

§ 51-2. Lawful age to marry.

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

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

- (1) By a parent having full or joint legal custody of the underage party; or
- (2) By a person, agency, or institution having legal custody or serving as a guardian of the underage party.

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

(b) Repealed by Session Laws 2021-119, s. 1, effective August 26, 2021, and applicable to marriage licenses pending or issued on or after that date.

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

(c) When a license to marry is procured by any person under 18 years of age by fraud or misrepresentation, a parent of the underage party, a person, agency, or institution having legal custody or serving as a guardian of the underage party, or a guardian ad litem appointed to represent the underage party pursuant to G.S. 51-2.1(b) is a proper party to bring an action to annul the marriage. (R.C., c. 68, s. 14; 1871-2, c. 193; Code, s. 1809; Rev., s. 2082; C.S., s. 2494; 1923, c. 75; 1933, c. 269, s. 1; 1939, c. 375; 1947, c. 383, s. 2; 1961, c. 186; 1967, c. 957, s. 1; 1969, c. 982; 1985, c. 608; 1998-202, s. 13(s); 2001-62, s. 2; 2001-487, s. 60; 2021-119, s. 1.)