

HB 799 -- Covenant Marriage

Sponsor: Roark

This bill establishes an alternative to a traditional marriage called a covenant marriage. A covenant marriage requires premarital counseling and limits the spouses' ability to legally separate or dissolve the marriage. In its main provisions, the bill:

(1) Requires couples wishing to contract a covenant marriage to execute and file with the marriage license application a declaration of intent. The declaration will contain:

(a) A recitation that the parties undertake a covenant marriage with full knowledge of the commitment it requires;

(b) An affidavit executed by the parties verifying that they have completed premarital counseling;

(c) A notarized attestation executed by the person performing the premarital counseling confirming the parties' completion of counseling; and

(d) The notarized signature of both parties. If one or both of the parties are minors, the written consent of the persons required to consent to a minor's marriage pursuant to Section 451.090, RSMo, is also required;

(2) Requires that it be indicated on the marriage license if the parties have undertaken a covenant marriage;

(3) Requires officers issuing covenant marriage licenses to forward copies of covenant marriage declarations to the State Registrar of vital statistics once a month;

(4) Allows married couples to convert their marriage into a covenant marriage by executing a declaration of intent with substantially the same contents as a declaration executed by unmarried persons;

(5) Prohibits legal separation within a covenant marriage unless the parties first have obtained counseling and then only upon certain specified grounds, including:

(a) Adultery;

(b) A spouse's commission of a felony with a sentence of imprisonment or death;

(c) A spouse's abandonment of the marital domicile for a period of two years;

(d) Abuse of the petitioning spouse, a child of one of the spouses, or another relative of one of the spouses living in the home;

(e) The spouses' residential separation for a period of two years; and

(f) "Habitual intemperance" or "cruel treatment" by one spouse;

(6) Prohibits dissolution of a covenant marriage unless the parties first have obtained counseling and then only upon certain specified grounds, including:

(a) Adultery;

(b) A spouse's commission of a felony with a sentence of imprisonment or death;

(c) A spouse's abandonment of the marital domicile for a period of two years;

(d) Abuse of the petitioning spouse, a child of one of the spouses, or another relative of one of the spouses living in the home;

(e) The spouses' residential separation for a period of two years;

(f) The spouses' residential separation for a period of two years following a judgment of separation if there is no minor child of the marriage;

(g) The spouses' residential separation for a period of two years and six months following a judgment of separation if there is a minor child of the marriage. If child abuse was the basis of the judgment of separation, the subsequent required period of residential separation is one year; and

(h) Habitual drunkenness or drug abuse by one spouse; and

(7) Requires the Office of the Attorney General by August 28, 2004, to promulgate an information pamphlet entitled "Covenant Marriage Act" outlining the consequences of entering into a covenant marriage. The pamphlet will be available to all counselors who perform covenant marriage premarital counseling.