

HOUSE RESEARCH

Bill Summary

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Overview

This bill creates an additional type of marriage called a covenant marriage and provides requirements and procedures for entering into and dissolving the marriage.

Section

- 1 **Required information.** Requires a marriage license application to contain an acknowledgment by the parties that they are aware of the covenant marriage law and a designation whether the marriage is a "covenant marriage" or a "standard marriage."
- 2 **Covenant marriage.** Requires parties wanting a covenant marriage to include on their license application a declaration of intent to enter into a covenant marriage and provides the form of the declaration.
- 3 **Certificate.** Requires the marriage certificate to indicate the parties entered into a covenant marriage.
- 4 **Covenant marriage requirements and procedure.** Provides a description of a covenant marriage as a lifelong commitment. Requires the parties to have received counseling about marriage purposes and responsibilities. States that a covenant marriage can be dissolved only if there is complete and total breach of the marriage commitment.
- 5 **Declaration of intent.** Contains language to be included in a declaration of intent that reflects the above provisions. Adds that parties must (1) declare to each other everything that could adversely affect the decision to enter the marriage and (2) take efforts to preserve the marriage, including counseling, in the event of marital difficulties. Provides that premarital counseling must inform parties of the exclusive ground for dissolution of this kind of marriage after legal separation. Requires the declaration to mention a pamphlet issued by the attorney general explaining covenant marriage.
- 6 **Applicability to already married couples.** Provides procedures for couples already married to

designate their marriage a covenant marriage by presenting a declaration of intent to the office where the couple's marriage license is filed, or in the county where the couple lives if they married outside this state.

- 7 **Dissolution or separation of covenant marriage.** Provides instances when a covenant marriage may be dissolved: adultery, imprisonment for felony, abandonment for a year and refusal to return, physical or sexual abuse of a spouse or a child, or living apart for five years. Provides that after receiving counseling a couple may obtain a legal separation for adultery, imprisonment for felony, sexual or physical abuse of the spouse or a child, living apart for two years, "habitual intemperance of the other spouse," or domestic abuse that renders living together insupportable.
Requires a minimum six-month marriage counseling course emphasizing reconciliation as a prerequisite to filing a marriage dissolution petition.
- 8 **Court jurisdiction and incidental relief.** Specifies when a court in this state has jurisdiction over a separation action in a covenant marriage. Requires an action to be venued (brought) in a county where either party is domiciled or the county that was the last marital domicile. Prohibits judgment on the pleadings or summary judgments in these actions. Allows a court in a covenant marriage separation or dissolution action to award a variety of kinds of relief that are available in marriage dissolution.
- 9 **Information pamphlet.** Requires the attorney general to issue an informational pamphlet outlining the requirements of a covenant marriage. Requires the pamphlet to be made available to marriage counselors.