

HOUSE BILL NO. 1207

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BOGGS.

2216H.011

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:

"DECLARATION OF INTENT TO ENTER INTO COVENANT MARRIAGE

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 **A COVENANT MARRIAGE**

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

27

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

31

_____)
32 **Prospective Male Spouse**

33

_____)
34 **Prospective Female Spouse";**

35

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

36

"AFFIDAVIT

37 **BE IT KNOWN THAT the undersigned affiants acknowledge that they have received at**
38 **least eight hours of premarital counseling from a priest, minister, pastor, rabbi, any other**
39 **clergyperson of any religious sect, or a professional marriage counselor. The affiants have**
40 **received counseling regarding the seriousness of Covenant Marriage, including all the legal**
41 **requirements of individuals when entering into Covenant Marriage; communication of the**
42 **fact that a Covenant Marriage is a commitment for life; the obligation of a Covenant**
43 **Marriage is to take reasonable efforts to preserve the marriage even if marital difficulties**
44 **arise, including the obligation to seek marital counseling in those difficult times of marital**
45 **conflict; and the limited grounds for legally terminating a Covenant Marriage by**
46 **dissolution or legal separation.**

47 **STATE OF MISSOURI _____)**

48 **COUNTY OF _____)**

49

_____)
50 **Prospective Male Spouse**

51

_____)
52 **Prospective Female Spouse**

53

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

61 (Seal)

62 My commission expires: _____

63 Notary Public _____";

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

66 "ATTESTATION FOR COUNSELOR OR CLERGY

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

77 _____

78 Counselor/Clergy

79 _____

80 Title (if applicable)

81 _____

82 Organization (if applicable)

83 AFFIDAVIT

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

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

95 STATE OF MISSOURI _____)

96 COUNTY OF _____)

97 _____

98 Counselor/Clergy

99

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

107 (Seal)

108 My commission expires: _____

109 Notary Public _____"; and

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

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

123 "DECLARATION OF INTENT TO CONVERT TO COVENANT MARRIAGE

124 A COVENANT MARRIAGE

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

131

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

135

136 Male Spouse

137

138 Female Spouse

139

AFFIDAVIT

140 **BE IT KNOWN THAT** the undersigned affiants acknowledge that they are requesting to
 141 convert their existing marriage license to a covenant marriage license. The affiants
 142 acknowledge and understand the seriousness of Covenant Marriage, including all the legal
 143 requirements of individuals when entering into Covenant Marriage; the fact that a
 144 Covenant Marriage is a commitment for life; the fact that the obligation of a Covenant
 145 Marriage is to take reasonable efforts to preserve the marriage even if marital difficulties
 146 arise, including the obligation to seek marital counseling in those difficult times of marital
 147 conflict; and the limited grounds for legally terminating a Covenant Marriage by divorce
 148 or legal separation.

149 STATE OF MISSOURI _____)

150 COUNTY OF _____)

151

152 Male Spouse

153

154 Female Spouse

155

156 On this _____ day of _____ in the year _____ before me,
 157 _____ (Name of Notary) Notary Public duly
 158 commissioned and acting within and for the County and State aforesaid, personally
 159 appeared _____ (Male Spouse) and
 160 _____ (Female Spouse) known to me to be the identical

161 persons whose names are affixed hereto, and who executed the Affidavit and acknowledged
162 that they executed the same for the uses and purposes therein contained and set forth.

163 (Seal)

164 My commission expires: _____

165 Notary Public _____".

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

171 5. The state of Missouri shall publish a page on its website titled "Missouri
172 Covenant Marriage Act". The page shall describe the requirements for entering into a
173 covenant marriage under this section and the grounds necessary to obtain a decree of
174 dissolution of covenant marriage or a legal separation of covenant marriage under section
175 452.055.

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 covenant
6 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 or
9 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 passed
18 after the initial filing for legal separation or dissolution, and the court shall grant a
19 dissolution for divorce only after first ordering a legal separation, including any temporary
20 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 committed
27 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 meet
35 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 continuously
41 for the required period of at least two years at the time of the filing of the petition, the
42 action of dissolution of marriage shall be stayed until the requirement of living apart and
43 separate continuously for at least two years is met; except that, the court may enter and
44 enforce temporary orders for a legal separation during the time that the action is pending;
45 or
- 46 (7) The husband and wife have attended at least forty hours of marital counseling
47 sessions over the course of at least two years.
- 48 5. Dissolution under this section shall be granted after all other remedies under this
49 section have failed.

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