

By: Zedler

H.B. No. 180

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation and dissolution of a covenant marriage.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 2.004(b), Family Code, is amended to
5 read as follows:

6 (b) The application form must contain:

7 (1) a heading entitled "Application for Marriage
8 License, _____ County, Texas";

9 (2) spaces for each applicant's full name, including
10 the woman's maiden surname, address, social security number, if
11 any, date of birth, and place of birth, including city, county, and
12 state;

13 (3) a space for indicating the document tendered by
14 each applicant as proof of identity and age;

15 (4) spaces for indicating whether each applicant has
16 been divorced within the last 30 days;

17 (5) an instruction for the applicants to mark one of
18 the boxes beside the following statements and to sign the statement
19 in the space immediately below the printed statement:

20 (A) "We, (name of male applicant) and (name of
21 female applicant), declare our intent to contract a covenant
22 marriage. We do hereby declare that our marriage will be bound by
23 Texas law on covenant marriage and we promise to love, honor, and
24 care for one another as husband and wife for the rest of our

1 lives."; or

2 (B) "We, (name of male applicant) and (name of
3 female applicant), do not wish to enter into a covenant marriage.";

4 (6) printed boxes for each applicant to check "true"
5 or "false" in response to the following statement: "I am not
6 presently married and the other applicant is not presently
7 married.";

8 (7) [~~6~~] printed boxes for each applicant to check
9 "true" or "false" in response to the following statement: "The
10 other applicant is not related to me as:

11 (A) an ancestor or descendant, by blood or
12 adoption;

13 (B) a brother or sister, of the whole or half
14 blood or by adoption;

15 (C) a parent's brother or sister, of the whole or
16 half blood or by adoption;

17 (D) a son or daughter of a brother or sister, of
18 the whole or half blood or by adoption;

19 (E) a current or former stepchild or stepparent;
20 or

21 (F) a son or daughter of a parent's brother or
22 sister, of the whole or half blood or by adoption.";

23 (8) [~~7~~] printed boxes for each applicant to check
24 "true" or "false" in response to the following statement: "I am not
25 presently delinquent in the payment of court-ordered child
26 support.";

27 (9) [~~8~~] a printed oath reading: "I SOLEMNLY SWEAR

1 (OR AFFIRM) THAT THE INFORMATION I HAVE GIVEN IN THIS APPLICATION IS
2 CORRECT.";

3 (10) [~~(9)~~] spaces immediately below the printed oath
4 for the applicants' signatures;

5 (11) [~~(10)~~] a certificate of the county clerk that:

6 (A) each applicant made the oath and the date and
7 place that it was made; or

8 (B) an applicant did not appear personally but
9 the prerequisites for the license have been fulfilled as provided
10 by this chapter;

11 (12) [~~(11)~~] spaces for indicating the date of the
12 marriage and the county in which the marriage is performed; and

13 (13) [~~(12)~~] a space for the address to which the
14 applicants desire the completed license to be mailed.

15 SECTION 2. Section 2.009, Family Code, is amended by adding
16 Subsection (e) to read as follows:

17 (e) The county clerk shall indicate on the marriage license
18 whether the license is for a covenant marriage.

19 SECTION 3. Chapter 2, Family Code, is amended by adding
20 Subchapter G to read as follows:

21 SUBCHAPTER G. COVENANT MARRIAGE

22 Sec. 2.601. DESIGNATING EXISTING MARRIAGE AS COVENANT
23 MARRIAGE. (a) A married couple may designate their marriage as a
24 covenant marriage by filing:

25 (1) a signed and notarized affidavit of intent to
26 designate a marriage as a covenant marriage; and

27 (2) a copy of the couple's marriage license.

1 (b) The affidavit of intent to designate a marriage as a
2 covenant marriage must contain the following statement:

3 "We do solemnly declare that marriage is a covenant between a
4 man and a woman who agree to live together as husband and wife for so
5 long as they both may live. We understand the nature, purpose, and
6 responsibilities of marriage and have received counseling on the
7 obligations of a covenant marriage. We have read the pamphlet on
8 covenant marriage and understand that a covenant marriage is for
9 life. We understand that we can get divorced or separated only for a
10 reason stated in the pamphlet on covenant marriage. If we
11 experience marital difficulties, we commit ourselves to take all
12 reasonable efforts to preserve our marriage, including marital
13 counseling.

14 With full knowledge of what this commitment means, we do
15 hereby declare that our marriage will be bound by Texas law on
16 covenant marriage and we renew our promise to love, honor, and care
17 for one another as husband and wife for the rest of our lives."

18 (c) The applicants must file the affidavit and marriage
19 license with:

20 (1) the clerk of the county that issued the marriage
21 license under which the applicants were married; or

22 (2) if the marriage was entered into outside this
23 state, the clerk of the county in which the couple resides.

24 (d) On receipt of the affidavit and marriage license under
25 Subsection (a), the county clerk shall:

26 (1) designate on the marriage license that the
27 marriage is a covenant marriage; and

1 (2) attach a copy of the affidavit to the marriage
2 license.

3 (e) A marriage becomes a covenant marriage when a couple
4 files the affidavit of intent to designate a marriage as a covenant
5 marriage with the county clerk.

6 Sec. 2.602. COUNSELING REQUIREMENT. (a) Before a couple
7 may enter into a covenant marriage or designate a marriage as a
8 covenant marriage, the couple must receive counseling from a person
9 legally authorized to engage in marriage counseling.

10 (b) The counselor shall:

11 (1) ensure that the couple discusses important
12 personal issues, including financial issues and conflict
13 resolution;

14 (2) discuss the seriousness of a covenant marriage;

15 (3) inform the couple that a covenant marriage is a
16 commitment for life; and

17 (4) inform the couple of the obligation to seek
18 marital counseling in times of marital difficulties.

19 (c) The counselor may discuss any other topic the counselor
20 considers important to the couple's understanding of the marital
21 commitment.

22 Sec. 2.603. PAMPHLET ON COVENANT MARRIAGE. (a) The
23 attorney general shall prepare a pamphlet consistent with the
24 requirements of this subchapter providing a full explanation of the
25 terms and conditions of a covenant marriage. The pamphlet must list
26 the grounds for dissolution of a covenant marriage under Section
27 6.903 and the grounds for legal separation under Section 6.904.

1 counseling from a person legally authorized to engage in marriage
2 counseling in an attempt to reconcile the marriage. The couple must
3 participate in the counseling until the counselor or both spouses
4 determine that the marriage is not salvageable.

5 Sec. 6.903. GROUNDS FOR DISSOLUTION OF COVENANT MARRIAGE.

6 (a) The court may grant a divorce in a covenant marriage in favor of
7 a spouse if:

8 (1) the other spouse has committed adultery;

9 (2) the other spouse has:

10 (A) been convicted of a felony;

11 (B) been imprisoned for at least one year in a
12 state penitentiary, a federal penitentiary, or a penitentiary of
13 another state; and

14 (C) not been pardoned;

15 (3) the other spouse:

16 (A) left the complaining spouse with the
17 intention of abandonment; and

18 (B) remained away from the complaining spouse for
19 at least two years;

20 (4) the other spouse committed family violence as
21 defined by Section 71.004 and the spouse reported the family
22 violence to a law enforcement agency and has filed for a protective
23 order;

24 (5) the spouses have lived apart without cohabitation
25 for at least three years; or

26 (6) an order of legal separation has been issued to one
27 of the spouses under Section 6.904 and the spouses have lived apart

1 without reconciliation for at least:

2 (A) two years after the date a separation order
3 is rendered if there are no minor children from the marriage; or

4 (B) two years and six months after the date a
5 separation order is rendered if there is a minor child from the
6 marriage.

7 (b) The court may not grant a divorce under Subsection
8 (a)(2) if the spouse who was convicted of a felony was convicted
9 solely on the testimony of the other spouse.

10 Sec. 6.904. LEGAL SEPARATION. (a) A spouse in a covenant
11 marriage may file a suit to obtain from the court an order of legal
12 separation if:

13 (1) the other spouse has committed adultery;

14 (2) the other spouse has:

15 (A) been convicted of a felony;

16 (B) been imprisoned for at least one year in a
17 state penitentiary, a federal penitentiary, or a penitentiary of
18 another state; and

19 (C) not been pardoned;

20 (3) the other spouse:

21 (A) left the complaining spouse with the
22 intention of abandonment; and

23 (B) remained away from the complaining spouse for
24 at least one year;

25 (4) the other spouse committed family violence as
26 defined by Section 71.004 and the spouse reported the family
27 violence to a law enforcement agency and has filed for a protective

1 order;

2 (5) the spouses have lived apart without cohabitation
3 for at least three years; or

4 (6) the other spouse habitually abuses illegal drugs
5 or alcohol.

6 (b) The court may not render an order of legal separation
7 under Subsection (a)(2) if the spouse who was convicted of a felony
8 was convicted solely on the testimony of the other spouse.

9 SECTION 6. Subchapter B, Chapter 8, Family Code, is amended
10 by adding Section 8.0511 to read as follows:

11 Sec. 8.0511. TEMPORARY MAINTENANCE IN CERTAIN PROCEEDINGS
12 INVOLVING COVENANT MARRIAGE. The court shall render a temporary
13 order for maintenance in favor of a spouse who files for:

14 (1) legal separation of a covenant marriage based on
15 abandonment under Section 6.904(a)(3); or

16 (2) dissolution of a covenant marriage.

17 SECTION 7. Section 194.001, Health and Safety Code, is
18 amended by amending Subsection (b) and adding Subsection (c) to
19 read as follows:

20 (b) The county clerk shall file with the bureau of vital
21 statistics a copy of each declaration of informal marriage executed
22 under Section 2.402 [~~1.92~~], Family Code. The clerk shall file the
23 copy not later than the 90th day after the date on which the
24 declaration is executed.

25 (c) The county clerk shall file with the bureau of vital
26 statistics a copy of each affidavit of intent to designate a
27 marriage as a covenant marriage executed under Section 2.601,

1 Family Code. The clerk shall file the copy not later than the 90th
2 day after the date on which the affidavit is executed.

3 SECTION 8. Section 194.0011, Health and Safety Code, is
4 amended to read as follows:

5 Sec. 194.0011. MARRIAGE LICENSE APPLICATIONS; DESIGNATING
6 MARRIAGE AS COVENANT MARRIAGE. (a) The executive commissioner of
7 the Health and Human Services Commission [~~board~~] by rule shall
8 prescribe the format and content of the:

9 (1) form used for the marriage license application;
10 and

11 (2) affidavit of intent to designate a marriage as a
12 covenant marriage.

13 (b) The bureau of vital statistics shall print and
14 distribute the forms and affidavits to each county clerk throughout
15 the state.

16 (c) The form and affidavit adopted by the executive
17 commissioner [~~board~~] shall replace locally adopted forms and
18 affidavits.

19 (d) A county clerk may reproduce the executive
20 commissioner's [~~board's~~] form and affidavit locally.

21 SECTION 9. Section 118.011(a), Local Government Code, is
22 amended to read as follows:

23 (a) A county clerk shall collect the following fees for
24 services rendered to any person:

- 25 (1) Personal Property Records Filing (Sec. 118.012):
- 26 for the first page \$ 5.00
- 27 for each additional page or part of a page on which

1	there are visible marks of any kind	\$ 4.00
2	(2) Real Property Records Filing (Sec. 118.013):	
3	for the first page	\$ 5.00
4	for each additional page or part of a page on which	
5	there are visible marks of any kind	\$ 4.00
6	for all or part of each 8-1/2" X 14" attachment	
7	or rider	\$ 4.00
8	for each name in excess of five names that has to	
9	be indexed in all records in which the document must be	
10	indexed	\$ 0.25
11	(3) Certified Papers (Sec. 118.014):	
12	for the clerk's certificate	\$ 5.00
13	plus a fee for each page or part of a	
14	page	\$ 1.00
15	(4) Noncertified Papers (Sec. 118.0145):	
16	for each page or part of a page	\$ 1.00
17	(5) Birth or Death Certificate (Sec.	
18	118.015)	same as state registrar
19	(6) Bond Approval (Sec. 118.016)	\$ 3.00
20	(7) <u>Noncovenant</u> Marriage License	
21	(Sec. 118.018)	\$30.00
22	(8) <u>Covenant</u> Marriage License	
23	(Sec. 118.018)	\$12.50
24	<u>(9) Affidavit of Intent to Designate a Marriage as a</u>	
25	<u>Covenant Marriage (Sec. 118.018)</u>	\$12.50
26	<u>(10) Declaration of Informal Marriage (Sec.</u>	
27	118.019)	\$25.00

1		<u>(11)</u> [(9)]	Brand	Registration	(Sec.
2	118.020)				\$ 5.00
3		<u>(12)</u> [(10)]	Oath	Administration	(Sec.
4	118.021)				\$ 1.00

5 SECTION 10. Section 118.018(a), Local Government Code, is
6 amended to read as follows:

7 (a) The fee for a "Marriage License," "Covenant Marriage
8 License," or "Affidavit of Intent to Designate a Marriage as a
9 Covenant Marriage," under Section 118.011 is for issuing a marriage
10 license. The fee must be paid at the time the license is issued.

11 SECTION 11. This Act takes effect September 1, 2007.