

By: White of Tyler

H.B. No. 547

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. Subchapter A, Chapter 2, Family Code, is amended by adding Section 2.0041 to read as follows:

Sec. 2.0041. AFFIDAVIT OF INTENT TO ENTER INTO A COVENANT MARRIAGE. (a) This section applies only to a county:

(1) with a population of not less than 54,000 or more than 56,000 and in which more than 250 divorces are granted each year; or

(2) in which the commissioners court has adopted an order authorizing persons to enter into covenant marriages.

(b) Notwithstanding Subsection (a), a county described by Subsection (a)(1) continues to be subject to this section after the initial year of applicability regardless of whether the county continues to be described by that subsection. A commissioners court may not revoke an order described by Subsection (a)(2).

(c) The applicants for a marriage license in a county to which this section applies may enter into a covenant marriage by submitting with the application for the license a signed and notarized affidavit of intent to enter into a covenant marriage.

(d) The affidavit of intent to enter into a covenant marriage must contain the following statement:

"We do solemnly declare that marriage is a covenant between a

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

11 With full knowledge of what this commitment means, we declare  
12 our intent to enter into a covenant marriage that will be bound by  
13 Texas law on covenant marriage and we promise to love, honor, and  
14 care for one another as husband and wife for the rest of our lives."

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) In a county to which Section 2.0041 applies, a  
24 married couple residing in the county may designate their marriage  
25 as a covenant marriage by filing with the county clerk:

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

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

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

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

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

19           (c) On receipt of the affidavit and marriage license under  
20 Subsection (a), the county clerk shall:

21           (1) designate on the marriage license that the  
22 marriage is a covenant marriage; and

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

25           (d) A marriage becomes a covenant marriage when a couple  
26 files the affidavit of intent to designate a marriage as a covenant  
27 marriage with the county clerk.

1       Sec. 2.602. COUNSELING REQUIREMENT. (a) Before a couple  
2 may enter into a covenant marriage or designate a marriage as a  
3 covenant marriage, the couple must complete at least eight hours of  
4 premarital counseling from a person legally authorized to engage in  
5 marriage counseling. The counselor must use a science-based  
6 counseling program.

7       (b) The counselor shall:

8           (1) ensure that the couple discusses important  
9 personal issues, including financial issues and conflict  
10 resolution;

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

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

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

16       (c) The counselor may discuss any other topic the counselor  
17 considers important to the couple's understanding of the marital  
18 commitment.

19       Sec. 2.603. PAMPHLET ON COVENANT MARRIAGE. (a) The  
20 attorney general shall select a not-for-profit organization to  
21 prepare and publish a pamphlet consistent with the requirements of  
22 this subchapter providing a full explanation of the terms and  
23 conditions of a covenant marriage. To be eligible for selection, an  
24 organization must agree to prepare and publish the pamphlet  
25 completely at the expense of the organization. The pamphlet must  
26 list the grounds for dissolution of a covenant marriage under  
27 Section 6.903 and the grounds for legal separation under Section

1 6.905. The attorney general shall prepare and publish the pamphlet  
2 if a not-for-profit organization is not available.

3 (b) The attorney general shall provide the pamphlet to the  
4 county clerks in counties in which a couple may enter into or  
5 designate their marriage as a covenant marriage. A county clerk  
6 shall provide the pamphlet to each person applying for a license for  
7 a covenant marriage or seeking to designate an existing marriage as  
8 a covenant marriage.

9 Sec. 2.604. MATERIAL FOR COUNTY CLERK. The attorney  
10 general shall develop material to educate county clerks in affected  
11 counties about the requirements for issuing a covenant marriage  
12 license and the differences between a covenant marriage and a  
13 noncovenant marriage.

14 SECTION 4. Subchapter A, Chapter 6, Family Code, is amended  
15 by adding Section 6.009 to read as follows:

16 Sec. 6.009. APPLICATION TO COVENANT MARRIAGE. Except as  
17 provided by Section 6.904, this subchapter does not apply to a  
18 covenant marriage.

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

21 SUBCHAPTER K. DISSOLUTION OF COVENANT MARRIAGE AND LEGAL  
22 SEPARATION

23 Sec. 6.901. DISSOLUTION OR LEGAL SEPARATION. (a) A spouse  
24 in a covenant marriage who meets the requirements of this  
25 subchapter may file a suit for:

26 (1) dissolution of the covenant marriage; or

27 (2) legal separation.

1       (b) The procedures in this chapter for a suit for  
2 dissolution of a marriage apply to a suit for dissolution of a  
3 covenant marriage or for legal separation of a covenant marriage.

4       Sec. 6.902. COUNSELING REQUIREMENT BEFORE DISSOLUTION. (a)

5 Except as provided by Section 6.903 or 6.904, a spouse in a covenant  
6 marriage may not obtain a divorce unless the parties to the marriage  
7 have received counseling from a licensed marriage and family  
8 therapist or other licensed mental health professional described by  
9 Subsection (b) in an attempt to reconcile the marriage. The couple  
10 must participate in the counseling until the counselor or both  
11 spouses determine that the marriage is not salvageable.

12       (b) A licensed mental health professional may perform the  
13 counseling required by this section if the license holder has  
14 completed at least six hours of continuing education in subjects  
15 related to counseling married couples during each licensing period.

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

17 (a) The court may grant a divorce in a covenant marriage if:

18           (1) the other spouse has committed adultery;

19           (2) the other spouse has:

20                   (A) been convicted of a felony;

21                   (B) been imprisoned for at least one year in a  
22 state penitentiary, a federal penitentiary, or a penitentiary of  
23 another state; and

24                   (C) not been pardoned;

25           (3) the other spouse:

26                   (A) left the complaining spouse with the  
27 intention of abandonment; and

1                   (B) remained away from the complaining spouse for  
2 at least two years;

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

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

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

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

13                   (6) the spouses have completed the counseling required  
14 by Section 6.902 and:

15                   (A) the spouses agree to dissolve the marriage;  
16 or

17                   (B) the counselor determines that, in the  
18 counselor's professional opinion, it is in the best interest of  
19 both spouses to dissolve the marriage.

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

23                   Sec. 6.904. DISSOLUTION OF MARRIAGE: FAMILY VIOLENCE. A  
24 spouse who files with the petition in a suit for dissolution of a  
25 covenant marriage an affidavit stating that the other spouse  
26 committed family violence, as defined by Section 71.004, against  
27 the spouse may file the suit under Subchapter A.

1       Sec. 6.905. LEGAL SEPARATION. (a) A spouse in a covenant  
2 marriage may file a suit to obtain from the court an order of legal  
3 separation if:

4           (1) the other spouse has committed adultery;

5           (2) the other spouse has:

6                   (A) been convicted of a felony;

7                   (B) been imprisoned for at least one year in a  
8 state penitentiary, a federal penitentiary, or a penitentiary of  
9 another state; and

10                   (C) not been pardoned;

11           (3) the other spouse:

12                   (A) left the complaining spouse with the  
13 intention of abandonment; and

14                   (B) remained away from the complaining spouse for  
15 at least one year;

16           (4) the other spouse committed family violence as  
17 defined by Section 71.004 and the spouse reported the family  
18 violence to a law enforcement agency and has filed for a protective  
19 order;

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

22           (6) the other spouse habitually abuses illegal drugs  
23 or alcohol.

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

27       SECTION 6. Subchapter B, Chapter 8, Family Code, is amended



1 by adding Section 8.0511 to read as follows:

2 Sec. 8.0511. TEMPORARY MAINTENANCE IN CERTAIN PROCEEDINGS  
3 INVOLVING COVENANT MARRIAGE. Notwithstanding any other provision  
4 of this subchapter, the court shall render a temporary order for  
5 maintenance in favor of a spouse who files for:

6 (1) legal separation of a covenant marriage based on  
7 abandonment under Section 6.905(a)(3); or

8 (2) dissolution of a covenant marriage.

9 SECTION 7. Section 194.001, Health and Safety Code, is  
10 amended to read as follows:

11 Sec. 194.001. REPORT OF MARRIAGE. (a) The county clerk  
12 shall file with the bureau of vital statistics a copy of each  
13 completed marriage license application and a copy of any affidavit  
14 of an absent applicant or affidavit of intent to enter into a  
15 covenant marriage submitted with an application. The clerk shall  
16 file the copies not later than the 90th day after the date of the  
17 application. The clerk may not collect a fee for filing the  
18 copies.

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

24 (c) The county clerk shall file with the bureau of vital  
25 statistics a copy of each affidavit of intent to designate a  
26 marriage as a covenant marriage executed under Section 2.601,  
27 Family Code. The clerk shall file the copy not later than the 90th

1 day after the date on which the affidavit is executed.

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

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

8 (1) form used for the marriage license application;

9 (2) affidavit of intent to enter into a covenant  
10 marriage; and

11 (3) 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 marriage license application form [~~forms~~] to each  
15 county clerk throughout the state and the affidavits to the county  
16 clerks in counties in which a couple may enter into or designate  
17 their marriage as a covenant marriage.

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

21 (d) A county clerk may reproduce the executive  
22 commissioner's [~~board's~~] form and affidavits locally.

23 SECTION 9. Section 118.011, Local Government Code, is  
24 amended by amending Subsection (a) and adding Subsection (g) to  
25 read as follows:

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

- 1           (1) Personal Property Records Filing (Sec. 118.012):  
2                 for the first page . . . . . \$ 5.00  
3                 for each additional page or part of a page on which  
4 there are visible marks of any kind . . . . . \$ 4.00  
5           (2) Real Property Records Filing (Sec. 118.013):  
6                 for the first page . . . . . \$ 5.00  
7                 for each additional page or part of a page on which  
8 there are visible marks of any kind . . . . . \$ 4.00  
9                 for all or part of each 8-1/2" X 14" attachment  
10 or rider . . . . . \$ 4.00  
11                 for each name in excess of five names that has to  
12 be indexed in all records in which the document must be  
13 indexed . . . . . \$ 0.25  
14           (3) Certified Papers (Sec. 118.014):  
15                 for the clerk's certificate . . . . . \$ 5.00  
16                 plus a fee for each page or part of a  
17 page . . . . . \$ 1.00  
18           (4) Noncertified Papers (Sec. 118.0145):  
19                 for each page or part of a page . . . . . \$ 1.00  
20           (5) Birth or Death Certificate (Sec.  
21 118.015) . . . . . same as state registrar  
22           (6) Bond Approval (Sec. 118.016) . . . . . \$ 3.00  
23           (7) Noncovenant Marriage License  
24 (Sec. 118.018) . . . . . \$60.00  
25           (8) Declaration of Informal Marriage (Sec.  
26 118.019) . . . . . \$25.00  
27           (9) Brand Registration (Sec. 118.020) . . . . . \$ 5.00

1 (10) Oath Administration (Sec. 118.021) . . . . \$ 1.00

2 (g) A county clerk may not charge a fee for issuing a  
3 covenant marriage license or designating on a marriage license that  
4 the marriage is a covenant marriage.

5 SECTION 10. The heading to Section 118.018, Local  
6 Government Code, is amended to read as follows:

7 Sec. 118.018. NONCOVENANT MARRIAGE LICENSE.

8 SECTION 11. Sections 118.018(a) and (b-1), Local Government  
9 Code, are amended to read as follows:

10 (a) The fee for a "Noncovenant Marriage License" under  
11 Section 118.011 is for issuing a noncovenant marriage license. The  
12 fee must be paid at the time the license is issued, except as  
13 provided by Subsection (b-1).

14 (b-1) The county clerk shall issue a noncovenant marriage  
15 license without collecting a noncovenant marriage license fee from  
16 an applicant who:

17 (1) completes a premarital education course described  
18 by Section 2.013, Family Code; and

19 (2) provides to the county clerk a premarital  
20 education course completion certificate indicating completion of  
21 the premarital education course not more than one year before the  
22 date the noncovenant marriage license application is filed with the  
23 clerk.

24 SECTION 12. This Act takes effect September 1, 2015.