

FIRST REGULAR SESSION

SENATE BILL NO. 769

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

1092S.01I

KRISTINA MARTIN, Secretary

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
2 adding thereto two new sections, to be known as sections 451.055
3 and 452.055, to read as follows:

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

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

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

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

24 "DECLARATION OF INTENT TO ENTER INTO COVENANT
25 MARRIAGE

26 A COVENANT MARRIAGE

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

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

47 _____
48 Prospective Male Spouse

49 _____
50 Prospective Female Spouse";

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

"AFFIDAVIT

BE IT KNOWN THAT the undersigned affiants acknowledge that they have received at least eight hours of premarital counseling from a priest, minister, pastor, rabbi, any other clergy of any religious sect, or a professional marriage counselor. The affiants have received counseling regarding 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; 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 _____)

Prospective Male Spouse

Prospective 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 _____ (Prospective Male Spouse) and _____ (Prospective 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: _____

90 Notary Public _____";

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

93 "ATTESTATION FOR COUNSELOR OR CLERGY

94 As a priest, minister, pastor, rabbi, any other
95 clergy of any religious sect, or a professional
96 marriage counselor, I attest that the prospective
97 spouses seeking Covenant Marriage received
98 counseling from either me or a member of my
99 organization as to the nature and purpose of
100 Covenant Marriage that included all the legal
101 requirements of individuals when entering into
102 Covenant Marriage; communication of the fact that
103 a Covenant Marriage is a commitment for life;
104 communication of the fact that the obligation of a
105 Covenant Marriage is to take reasonable efforts to
106 preserve the marriage even if marital difficulties
107 arise, including the obligation to seek marital
108 counseling in those difficult times of marital
109 conflict; and the limited grounds for legally
110 terminating a Covenant Marriage by dissolution or
111 legal separation.

112 _____

113 Counselor/Clergy

114 _____

115 Title (if applicable)

116 _____

117 Organization (if applicable)

118 AFFIDAVIT

119 BE IT KNOWN THAT the undersigned affiant
120 acknowledges that the prospective spouses seeking
121 Covenant Marriage have received at least eight
122 hours of premarital counseling from either a
123 priest, minister, pastor, rabbi, any other clergy
124 of any religious sect, or a professional marriage
125 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.

196 Male Spouse

197 _____

198 Female Spouse

199

AFFIDAVIT

200 BE IT KNOWN THAT the undersigned affiants
201 acknowledge that they are requesting to convert
202 their existing marriage license to a covenant
203 marriage license. The affiants acknowledge and
204 understand the seriousness of Covenant Marriage,
205 including all the legal requirements of
206 individuals when entering into Covenant Marriage;
207 the fact that a Covenant Marriage is a commitment
208 for life; the fact that the obligation of a
209 Covenant Marriage is to take reasonable efforts to
210 preserve the marriage even if marital difficulties
211 arise, including the obligation to seek marital
212 counseling in those difficult times of marital
213 conflict; and the limited grounds for legally
214 terminating a Covenant Marriage by divorce or
215 legal separation.

216 STATE OF MISSOURI _____)

217 COUNTY OF _____)

218 _____

219 Male Spouse

220 _____

221 Female Spouse

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

232 (Seal)

233 My commission expires: _____
234 Notary Public _____".

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

243 5. The state of Missouri shall publish a page on its
244 website titled "Missouri Covenant Marriage Act". The page
245 shall describe the requirements for entering into a covenant
246 marriage under this section and the grounds necessary to
247 obtain a decree of dissolution of covenant marriage or a
248 legal separation of covenant marriage under section 452.055.

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

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

16 that program informs the parties of the effects of divorce
17 on families and children.

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

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

32 (1) Either spouse has committed adultery;

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

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

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

42 (5) Either spouse has abandoned the matrimonial
43 domicile and has not been in contact with the other spouse
44 for at least two years and that spouse refuses to return. A
45 party may file a petition based on this ground by alleging
46 that his or her spouse has abandoned the matrimonial
47 domicile and is expected to remain absent for the required

48 period of at least two years. If his or her spouse has not
49 abandoned the matrimonial domicile for the required period
50 of two years at the time of the filing of the petition, the
51 action of a dissolution of marriage shall be stayed for the
52 period of time remaining to meet the grounds based on
53 abandonment; except that, the court may enter and enforce
54 temporary orders of a legal separation during the time that
55 the action is pending;

56 (6) The spouses have been living separate and apart
57 continuously without reconciliation for at least two years.
58 A party may file a petition based on this ground by alleging
59 that it is expected that the parties have been living
60 separate and apart for the required period of at least two
61 years. If the parties have not been separated continuously
62 for the required period of at least two years at the time of
63 the filing of the petition, the action of dissolution of
64 marriage shall be stayed until the requirement of living
65 apart and separate continuously for at least two years is
66 met; except that, the court may enter and enforce temporary
67 orders for a legal separation during the time that the
68 action is pending; or

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

72 5. Dissolution under this section shall be granted
73 after all other remedies under this section have failed.

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