

By: Zedler, et al.

H.B. No. 180

Substitute the following for H.B. No. 180:

By: Cook of Navarro

C.S.H.B. No. 180

A BILL TO BE ENTITLED

AN ACT

relating to the creation and dissolution of a covenant marriage.

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

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

(b) The application form must contain:

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

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

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

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

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

(A) "We, (name of male applicant) and (name of female applicant), declare our intent to contract a covenant marriage. We do hereby declare that our marriage will be bound by Texas law on covenant marriage and we promise to love, honor, and 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
16 amending Subsection (c) and adding Subsection (e) to read as
17 follows:

18 (c) On the proper execution of the application, the clerk
19 shall:

20 (1) prepare the license;

21 (2) enter on the license the names of the licensees,
22 the date that the license is issued, and, if applicable, the name of
23 the person appointed to act as proxy for an absent applicant, if
24 any;

25 (3) record the time at which the license was issued;

26 (4) distribute to each applicant printed materials
27 about acquired immune deficiency syndrome (AIDS) and human

1 immunodeficiency virus (HIV) and note on the license that the
2 distribution was made; ~~and~~

3 (5) distribute to each applicant a premarital
4 education handbook provided by the attorney general under Section
5 2.014; and

6 (6) distribute to each applicant the printed materials
7 about family violence created by the Department of Family and
8 Protective Services.

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

11 SECTION 3. Subchapter A, Chapter 2, Family Code, is amended
12 by adding Section 2.0105 to read as follows:

13 Sec. 2.0105. FAMILY VIOLENCE INFORMATION. The Department
14 of Family and Protective Services shall prepare and provide to each
15 county clerk in the state materials that provide information to
16 marriage license applicants about family violence. The materials
17 must:

18 (1) include the wheel of equality and the power and
19 control wheel developed by the Domestic Abuse Intervention Project
20 in Duluth, Minnesota; and

21 (2) inform the applicants about:

22 (A) how to identify family violence;

23 (B) how family violence starts;

24 (C) what to do if the applicant becomes a victim
25 of family violence; and

26 (D) the National Domestic Violence Hotline.

27 SECTION 4. Chapter 2, Family Code, is amended by adding

1 Subchapter G to read as follows:

2 SUBCHAPTER G. COVENANT MARRIAGE

3 Sec. 2.601. DESIGNATING EXISTING MARRIAGE AS COVENANT
4 MARRIAGE. (a) A married couple may designate their marriage as a
5 covenant marriage by filing:

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

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

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

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

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

26 (c) The applicants must file the affidavit and marriage
27 license with:

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

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

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

7 (1) designate on the marriage license that the
8 marriage is a covenant marriage; and

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

11 (e) A marriage becomes a covenant marriage when a couple
12 files the affidavit of intent to designate a marriage as a covenant
13 marriage with the county clerk.

14 Sec. 2.602. COUNSELING REQUIREMENT. (a) Before a couple
15 may enter into a covenant marriage or designate a marriage as a
16 covenant marriage, the couple must complete at least eight hours of
17 premarital counseling from a person legally authorized to engage in
18 marriage counseling. The counselor must use a science-based
19 counseling program.

20 (b) The counselor shall:

21 (1) ensure that the couple discusses important
22 personal issues, including financial issues and conflict
23 resolution;

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

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

27 (4) inform the couple of the obligation to seek

1 marital counseling in times of marital difficulties.

2 (c) The counselor may discuss any other topic the counselor
3 considers important to the couple's understanding of the marital
4 commitment.

5 Sec. 2.603. PAMPHLET ON COVENANT MARRIAGE. (a) The
6 attorney general shall prepare a pamphlet consistent with the
7 requirements of this subchapter providing a full explanation of the
8 terms and conditions of a covenant marriage. The pamphlet must list
9 the grounds for dissolution of a covenant marriage under Section
10 6.903 and the grounds for legal separation under Section 6.904.

11 (b) The attorney general shall provide the pamphlet to the
12 county clerks in the state. A county clerk shall provide the
13 pamphlet to each person applying for a license for a covenant
14 marriage.

15 Sec. 2.604. MATERIAL FOR COUNTY CLERK. The attorney
16 general shall develop material to educate county clerks about the
17 requirements for issuing a covenant marriage license and the
18 differences between a covenant marriage and a noncovenant marriage.

19 SECTION 5. Subchapter A, Chapter 6, Family Code, is amended
20 by adding Section 6.009 to read as follows:

21 Sec. 6.009. APPLICATION TO COVENANT MARRIAGE. Except as
22 provided by Section 6.904, this subchapter does not apply to a
23 covenant marriage.

24 SECTION 6. Chapter 6, Family Code, is amended by adding
25 Subchapter J to read as follows:

1 (2) the other spouse has:

2 (A) been convicted of a felony;

3 (B) been imprisoned for at least one year in a
4 state penitentiary, a federal penitentiary, or a penitentiary of
5 another state; and

6 (C) not been pardoned;

7 (3) the other spouse:

8 (A) left the complaining spouse with the
9 intention of abandonment; and

10 (B) remained away from the complaining spouse for
11 at least two years;

12 (4) the spouses have lived apart without cohabitation
13 for at least three years;

14 (5) an order of legal separation has been issued to one
15 of the spouses under Section 6.905 and the spouses have lived apart
16 without reconciliation for at least:

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

19 (B) two years and six months after the date a
20 separation order is rendered if there is a minor child from the
21 marriage; or

22 (6) the spouses have completed the counseling required
23 by Section 6.902 and:

24 (A) the spouses agree to dissolve the marriage;
25 or

26 (B) the counselor determines that, in the
27 counselor's professional opinion, it is in the best interest of

1 both spouses to dissolve the marriage.

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

5 Sec. 6.904. DISSOLUTION OF MARRIAGE: FAMILY VIOLENCE. A
6 spouse who files with the petition in a suit for dissolution of a
7 covenant marriage an affidavit stating that the other spouse
8 committed family violence against the spouse, may file the suit
9 under Subchapter A.

10 Sec. 6.905. 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 7. 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 8. 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 9. 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 10. 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)	\$25.00
24	<u>(9) Affidavit of Intent to Designate a Marriage as a</u>	
25	<u>Covenant Marriage (Sec. 118.018)</u>	\$25.00
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 11. 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 12. This Act takes effect September 1, 2007.