

SENATE BILL NO. 1333

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

5670S.011

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 MARRIAGE

25 A COVENANT MARRIAGE

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

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

44 _____

45 Prospective Male Spouse

46 _____

47 Prospective Female Spouse";

(2) A notarized attestation declaring the following
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

80 acknowledged that they executed the same for the uses
81 and purposes therein contained and set forth.

82 (Seal)

83 My commission expires: _____

84 Notary Public _____";

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

87 "ATTESTATION FOR COUNSELOR OR CLERGY

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

104 _____

105 Counselor/Clergy

106 _____

107 Title (if applicable)

108 _____

109 Organization (if applicable)

110 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 clergy 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.

128 STATE OF MISSOURI _____)

129 COUNTY OF _____)

130 _____

131 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.

141 (Seal)

142 My commission expires: _____

143 Notary Public _____"; and

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

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

164 "DECLARATION OF INTENT TO CONVERT TO COVENANT MARRIAGE

165 A COVENANT MARRIAGE

166 We solemnly declare that we believe that marriage is a
167 covenant between one man and one woman who agree to live
168 together as husband and wife for as long as they both
169 live. We understand that a Covenant Marriage is for
170 life and that we understand the seriousness of Covenant
171 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 _____)

203 Male Spouse

204 _____

205 Female Spouse

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

215 (Seal)

216 My commission expires: _____

217 Notary Public _____".

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

226 5. The state of Missouri shall publish a page on its
227 website titled "Missouri Covenant Marriage Act". The page
228 shall describe the requirements for entering into a covenant
229 marriage under this section and the grounds necessary to
230 obtain a decree of dissolution of covenant marriage or a
231 legal separation of covenant marriage under section 452.055.

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

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

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

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

(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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