847 (Mar. 2, 2006); State of Georgia Final Composite Status Sheet, HB 847, Mar. 2, 2006 (Mar. 30, 2006).

96. See State of Georgia Final Composite Status Sheet, HB 1023, Feb. 28, 2006 (Mar. 30, 2006).

97. See State of Georgia Final Composite Status Sheet, HB 1023, Mar. 30, 2006 (Mar. 30, 2006).

98. See Audio Recording of Senate Proceedings, Mar. 28, 2006 (remarks by Rep. Seth Harp), <http://www.state.ga.us/services/leg/audio/2006archive> [hereinafter Senate Audio].

99. See State of Georgia Final Composite Status Sheet, HB 847, Mar. 6, 2006 (Mar. 30, 2006).

100. See State of Georgia Final Composite Status Sheet, HB 847, Mar. 22, 2006 (Mar. 30, 2006).

101. See State of Georgia Final Composite Status Sheet, HB 847, Mar. 23, 2006 (Mar. 30, 2006).

102. See State of Georgia Final Composite Status Sheet, HB 847, Mar. 28, 2006 (Mar. 30, 2006); see also Senate Audio, *supra* note 98 (remarks by Sen. Harp).

103. Senate Audio, *supra* note 98 (remarks by Sen. Harp).

104. *Id.*

and, thus, no one under the age of 16 can become emancipated in the State of Georgia.<sup>105</sup> This amendment was unanimously adopted by the Senate by a vote of 31 to 0.<sup>106</sup>

The second amendment, to which Senator Harp had spoken in opposition, contained the substantive language of HB 1023, the Marriage Age Act that had been defeated in the Senate Judiciary Committee.<sup>107</sup> Senator Bill Hamrick of the 30th district addressed the Senate and urged his colleagues to adopt the amendment.<sup>108</sup> Senator Hamrick emphasized the same policy rationale in support of the bill as Representatives Forster and Franklin had addressed in the House.<sup>109</sup> Senator Daniel Weber of the 40<sup>th</sup> district was the sole Senator to pose a question to Senator Hamrick in regard to the second amendment.<sup>110</sup> Senator Weber asked Senator Hamrick to clarify that the amendment would, without exception, prohibit children in Georgia who are under the age of 16 from contracting marriage.<sup>111</sup> Senator Hamrick confirmed that amendment number two would, just as HB 1023 would, prohibit children under age 16 from marrying in Georgia regardless of the circumstances.<sup>112</sup>

Lieutenant Governor Taylor then recognized Senator Harp to speak on the bill a second time.<sup>113</sup> Senator Harp again encouraged his colleagues in the Senate to vote against the adoption of the second amendment to the bill.<sup>114</sup> Senator Harp voiced the same concerns raised by Representative Mangham during the House debate on HB 1023.<sup>115</sup> He discussed the reality that children in the State of Georgia are having sex before the age of 16 and that some of them become pregnant.<sup>116</sup> He urged the Senate to reject an amendment that would

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105. See HB 847 (AM 29 0587), 2006 Ga. Gen. Assem.

106. Georgia Senate Voting Record, HB 847 (Mar. 28, 2006).

107. See Senate Audio, *supra* note 98 (remarks by Sen. Daniel Weber); see also O.C.G.A. §§ 19-3-2, 19-3-36 to -37 (Supp. 2006).

108. See Senate Audio, *supra* note 98 (remarks by Senator Bill Hamrick).

109. See *id.*; see also *supra* notes 47-53, 67-74, and accompanying text.

110. See Senate Audio, *supra* note 98 (remarks by Senator Weber).

111. See *id.*

112. See Senate Audio, *supra* note 98 (remarks by Senator Hamrick).

113. See Senate Audio, *supra* note 98 (remarks by Lieutenant Governor Mark Taylor).

114. See Senate Audio, *supra* note 98 (remarks by Senator Harp).

115. See *id.*; see also *supra* notes 70-81, and accompanying text.

116. See Senate Audio, *supra* note 98 (remarks by Senator Harp).

prohibit these children from contracting marriage even when a pregnancy or live birth was in issue.<sup>117</sup>

The Senate adopted amendment number two to HB 847, and the portions of HB 1023 which it contained, by a vote of 32 to 16.<sup>118</sup> The Senate then voted on HB 847 with the amendments attached.<sup>119</sup> The bill passed by a vote of 47 to 2, and was sent back to the House for its approval of the bill as passed by the Senate.<sup>120</sup>

### *Consideration and Passage of the Senate Amendments to HB 847*

HB 847, with the Senate amendments incorporated, was reintroduced on the floor of the House on March 30, 2006.<sup>121</sup> Representative Butler moved that the House agree to HB 847 as amended by the Senate.<sup>122</sup> Representative Butler took the well and explained that the bill's provisions regarding the emancipation of minors were relatively unchanged, except that the absolute minimum age at which a child could be emancipated had been set at 16.<sup>123</sup> He further explained that the remaining portion of the bill was "basically the language that came in HB 1023."<sup>124</sup> This language, he explained, would prevent any child under the age of 16 from contracting marriage, and would require children who were age 16 or 17 to obtain parental consent before contracting marriage.<sup>125</sup>

There were no questions from the floor regarding the agreement to the Senate amendments to the Bill and Speaker Richardson called for a vote.<sup>126</sup> HB 847 as amended by the Senate passed the House by a vote of 155 to 1.<sup>127</sup> Surprisingly, even Representative Mangham voted in favor of the passage of the bill, despite its containing the

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117. See Senate Audio, *supra* note 98 (remarks by Senator Harp).

118. Georgia Senate Voting Record, HB 847 (Mar. 28, 2006).

119. *Id.*

120. *Id.*

121. See Audio Recording of House Proceedings, Mar. 30, 2006 (remarks by Rep. Mark Butler), <http://www.state.ga.us/services/leg/audio/2006archive> [hereinafter Mar. 30 House Audio].

122. *Id.*

123. *Id.*

124. *Id.*

125. *Id.*

126. See Mar. 30 House Audio, *supra* note 121.

127. Georgia House Voting Record, HB 847 (Mar. 30, 2006).

major substantive portions of HB 1023.<sup>128</sup> Governor Perdue signed the bill into law on April 18, 2006.<sup>129</sup>

### *The Act*

Section 1 of the Act adds a new Article 6 to the end of Chapter 11.<sup>130</sup> The new Article 6 contains nine new Code sections, 15-11-200 to 208.<sup>131</sup>

The Act creates Code section 15-11-200 which provides the following three definitions relevant to emancipation of minors in Georgia: (1) “Emancipation” means termination of the rights of the parents to the custody, control, services, and earnings of a minor; (2) “Minor” means a person who is at least 16 but less than 18 years of age; and (3) “Parents” has the same meaning as set forth in Code section 15-11-2.<sup>132</sup>

The Act creates Code section 15-11-201 which provides that emancipation in Georgia “may occur by operation of law or pursuant to a petition filed by a minor with the juvenile court.”<sup>133</sup> This section of the Act codifies two of the common law methods of emancipation by operation of law: (1) “[w]hen a person reaches the age of 18 years”; or (2) [d]uring the period when the minor is on active duty with the armed forces.”<sup>134</sup> This section also provides that emancipation by court order occurs “pursuant to a petition filed by a minor with the juvenile court as provided in Code sections 15-11-202 through 15-11-207.”<sup>135</sup>

The Act creates Code section 15-11-202 which mandates that a minor seeking emancipation shall file a petition in the juvenile court in the county of his domicile.<sup>136</sup> This section further provides for seven elements each emancipation petition must contain: (1) the

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128. *Id.*

129. Georgia General Assembly, HB 847 Bill Tracking, *available at*, [http://www.legis.state.ga.us/legis/2005\\_06/sum/hb847.htm](http://www.legis.state.ga.us/legis/2005_06/sum/hb847.htm).

130. O.C.G.A. § 15-11-200 to -208 (Supp. 2006).

131. *Id.*

132. O.C.G.A. § 15-11-200 (Supp. 2006).

133. O.C.G.A. § 15-11-201 (Supp. 2006).

134. *Id.*

135. *Id.*

136. O.C.G.A. § 15-11-202 (Supp. 2006).

minor's background information such as name, date of birth, and place of birth; (2) a certified copy of the minor's birth certificate; (3) contact information of the minor's parents or guardian; (4) the minor's present address and length of residency there; (5) a declaration by the minor asserting that he or she can manage his or her own financial affairs; (6) a declaration by the minor indicating that he or she can handle his or her social affairs; and (7) the names of adults who could vouch for the minor's qualifications for emancipation.<sup>137</sup> This section also provides a list of nine categories of adults who may qualify to testify in support of the minor's emancipation petition, including physicians and attorneys.<sup>138</sup>

The Act creates Code section 15-11-203 which provides that upon the filing of an emancipation petition, a copy of that petition shall be served upon the petitioning minor's parents or guardian and upon any other adults identified by the minor pursuant to Code section 15-11-202.<sup>139</sup> Each individual served with a copy of the petition has the right to file an answer within 30 days of being served.<sup>140</sup>

The Act creates Code section 15-11-204, which provides that, after a petition has been filed, the juvenile court may appoint a guardian *ad litem* to investigate the circumstances of the petition and file a report with the court.<sup>141</sup> This section also provides that the court may appoint counsel to represent the petitioning minor and counsel to represent his or her indigent parents or guardian if they oppose the petition.<sup>142</sup> Additionally, Code section 15-11-204 provides that the court shall seek an affidavit from each of the adults identified in the minor's petition in accordance with Code section 15-11-202.<sup>143</sup> This affidavit should discuss the reasons the minor's emancipation petition should be granted by the court.<sup>144</sup>

The Act creates Code section 15-11-205, which establishes the procedure required when a minor has successfully filed an

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137. *Id.*

138. *Id.*

139. O.C.G.A. § 15-11-203 (Supp. 2006).

140. *Id.*

141. O.C.G.A. § 15-11-204 (Supp. 2006).

142. *Id.*

143. *Id.*

144. *Id.*

emancipation petition under Code section 15-11-202.<sup>145</sup> The section provides that a hearing shall be conducted before a judge and that the court shall issue an emancipation order if the minor establishes the following elements: (1) that the minor's parents or guardian do not object to the petition; or if the parents or guardian do object, that emancipation is in the child's best interest; (2) that the minor is a resident of Georgia; (3) that the minor has demonstrated an ability to manage his or her personal financial affairs, including proof of employment or other means of support; (4) that the minor has demonstrated an ability to manage his or her personal social affairs such as housing; and (5) that the minor understands his or her rights and responsibilities under the Act as an emancipated minor.<sup>146</sup> This section also provides that the burden of proof in an emancipation proceeding shall be on the petitioning minor and that if the court issues an emancipation order it shall keep a copy of that order on file until the emancipated minor's 25th birthday.<sup>147</sup> Further, this section provides that an emancipation order obtained by fraud is voidable, but that any obligations, responsibilities, rights, or interests that arose during the period of time that order was in effect are not affected by a voided order.<sup>148</sup> Finally, the parents or guardian of a minor whose emancipation petition was granted may appeal the decision to the Court of Appeals.<sup>149</sup>

The Act also creates Code section 15-11-206, which addresses the rescission of an emancipation order.<sup>150</sup> Under this section, an emancipated minor may petition the juvenile court that issued the emancipation order to rescind that order.<sup>151</sup> The emancipated minor's parents must be notified of the rescission petition.<sup>152</sup> Further, the Act provides that the rescission petition shall be granted if the court finds: "(1) that the minor is indigent and has no means of support; (2) that the minor and the minor's parents or guardian agrees that the order should be rescinded; or (3) that there is a resumption of family

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145. O.C.G.A. § 15-11-205 (Supp. 2006).

146. *Id.*

147. *Id.*

148. *Id.*

149. *Id.*

150. O.C.G.A. § 15-11-206 (Supp. 2006).

151. *Id.*

152. *Id.*

relations inconsistent with the existing emancipation order.”<sup>153</sup> If the court grants the rescission petition, the court shall issue a recession order and retain a copy of that order until the minor becomes 25 years old.<sup>154</sup> Rescission of an emancipation order does not affect any “contractual obligations or rights or any property rights or interests that arose during the period of time that the emancipation order was in effect.”<sup>155</sup> Finally, the minor or the minor’s parent or guardian may appeal the court’s grant or denial of a rescission to the Court of Appeals.<sup>156</sup>

The Act creates Code section 15-11-207, which addresses the rights and responsibilities conferred upon an emancipated minor.<sup>157</sup> This section provides that an emancipated minor enjoys all the rights and responsibilities of an adult, with the exception of those “specific constitutional and statutory age requirements regarding voting, use of alcoholic beverages, and other health and safety regulations relevant to the minor because of his or her age.”<sup>158</sup> This section continues by providing a non-exhaustive list of rights conferred upon an emancipated minor.<sup>159</sup> These rights include: (1) the right to enter into enforceable contracts; (2) the right to sue or be sued; (3) the right to retain his or her own earnings; (4) the right to establish a separate domicile; (5) the right to act autonomously in business relationships; (6) the right to earn a living; (7) the right to obtain his or her own healthcare; (8) the right to obtain a drivers license for which he or she is eligible; (9) the right to register at school; (10) the right to apply for medical assistance and welfare; (11) the right, if a parent, to make decisions regarding his or her child; and (12) the right to make a will.<sup>160</sup> Finally, this section provides that the parents of an emancipated child “are not liable for any debts incurred by the minor during the period of emancipation.”<sup>161</sup>

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153. *Id.*

154. *Id.*

155. O.C.G.A. § 15-11-206 (Supp. 2006).

156. *Id.*

157. O.C.G.A. § 15-11-207 (Supp. 2006).

158. *Id.*

159. *Id.*

160. *Id.*

161. *Id.*

The Act creates Code section 15-11-208.<sup>162</sup> This section provides that the duty to provide child support shall continue until an emancipation order is issued.<sup>163</sup> Further, this section states “[a] child emancipated under this article shall not be considered a ‘deprived child.’”<sup>164</sup> This section confirms that “[t]he provisions set forth in Code section 19-3-2 regarding age limitations to contract for marriage shall apply to a minor who has become emancipated under this article.”<sup>165</sup>

Section 2 of the Act amends Code section 1-2-8 to provide that a minor shall be permitted to make contracts and to dispose of property if he or she becomes emancipated by operation of law or by the process in Article 6 of Chapter 11 of Title 15.<sup>166</sup>

Section 3 of the Act amends Code section 13-3-20 to make that section gender neutral and to clarify that the age of majority is 18 years old.<sup>167</sup> This Code section is further amended to provide that a contract for necessities entered into by a minor shall be binding if the party furnishing those necessities proves that the minor’s parents or guardian failed or refused to provide such items, that the minor has been emancipated by the operation of law, or that the minor has been emancipated in accordance with Article 6 of Chapter 11 of Title 15.<sup>168</sup>

Section 4 of the Act amends Code section 19-7-1 to make that section gender neutral and to clarify that a child under the age of 18 shall remain under the control of his or her parents unless that minor has been emancipated.<sup>169</sup>

Section 5 of the Act amends Code section 19-7-24 to make that section gender neutral and to confirm that both parents of a child born out of wedlock remain obligated to provide maintenance, protection, and education until the child turns 18 years old or becomes emancipated.<sup>170</sup>

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162. O.C.G.A. § 15-11-208 (Supp. 2006).

163. *Id.*

164. *Id.*

165. *Id.*

166. O.C.G.A. § 1-2-8 (Supp. 2006).

167. O.C.G.A. § 13-3-20 (Supp. 2006).

168. *Id.*

169. O.C.G.A. § 19-7-1 (Supp. 2006).

170. O.C.G.A. § 19-7-24 (Supp. 2006).

Section 6 of the Act amends Code section 19-10-1 to make clear that a person who is emancipated by law shall be treated by the law as if he or she had reached the age of majority.<sup>171</sup>

Section 6A of the Act incorporates the major provisions of HB 1023.<sup>172</sup> This section does not contain the entire text of HB 1023 as passed by the House.<sup>173</sup> A somewhat obscure rule of the Georgia General Assembly prohibits an amendment to a bill from being any longer in physical size than the bill to which it is being attached.<sup>174</sup>

Section 6A of the Act amends Code section 19-3-2, which now lists four requirements for marriage in Georgia.<sup>175</sup> Section 6A of the Act does not affect three of these provisions.<sup>176</sup>

The Act creates two subsections to Code section 19-3-2 and removes a provision which allowed applicants under the age of majority to marry without parental consent when pregnancy was involved.<sup>177</sup> Applicants for marriage must be at least 18 years old, or be 16 or 17 years old and have parental consent as provided in Code section 19-3-37.<sup>178</sup>

Section 6B of the Act strikes in its entirety Code section 19-3-36(b), which listed the requirements for the former pregnancy exception to parental consent.<sup>179</sup> Section 6B also amends Code section 19-3-36 to be gender-neutral.<sup>180</sup>

Section 6C of the Act further amends Chapter 3 of Title 19 by striking the provision of section 19-3-37(b) which refers to parental consent not being required in cases involving pregnancy, an exception eliminated by the Act.<sup>181</sup> The Act also changes the parental consent portion of section 19-3-37 by replacing the broad language of

171. O.C.G.A. § 19-10-1 (Supp. 2006).

172. See E-mail Correspondence with Rep. Franklin, House District No. 43 (April 12, 2006) [hereinafter Franklin correspondence].

173. See E-mail Correspondence with Rep. Forster, House District No. 3 (April 11, 2006).

174. Franklin correspondence, *supra* note 172.

175. O.C.G.A. § 19-3-2 (Supp. 2006).

176. See House Audio, *supra* note 5 (remarks by Rep. Franklin); see also O.C.G.A. § 19-3-2 (Supp. 2006).

177. O.C.G.A. § 19-3-2 (Supp. 2006).

178. *Id.*

179. O.C.G.A. § 19-3-36 (Supp. 2006); see House Audio, *supra* note 5 (remarks by Rep. Franklin).

180. O.C.G.A. § 19-3-36 (Supp. 2006).

181. O.C.G.A. § 19-3-37(b) (Supp. 2006).

“have not yet reached the age of majority” with the much narrower phrase “are 16 or 17 years of age.”<sup>182</sup>

Section 6D of the Act strikes Code section 19-3-38, relating to notification of parents of underage applicants.<sup>183</sup>

Section 7 of the Act amends Code section 44-5-41 to make the section gender neutral and to make clear that “[a] deed, security deed, bill of sale to secure debt, or any other conveyance of property or interest in property to or by a minor” is not voidable if that minor has been emancipated by law or in accordance with Article 6 of Chapter 11 of Title 15.<sup>184</sup>

Section 8 of the Act amends Code section 44-13-20 to replace the words “majority” and “marriage” with the number “18” or the word “emancipation,” to bring that Code section into conformance with the newly codified emancipation law.<sup>185</sup>

### *Analysis*

The Act does little to alter Georgia’s law on the emancipation of children.<sup>186</sup> Rather, the Act simply codifies the circumstances under which a child in Georgia can be emancipated by operation of law.<sup>187</sup> The Act sets the age of 16 as the minimum age at which a minor can petition a court for emancipation.<sup>188</sup> Further, the Act provides a procedure regarding the means by which a minor in Georgia can petition a juvenile court become emancipated.<sup>189</sup> The Act sets forth specific elements which a juvenile court should require a petitioning minor to satisfy and provides that the petitioning minor’s parents or guardian shall be notified on the filing of the petition.<sup>190</sup> Additionally,

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182. *Id.*

183. O.C.G.A. § 19-3-38 (Supp. 2006).

184. O.C.G.A. § 44-5-41 (Supp. 2006).

185. O.C.G.A. § 44-13-20 (Supp. 2006).

186. Compare O.C.G.A. 15-11-201 (2006), with General Information about Emancipation, *supra* note 60.

187. Compare O.C.G.A. 15-11-201 (2006), with General Information about Emancipation, *supra* note 60.

188. O.C.G.A. § 15-11-200 (Supp. 2006).

189. O.C.G.A. § 15-11-202 (Supp. 2006).

190. O.C.G.A. § 15-11-202, -203 (Supp. 2006).

the Act provides specific criteria by which a juvenile court judge shall evaluate a minor's emancipation petition.<sup>191</sup>

The Act amends the Georgia marriage law in two major ways. First, the Act requires 16- or 17-year-olds to obtain parental consent before contracting marriage, even if a pregnancy or live birth is involved.<sup>192</sup> The reasoning behind this change in the marriage law is that parents should be involved in their minor child's decision to marry.<sup>193</sup> The sponsors of the Act argued, without significant opposition, that parents should play a role in their 16- or 17-year-old child's decision to marry, even if a pregnancy is involved.<sup>194</sup>

Second, the Act prohibits children under the age of 16 from marrying, no matter what the circumstances.<sup>195</sup> This prohibition applies in all situations in which a minor under age 16 wishes to marry—even if a pregnancy or live birth is involved and even if the minor's parents consent.<sup>196</sup> This provision inspired the most heated debate among supporters and opponents of the Act.<sup>197</sup> Representative Oliver highlighted the testimony that the House Judiciary Committee heard from juvenile court judges from around the state.<sup>198</sup> These judges relayed stories of 40-year-old men abusing the former marriage law by impregnating 14- or 15-year-old girls and then marrying them, even without parental consent, in order to avoid a sexual molestation prosecution.<sup>199</sup> These judges also told of divorced parents manipulating the former marriage law to have their minor child married, thus emancipating the child and preventing the other parent from ever obtaining custody of that child.<sup>200</sup>

Representative Mangham's amendment, the "Romeo and Juliet Amendment," would have allowed minors of any age to marry when

191. O.C.G.A. § 15-11-205 (Supp. 2006).

192. See Franklin correspondence, *supra* note 172; see also O.C.G.A. § 19-3-2 (Supp. 2006).

193. See House Audio, *supra* note 5 (remarks by Reps. Franklin and Oliver).

194. See House Audio, *supra* note 5 (remarks by Reps. Franklin and Forster).

195. See O.C.G.A. § 19-3-2 (Supp. 2006); see also House Audio, *supra* note 5 (remarks by Rep. Franklin).

196. See O.C.G.A. § 19-3-2 (Supp. 2006); see also House Audio, *supra* note 5 (remarks by Rep. Franklin).

197. See House Audio, *supra* note 5 (remarks by Reps. Franklin, Mangham, Forster, and Karla Drenner).

198. See House Audio, *supra* note 5 (remarks by Rep. Oliver).

199. See House Audio, *supra* note 5 (remarks by Reps. Oliver and Franklin).

200. See *id.*

a pregnancy or live birth was involved, provided that the minor had parental consent and the father was within three years of age of the mother.<sup>201</sup> Representative Al Williams, a Democratic colleague of Representative Mangham, articulated a position held by many legislators, academics, and average citizens: 15-year-olds simply are not mature enough to contract marriage.<sup>202</sup> Representative Lynmore James argued that the Act would unduly burden members of the Mennonite church who commonly marry before age 15.<sup>203</sup> Given that there are less than one thousand Mennonites in Georgia, it seems that the Act's potential to protect minor children from a probably regrettable decision will outweigh any burden placed on this relatively small group of people.<sup>204</sup> One has to wonder how many "families" this law will break up as a result of its prohibition on marriage by those under the age of 16. American society—and Georgian society—have dramatically changed over the past century. Gone are the days when children began their adult lives in their early teens, left school, went to work on farms or in factories, and married their sweethearts at the age of 14. This Act appears to be a measured and well-considered response to the embarrassment levied upon Georgia as a result of the manipulation and abuse of the State's former marriage laws.

*Neil Mulcahy*

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201. See Failed House Floor Amendment to HB 1023, introduced by Rep. Mangham, Feb. 23, 2006; see also House Audio, *supra* note 5 (remarks by Reps. Mangham and Steve Davis).

202. See House Audio, *supra* note 5 (remarks by Rep. Al Williams); see also NAOMI SEILER, CTR. FOR LAW AND SOC. POL'Y, IS TEEN MARRIAGE A SOLUTION?, Apr. 2002 at 12 (stating divorce rate among those married before age 18 is nearly seventy percent); Editorial, Our Opinions: *Let teens marry—when Age is Ripe*, ATLANTA J.-CONST., Feb. 24, 2006, at 14A (reminding Representative Mangham that the story of Romeo and Juliet ended in double suicide).

203. See House Audio, *supra* note 5 (remarks by Rep. Lynmore James).

204. *Mennonites in the United States*, MENNONITE WEEKLY REV., June 20, 2005 (stating the Mennonite population in Georgia is 928).