

SENATE BILL NO. 258

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

0208S.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 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.

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"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 clergyperson 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 clergyperson of any religious sect, or a
96 professional marriage counselor, I attest that the
97 prospective spouses seeking Covenant Marriage
98 received counseling from either me or a member of
99 my 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
124 clergyperson of any religious sect, or a
125 professional marriage counselor. The counseling

126 included a discussion of the seriousness of
 127 Covenant Marriage, including all the legal
 128 requirements of individuals when entering into
 129 Covenant Marriage; communication of the fact that
 130 a Covenant Marriage is a commitment for life;
 131 communication of the fact that the obligation of a
 132 Covenant Marriage is to take reasonable efforts to
 133 preserve the marriage even if marital difficulties
 134 arise, including the obligation to seek marital
 135 counseling in those difficult times of marital
 136 conflict; and the limited grounds for legally
 137 terminating a Covenant Marriage by dissolution or
 138 legal separation.

139 STATE OF MISSOURI _____)

140 COUNTY OF _____)

141 _____

142 Counselor/Clergy

143 On this _____ day of _____ in the year _____
 144 before me, _____ (Name of Notary) Notary Public
 145 duly commissioned and acting within and for the
 146 County and State aforesaid, personally appeared
 147 _____ (counselor, priest, minister, pastor,
 148 rabbi, or other clergy) known to me to be the
 149 identical person whose name is affixed hereto, and
 150 who executed the Affidavit, and acknowledged that
 151 they executed the same for the uses and purposes
 152 therein contained and set forth.

153 (Seal)

154 My commission expires: _____

155 Notary Public _____"; and

156 (4) (a) If a husband and wife have previously
 157 obtained a standard marriage license but would like to
 158 convert the standard marriage license to a covenant marriage
 159 license, a notarized attestation, to be in a form as
 160 provided under paragraph (b) of this subdivision, of the
 161 husband's and wife's intent to convert to a covenant

162 marriage shall be submitted to the recorder of deeds. A
163 husband and wife who apply for a covenant marriage
164 conversion under this subdivision shall not be required to
165 receive premarital counseling, and the husband and wife are
166 not required to have the converted covenant marriage
167 separately solemnized. The conversion of the standard
168 marriage to covenant marriage of a previously married couple
169 shall not require the attestations by clergy or counselors.
170 Conversion to a covenant marriage shall not make valid a
171 marriage that is prohibited under this chapter or that is
172 not validly contracted in this state.

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

176 "DECLARATION OF INTENT TO CONVERT TO COVENANT
177 MARRIAGE

178 A COVENANT MARRIAGE

179 We solemnly declare that we believe that marriage
180 is a covenant between one man and one woman who
181 agree to live together as husband and wife for as
182 long as they both live. We understand that a
183 covenant marriage is for life and that we
184 understand the seriousness of Covenant Marriage,
185 including all the legal requirements of
186 individuals when entering into Covenant Marriage.
187 If we experience marital difficulties, we commit
188 ourselves to take all reasonable efforts to
189 preserve our marriage, including marital
190 counseling.

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

196

197 Male Spouse

198 _____

199 Female Spouse

200 AFFIDAVIT

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

217 STATE OF MISSOURI _____)

218 COUNTY OF _____)

219 _____

220 Male Spouse

221 _____

222 Female Spouse

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

233 (Seal)

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

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

244 5. The state of Missouri shall publish a page on its
245 website titled "Missouri Covenant Marriage Act". The page
246 shall describe the requirements for entering into a covenant
247 marriage under this section and the grounds necessary to
248 obtain a decree of dissolution of covenant marriage or a
249 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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