

SECOND REGULAR SESSION

SENATE BILL NO. 1333

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

5670S.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 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

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

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

50 **"AFFIDAVIT"**

51 BE IT KNOWN THAT the undersigned affiants acknowledge
52 that they have received at least eight hours of
53 premarital counseling from a priest, minister, pastor,
54 rabbi, any other clergy of any religious sect, or a
55 professional marriage counselor. The affiants have
56 received counseling regarding the seriousness of
57 Covenant Marriage, including all the legal requirements
58 of individuals when entering into Covenant Marriage;
59 communication of the fact that a Covenant Marriage is a
60 commitment for life; the obligation of a Covenant
61 Marriage is to take reasonable efforts to preserve the
62 marriage even if marital difficulties arise, including
63 the obligation to seek marital counseling in those
64 difficult times of marital conflict; and the limited
65 grounds for legally terminating a Covenant Marriage by
66 dissolution or legal separation.

67 STATE OF MISSOURI _____)

68 COUNTY OF _____)

69 _____

70 Prospective Male Spouse

71 _____

72 Prospective Female Spouse

73 On this _____ day of _____ in the year _____ before
74 me, _____ (Name of Notary) Notary Public duly
75 commissioned and acting within and for the County and
76 State aforesaid, personally appeared _____ (Prospective
77 Male Spouse) and _____ (Prospective Female Spouse)
78 known to me to be the identical persons whose names are
79 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**

111 BE IT KNOWN THAT the undersigned affiant acknowledges
112 that the prospective spouses seeking Covenant Marriage
113 have received at least eight hours of premarital
114 counseling from either a priest, minister, pastor, rabbi,
115 any other clergy of any religious sect, or a professional
116 marriage counselor. The counseling included a discussion
117 of the seriousness of Covenant Marriage, including all
118 the legal requirements of individuals when entering into
119 Covenant Marriage; communication of the fact that a
120 Covenant Marriage is a commitment for life; communication
121 of the fact that the obligation of a Covenant Marriage is
122 to take reasonable efforts to preserve the marriage even
123 if marital difficulties arise, including the obligation
124 to seek marital counseling in those difficult times of
125 marital conflict; and the limited grounds for legally
126 terminating a Covenant Marriage by dissolution or legal
127 separation.

128 STATE OF MISSOURI)

129 COUNTY OF)

130

131 Counselor/Clergy

132 On this _____ day of _____ in the year _____ before
133 me, _____ (Name of Notary) Notary Public duly
134 commissioned and acting within and for the County and
135 State aforesaid, personally appeared _____ (counselor,
136 priest, minister, pastor, rabbi, or other clergy) known
137 to me to be the identical person whose name is affixed
138 hereto, and who executed the Affidavit, and acknowledged
139 that they executed the same for the uses and purposes
140 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

172 individuals when entering into Covenant Marriage. If we
173 experience marital difficulties, we commit ourselves to
174 take all reasonable efforts to preserve our marriage,
175 including marital counseling.

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

181 _____

182 **Male Spouse**

183 _____

184 **Female Spouse**

185 **AFFIDAVIT**

186 BE IT KNOWN THAT the undersigned affiants acknowledge
187 that they are requesting to convert their existing
188 marriage license to a Covenant Marriage license. The
189 affiants acknowledge and understand the seriousness of
190 Covenant Marriage, including all the legal requirements
191 of individuals when entering into Covenant Marriage; the
192 fact that a Covenant Marriage is a commitment for life;
193 the fact that the obligation of a Covenant Marriage is
194 to take reasonable efforts to preserve the marriage even
195 if marital difficulties arise, including the obligation
196 to seek marital counseling in those difficult times of
197 marital conflict; and the limited grounds for legally
198 terminating a Covenant Marriage by divorce or legal
199 separation.

200 STATE OF MISSOURI _____)

201 COUNTY OF _____)

202 _____

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
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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