

HB 452 -- Covenant Marriages

Sponsor: Roark

This bill establishes an alternative to a traditional marriage called a covenant marriage. A covenant marriage is entered into by one male and one female who understand that marriage is a lifelong relationship. Premarital counseling is required, and the spouses' ability to legally separate or dissolve the marriage is limited. In its main provisions, the bill:

(1) Requires couples wishing to enter into a covenant marriage to execute and file a declaration of intent along with their marriage license. 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 by the parties declaring that they have received premarital counseling;

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

(d) The notarized signatures of both parties. However, if one or both of the individuals 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 the officers issuing covenant marriage licenses to forward copies of covenant marriage declarations once a month to the State Registrar of Vital Records;

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

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

(a) Adultery;

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

(c) A spouse's abandonment of the marital home for a period of two years and refusal to return;

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

(e) A spouse's residential separation without reconciliation for a period of two years;

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

(g) A spouse's residential separation for a period of two years 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;

(h) A spouse's residential separation for at least one year from the date of the legal separation;

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

(6) Prohibits one spouse from obtaining a judgment of separation within a covenant marriage unless the couple has obtained marital counseling and then only upon specified grounds, including:

(a) Adultery;

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

(c) A spouse's abandonment of the marital home for a period of two years and refusal to return;

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

(e) A spouse's residential separation for a period of two years;

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

(7) Requires the Office of the Attorney General by August 28, 2005, to promulgate an informational 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.