

SECOND REGULAR SESSION

SENATE BILL NO. 698

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATORS CAUTHORN AND LOUDON.

Pre-filed December 1, 2001, and 1,000 copies ordered printed.

2350S.01I

TERRY L. SPIELER, Secretary.

AN ACT

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

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 451.050 and 452.308, to read as follows:

451.050. 1. A covenant marriage is a marriage entered into by a man and a woman who understand and agree that the marriage between them is a lifelong relationship. Parties to a covenant marriage participate in pre-marital counseling. Only when there is a complete and total breach of the marital covenant commitment may the nonbreaching party seek dissolution of the marriage.

2. The state courts administrator shall develop a pamphlet entitled the "Covenant Marriage Act", which shall provide a full explanation of the terms and conditions of a covenant marriage. The covenant marriage act pamphlet shall be made available at all locations where applications for marriage licenses are available.

3. A man and a woman may contract a covenant marriage by including a statement of their intent to do so on their application for a marriage license and by executing a declaration of intent to contract

a covenant marriage. If a couple includes a statement on their application for a marriage license that they intend to contract a covenant marriage, the couple must file a declaration of intent with the recorder of deeds before a marriage license is issued.

4. A declaration of intent to contract a covenant marriage shall be signed by both parties to the marriage and witnessed by a notary. The declaration shall contain all of the following:

(1) A recitation by the parties of the following statements: "We do solemnly declare that marriage is a covenant between a man and a woman who agree to live together as husband and wife for so long as they both may live. We have chosen each other carefully and disclosed to one another everything which could adversely affect the decision to enter into this marriage. We have received premarital counseling on the nature, purposes, and responsibilities of marriage. We have read the Covenant Marriage Act, we understand the legal implications of a covenant marriage, and we understand that a covenant marriage is for life. 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 hereby declare that our marriage will be bound by Missouri law on covenant marriages, and we renew our promise to love, honor, and care for one another as husband and wife for the rest of our lives.";

(2) An affidavit by the parties that they have sought the counsel of a clergy person or marriage counselor and have discussed with such counselor: their intent to designate their marriage as a covenant marriage; the obligation to seek marital counseling in times of marital difficulties; and the exclusive grounds for legally terminating a covenant marriage; and

(3) A notarized attestation, signed by the counselor and attached to the parties' affidavit, acknowledging that the counselor discussed with the parties all of the subjects described in the above subsection and reviewed the covenant marriage act with the parties.

5. The declaration shall contain two separate documents: the recitation and the affidavit. The counselor's attestation is attached to the affidavit. The recitation shall be prepared in duplicate originals, one of which shall be retained by the parties and the other, together

with the affidavit and attestation, shall be filed with the recorder of deeds authorized to issue the marriage license.

452.308. 1. Notwithstanding any other law to the contrary and subsequent to the parties obtaining marital counseling, a spouse to a covenant marriage may obtain a judgment of dissolution of marriage only upon proof of any of the following:

- (1) The other spouse has committed adultery;**
- (2) The other spouse has committed a felony and has been sentenced to death or imprisonment;**
- (3) The other spouse has abandoned the matrimonial domicile for a period of one year and refuses to return;**
- (4) The other spouse has physically or sexually abused the spouse seeking the divorce or any child;**
- (5) The spouses have been living separate and apart continuously without reconciliation for a period of two years; or**
- (6) The spouses have been living separate and apart continuously without reconciliation for a period of one year from the date a judgment of legal separation was signed.**

2. Notwithstanding any other law to the contrary and subsequent to the parties obtaining marital counseling, a spouse to a covenant marriage may obtain a judgment of legal separation only upon proof of any of the following:

- (1) The other spouse has committed adultery;**
- (2) The other spouse has committed a felony and has been sentenced to death or imprisonment;**
- (3) The other spouse has abandoned the matrimonial domicile for a period of one year and refuses to return;**
- (4) The other spouse has physically or sexually abused the spouse seeking the divorce or any child;**
- (5) The spouses have been living separate and apart continuously without reconciliation for a period of two years; or**
- (6) On account of habitual intemperance of the other spouse, or excesses, cruel treatment, or outrages of the other spouse, if such habitual intemperance, or such ill-treatment is of such a nature as to render their living together insupportable.**

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