

SECOND REGULAR SESSION

[CORRECTED]

HOUSE BILL NO. 1693

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BOGGS.

3238H.01I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 451 and 452, RSMo, by adding thereto two new sections relating to covenant marriages.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 451 and 452, RSMo, are amended by adding thereto two new sections, to be known as sections 451.055 and 452.055, to read as follows:

451.055. 1. This section shall be known and may be cited as the "Missouri Covenant Marriage Act".

2. Persons who have the legal capacity to marry under this chapter may enter into a covenant marriage by declaring their intent to do so on their application for a license obtained under section 451.040 and by complying with the requirements of this section. The returned marriage license shall be designated a covenant marriage license and shall be recorded as provided under this chapter, with an indication that the marriage is a covenant marriage. The declaration shall be filed with the recorder of deeds. Persons may still obtain a standard marriage license, but such persons shall have the option to obtain a covenant marriage license. For all intents and purposes, the covenant marriage license provision shall be considered equal to a standard marriage license and recognized by all government agencies, with all the benefits and rights of a standard marriage license.

3. A declaration of intent to enter into a covenant marriage shall contain all of the following:

(1) A written statement of the parties' intent to enter into a covenant marriage that shall be in the following form:

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **"DECLARATION OF INTENT TO ENTER INTO COVENANT**
19 **MARRIAGE**

20 **A COVENANT MARRIAGE**

21 **We solemnly declare that we believe that marriage is a covenant**
22 **between one man and one woman who agree to live together as**
23 **husband and wife for as long as they both live. We have chosen**
24 **each other carefully and have received premarital counseling on**
25 **the nature, purposes, and responsibilities of marriage. We**
26 **understand that a Covenant Marriage is for life and that we have**
27 **received counseling regarding the seriousness of Covenant**
28 **Marriage, including all the legal requirements of individuals**
29 **when entering into Covenant Marriage. If we experience marital**
30 **difficulties, we commit ourselves to take all reasonable efforts to**
31 **preserve our marriage, including marital counseling.**

32 **With full knowledge of what this commitment means, we do**
33 **declare that our marriage will be bound by Missouri law on**
34 **covenant marriage and we promise to love, honor, and care for**
35 **one another as husband and wife for the rest of our lives.**

36 _____

37 **Prospective Male Spouse**

38 _____

39 **Prospective Female Spouse";**

40 **(2) A notarized attestation declaring the following and to be in the following**
41 **form:**

42 **"AFFIDAVIT**

43 **BE IT KNOWN THAT the undersigned affiants acknowledge**
44 **that they have received at least eight hours of premarital**
45 **counseling from a priest, minister, pastor, rabbi, any other**
46 **clergyperson of any religious sect, or a professional marriage**
47 **counselor. The affiants have received counseling regarding the**
48 **seriousness of Covenant Marriage, including all the legal**

49 requirements of individuals when entering into Covenant
50 Marriage; communication of the fact that a Covenant Marriage is
51 a commitment for life; the obligation of a Covenant Marriage is to
52 take reasonable efforts to preserve the marriage even if marital
53 difficulties arise, including the obligation to seek marital
54 counseling in those difficult times of marital conflict; and the
55 limited grounds for legally terminating a Covenant Marriage by
56 dissolution or legal separation.

57 STATE OF MISSOURI _____)

58 COUNTY OF _____)

59 _____

60 Prospective Male Spouse

61 _____

62 Prospective Female Spouse

63 On this _____ day of _____ in the year _____ before me, _____
64 _ (Name of Notary) Notary Public duly commissioned and acting
65 within and for the County and State aforesaid, personally
66 appeared _____ (Prospective Male Spouse) and _____
67 (Prospective Female Spouse) known to me to be the identical
68 persons whose names are affixed hereto, and who executed the
69 Affidavit, and acknowledged that they executed the same for the
70 uses and purposes therein contained and set forth.

71 (Seal)

72 My commission expires: _____

73 Notary Public _____";

74 (3) A notarized attestation that is signed by the clergy or counselor and to be in
75 the following form:

76 "ATTESTATION FOR COUNSELOR OR CLERGY

As a priest, minister, pastor, rabbi, any other clergyperson of any religious sect, or a professional marriage counselor, I attest that the prospective spouses seeking Covenant Marriage received counseling from either me or a member of my organization as to the nature and purpose of Covenant Marriage that included all the legal requirements of individuals when entering into Covenant Marriage; communication of the fact that a Covenant Marriage is a commitment for life; communication of the fact that the obligation of a Covenant Marriage is to take reasonable efforts to preserve the marriage even if marital difficulties arise, including the obligation to seek marital counseling in those difficult times of marital conflict; and the limited grounds for legally terminating a Covenant Marriage by dissolution or legal separation.

Counselor/Clergy

Title (if applicable)

Organization (if applicable)

AFFIDAVIT

BE IT KNOWN THAT the undersigned affiant acknowledges that the prospective spouses seeking Covenant Marriage have received at least eight hours of premarital counseling from either a priest, minister, pastor, rabbi, any other clergyperson of any religious sect, or a professional marriage counselor. The counseling included a discussion of the seriousness of Covenant Marriage, including all the legal requirements of individuals when entering into Covenant Marriage; communication of the fact that a Covenant Marriage is a commitment for life; communication of the fact that the obligation of a Covenant

Marriage is to take reasonable efforts to preserve the marriage even if marital difficulties arise, including the obligation to seek marital counseling in those difficult times of marital conflict; and the limited grounds for legally terminating a Covenant Marriage by dissolution or legal separation.

STATE OF MISSOURI _____)

COUNTY OF _____)

Counselor/Clergy

On this _____ day of _____ in the year _____ before me, _____
_ (Name of Notary) Notary Public duly commissioned and acting within and for the County and State aforesaid, personally appeared _____ (counselor, priest, minister, pastor, rabbi, or other clergy) known to me to be the identical person whose name is affixed hereto, and who executed the Affidavit, and acknowledged that they executed the same for the uses and purposes therein contained and set forth.

(Seal)

My commission expires: _____

Notary Public _____"; and

(4) (a) If a husband and wife have previously obtained a standard marriage license but would like to convert the standard marriage license to a covenant marriage license, a notarized attestation, to be in a form as provided under paragraph (b) of this subdivision, of the husband's and wife's intent to convert to a covenant marriage shall be submitted to the recorder of deeds. A husband and wife who apply for a covenant marriage conversion under this subdivision shall not be required to receive premarital counseling, and the husband and wife are not required to have the converted covenant marriage separately solemnized. The conversion of the standard marriage to covenant marriage of a previously married couple shall not require the attestations by clergy or counselors. Conversion to a covenant marriage shall not make valid a marriage that is prohibited under this chapter or that is not validly contracted in this state.

(b) A notarized attestation of the intent to convert a standard marriage license to a covenant marriage license shall be in the following form:

**"DECLARATION OF INTENT TO CONVERT TO
COVENANT MARRIAGE**

A COVENANT MARRIAGE

We solemnly declare that we believe that marriage is a covenant between one man and one woman who agree to live together as husband and wife for as long as they both live. We understand that a covenant marriage is for life and that we understand the seriousness of Covenant Marriage, including all the legal requirements of individuals when entering into Covenant Marriage. If we experience marital difficulties, we commit ourselves to take all reasonable efforts to preserve our marriage, including marital counseling.

With full knowledge of what this commitment means, we do declare that our marriage will be bound by Missouri law on Covenant Marriage, and we promise to love, honor, and care for one another as husband and wife for the rest of our lives.

Male Spouse

Female Spouse

AFFIDAVIT

BE IT KNOWN THAT the undersigned affiants acknowledge that they are requesting to convert their existing marriage license to a covenant marriage license. The affiants acknowledge and understand the seriousness of Covenant Marriage, including all the legal requirements of individuals when entering into Covenant Marriage; the fact that a Covenant Marriage is a commitment for life; the fact that the obligation of a Covenant Marriage is to take reasonable efforts to preserve the marriage

even if marital difficulties arise, including the obligation to seek marital counseling in those difficult times of marital conflict; and the limited grounds for legally terminating a Covenant Marriage by divorce or legal separation.

STATE OF MISSOURI _____)

COUNTY OF _____)

Male Spouse

Female Spouse

On this _____ day of _____ in the year _____ before me, _____
_ (Name of Notary) Notary Public duly commissioned and acting within and for the County and State aforesaid, personally appeared _____ (Male Spouse) and _____ (Female Spouse) known to me to be the identical persons whose names are affixed hereto, and who executed the Affidavit and acknowledged that they executed the same for the uses and purposes therein contained and set forth.

(Seal)

My commission expires: _____

Notary Public _____".

4. The recorder of deeds shall document that the attestations were submitted and shall file all covenant marriage license documentation according to the laws of the state of Missouri. If all the provisions have been met under this section, the recorder of deeds shall issue to the husband and wife a marriage license certificate that documents the husband's and wife's covenant marriage or conversion to a covenant marriage accordingly.

5. The state of Missouri shall publish a page on its website titled "Missouri Covenant Marriage Act". The page shall describe the requirements for entering into a covenant marriage under this section and the grounds necessary to obtain a decree of

200 dissolution of covenant marriage or a legal separation of covenant marriage under
201 section 452.055.

452.055. 1. A husband and wife who entered into a covenant marriage under
2 section 451.055 may file a petition for legal separation of covenant marriage at any time,
3 but a petition for dissolution of covenant marriage shall be filed only after the court has
4 ordered a legal separation. The court may enter temporary orders at any time after a
5 petition for legal separation of covenant marriage or a petition for dissolution of
6 covenant marriage has been filed under this section.

7 2. Regardless of whether a husband and wife have entered into a standard
8 marriage or covenant marriage, if there is a court-ordered requirement that divorcing
9 or separating parents with at least one minor child are required to attend a parenting
10 education class, the parties may opt for a faith-based alternative program as long as that
11 program informs the parties of the effects of divorce on families and children.

12 3. If a husband and wife have entered into a covenant marriage under section
13 451.055, the court shall require that both parties attend at least forty hours of marital
14 counseling before a dissolution may be granted. Counseling may be provided by either a
15 faith-based organization or a professional marriage counselor or agency thereof.

16 4. If a husband and wife have entered into a covenant marriage under section
17 451.055, the court shall not enter a decree of dissolution until at least two years have
18 passed after the initial filing for legal separation or dissolution, and the court shall grant
19 a dissolution for divorce only after first ordering a legal separation, including any
20 temporary orders deemed necessary by the court for the following situations:

21 (1) Either spouse has committed adultery;

22 (2) Either spouse has habitually abused drugs or alcohol;

23 (3) Either spouse has committed a felony and has been sentenced to death or
24 imprisonment in any federal, state, county, or municipal correctional facility;

25 (4) Either spouse has physically or sexually abused the other spouse, a child, a
26 relative of either spouse permanently living in the matrimonial domicile, or has
27 committed domestic violence or severe emotional abuse;

28 (5) Either spouse has abandoned the matrimonial domicile and has not been in
29 contact with the other spouse for at least two years and that spouse refuses to return. A
30 party may file a petition based on this ground by alleging that his or her spouse has
31 abandoned the matrimonial domicile and is expected to remain absent for the required
32 period of at least two years. If his or her spouse has not abandoned the matrimonial
33 domicile for the required period of two years at the time of the filing of the petition, the
34 action of a dissolution of marriage shall be stayed for the period of time remaining to

35 meet the grounds based on abandonment; except that, the court may enter and enforce
36 temporary orders of a legal separation during the time that the action is pending;

37 (6) The spouses have been living separate and apart continuously without
38 reconciliation for at least two years. A party may file a petition based on this ground by
39 alleging that it is expected that the parties have been living separate and apart for the
40 required period of at least two years. If the parties have not been separated
41 continuously for the required period of at least two years at the time of the filing of the
42 petition, the action of dissolution of marriage shall be stayed until the requirement of
43 living apart and separate continuously for at least two years is met; except that, the
44 court may enter and enforce temporary orders for a legal separation during the time
45 that the action is pending; or

46 (7) The husband and wife have attended at least forty hours of marital
47 counseling sessions over the course of at least two years.

48 5. Dissolution under this section shall be granted after all other remedies under
49 this section have failed.

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