

House File 387 - Introduced

HOUSE FILE 387

BY GASSMAN

A BILL FOR

1 An Act establishing covenant marriages and including effective
2 date provisions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.602, Code 2017, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 33. Record all declarations of intent
4 pursuant to chapter 595A that are presented to the recorder's
5 office for recordation, upon payment of a fee in accordance
6 with section 331.604.

7 Sec. 2. NEW SECTION. 595.3B **Certificate of marriage —**
8 **covenant marriage designation.**

9 In addition to any other information contained in a
10 certificate of marriage, the certificate of marriage shall
11 include a section to allow the parties to designate the
12 marriage as a covenant marriage.

13 Sec. 3. NEW SECTION. 595.3C **Covenant marriage —**
14 **information pamphlet.**

15 The county registrar shall provide each applicant for a
16 marriage license with a copy of the informational pamphlet
17 on covenant marriage prepared by the office of the attorney
18 general pursuant to section 595A.5.

19 Sec. 4. NEW SECTION. 595.14 **Covenant marriage —**
20 **declaration return.**

21 If the parties wish to designate the marriage a covenant
22 marriage, after the marriage has been solemnized, the
23 officiating minister or magistrate shall return the completed
24 certificate of marriage with the section designating the
25 marriage as a covenant marriage clearly indicated to the county
26 registrar in the county in which the parties applied for a
27 license to marry, within fifteen days of the solemnization.
28 Additionally, the parties to the marriage shall record the
29 declaration of intent with the county recorder in the county in
30 which the parties applied for the license to marry, and shall
31 pay the fee in accordance with section 331.604.

32 Sec. 5. NEW SECTION. 595A.1 **Covenant marriage — intention**
33 **to create — requirements — contents of declaration of intent**
34 **to create a covenant marriage.**

35 1. Beginning January 1, 2018, parties who are not parties to

1 an existing marriage as specified in section 595A.2, who intend
2 to enter into a covenant marriage, shall execute a declaration
3 of intent to execute a covenant marriage as provided in this
4 section.

5 2. Parties to a covenant marriage who are not parties to
6 an existing marriage as specified in section 595A.2, shall
7 receive at least twelve hours of premarital education prior
8 to entering into the covenant marriage which emphasizes the
9 nature, purposes, and the responsibilities of a covenant
10 marriage. The premarital education shall be provided by a
11 licensed or ordained minister, or the minister's designee, a
12 person authorized to solemnize marriages under section 595.10,
13 or a marital and family therapist licensed pursuant to chapter
14 154D. The education provided shall include a discussion of the
15 seriousness of covenant marriage, communication of the fact
16 that a covenant marriage is a commitment for life, a discussion
17 of the obligation to seek marital counseling in times of
18 marital difficulties, and a discussion of the exclusive grounds
19 for legally terminating a covenant marriage.

20 3. A declaration of intent to contract a covenant marriage
21 shall contain all of the following:

22 a. The following written statement:

23 We solemnly declare that marriage is a covenant between
24 a man and a woman who agree to live together as husband and
25 wife for as long as they both live. We have chosen each other
26 carefully and have received premarital education on the nature,
27 purposes, and responsibilities of marriage. We understand that
28 a covenant marriage is for life. If we experience marital
29 difficulties, we commit ourselves to take all reasonable
30 efforts to preserve our marriage, including marital counseling.

31 With full knowledge of what this commitment means, we do
32 declare that our marriage will be bound by Iowa law on covenant
33 marriages and we promise to love, honor, and care for one
34 another as husband and wife for the rest of our lives.

35 b. An affidavit by the parties, signed by the person who

1 provided the premarital education, that the parties have
2 received the required premarital education from a person
3 authorized to provide the premarital education under this
4 section.

5 c. One of the following, as applicable:

6 (1) The signature of both parties, witnessed by a notary
7 public.

8 (2) If one party is a minor or if both parties are minors,
9 the written consent or authorization of those persons required
10 under section 595.2 to consent to or authorize the marriage of
11 minors.

12 4. A declaration of intent shall be prepared in duplicate
13 originals, with one original being retained by the parties and
14 the other being returned to the county recorder of the county
15 in which the parties applied for the license to marry following
16 the solemnization of the marriage.

17 Sec. 6. NEW SECTION. **595A.2 Existing marriages —**
18 **designation as a covenant marriage.**

19 1. On or after January 1, 2018, married parties may
20 designate their marriage as a covenant marriage by completing
21 a declaration of intent as specified in this section, filing
22 a duplicate original of the completed declaration of intent
23 with the county recorder in the county in which the parties
24 reside, and paying the fee in accordance with section 331.604.
25 The county recorder shall make a notation on the declaration
26 of intent identifying the source of issuance of the original
27 marriage license of the parties.

28 2. A declaration of intent to designate an existing marriage
29 as a covenant marriage shall contain all of the following:

30 a. The following written statement:

31 We solemnly declare that marriage is a covenant between a man
32 and a woman who agree to live together as husband and wife for
33 as long as they both live. We have chosen each other carefully
34 and understand that a covenant marriage is for life. If we
35 experience marital difficulties, we commit ourselves to take

1 all reasonable efforts to preserve our marriage, including
2 marital counseling.

3 With full knowledge of what this commitment means, we do
4 declare that our marriage will be bound by Iowa law on covenant
5 marriages and we promise to love, honor, and care for one
6 another as husband and wife for the rest of our lives.

7 *b.* The signature of both parties, witnessed by a notary
8 public.

9 Sec. 7. NEW SECTION. 595A.3 **Dissolution of a covenant**
10 **marriage — exclusive grounds.**

11 1. Notwithstanding any other law to the contrary, and
12 subsequent to the parties obtaining marital counseling, a party
13 to a covenant marriage may obtain a dissolution of marriage,
14 only upon proof of any of the following:

15 *a.* The other party has committed adultery.

16 *b.* The other party has committed a felony and has been
17 sentenced to imprisonment.

18 *c.* The other party has abandoned the matrimonial domicile
19 for a period of one year and refuses to return.

20 *d.* The other party has physically or sexually abused the
21 party seeking the dissolution or a child of one of the parties
22 living in the matrimonial domicile, or the other party has been
23 found to have engaged in domestic abuse pursuant to section
24 236.5.

25 *e.* The parties have been living separate and apart
26 continuously without reconciliation for a period of at least
27 one year.

28 *f.* The other party has habitually abused drugs or alcohol.

29 *g.* The parties have agreed to a dissolution of marriage.

30 2. In all proceedings for dissolution of marriage pursuant
31 to subsection 1, the court may issue an order of temporary
32 support and maintenance during the pendency of the proceedings.
33 Notwithstanding the time period requirements of the grounds
34 specified pursuant to subsection 1, paragraph "c" or "e",
35 a party to a covenant marriage may petition the court for

1 separate support and maintenance prior to the elapsing of the
2 specified time period.

3 Sec. 8. NEW SECTION. **595A.4 Covenant marriage — other**
4 **applicable laws.**

5 1. A covenant marriage shall be governed by all of the
6 nonconflicting provisions of chapter 595.

7 2. A dissolution of a covenant marriage shall be governed by
8 all of the nonconflicting provisions of chapter 598.

9 Sec. 9. NEW SECTION. **595A.5 Attorney general — pamphlet.**

10 Prior to July 1, 2017, the office of the attorney general
11 shall develop an informational pamphlet entitled "Covenant
12 Marriage Option" which shall outline in sufficient detail
13 the requirements for entering into a covenant marriage or
14 designating an existing marriage as a covenant marriage,
15 the implications of entering into a covenant marriage or
16 designating an existing marriage as a covenant marriage, the
17 grounds for dissolution of a covenant marriage, and the legal
18 differences between a covenant marriage and a noncovenant
19 marriage. The informational pamphlet shall be made available
20 to all offices of the county registrar and to all persons who
21 provide premarital and marital education under this chapter.

22 Sec. 10. **EFFECTIVE DATE.** The section of this Act enacting
23 section 595A.5 relating to the pamphlet to be developed by the
24 attorney general, being deemed of immediate importance, takes
25 effect upon enactment.

26 **EXPLANATION**

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill establishes the procedure and requirements for
30 a covenant marriage. The bill requires the county registrar
31 to provide each applicant for a marriage license with an
32 informational pamphlet on covenant marriage, prepared by
33 the office of the attorney general. The bill requires the
34 certificate of marriage to include a place to allow the parties
35 to designate the marriage as a covenant marriage. After the

1 marriage is solemnized, the officiating minister or magistrate
2 is directed to return the completed certificate of marriage
3 with the section designating the marriage a covenant marriage
4 clearly indicated to the county registrar in the county in
5 which the parties applied for a license to marry, within 15
6 days of the solemnization. Additionally, the parties are
7 directed to record the declaration of intent with the county
8 recorder in the county in which the parties applied for the
9 license to marry.

10 The bill describes a covenant marriage, specifies the
11 contents of the declaration of intent and requires a statement
12 relating to the intent of the parties to designate their
13 marriage as a covenant marriage, requires a statement from
14 the person who provided the premarital education relating to
15 confirmation of the completion by the parties of the required
16 education, and requires the signature of each party, or if
17 one or both of the parties are minors, the written consent or
18 authorization of those persons designated by law to provide
19 consent or authorization. The declaration of intent is to
20 be prepared in duplicate originals with one original being
21 retained by the parties and one original being filed with the
22 county recorder in the county in which the parties applied for
23 the license to marry following solemnization of the marriage.

24 The bill also provides a procedure for parties to an existing
25 marriage on or after January 1, 2018, to designate their
26 marriage as a covenant marriage.

27 The bill provides the exclusive grounds for obtaining
28 a dissolution of a covenant marriage, and provides that
29 nonconflicting provisions of the marriage chapter (Code chapter
30 595) and the dissolution chapter (Code chapter 598) apply to
31 covenant marriages.

32 The bill directs the office of the attorney general, prior to
33 July 1, 2017, to develop a pamphlet entitled "Covenant Marriage
34 Option" to outline the requirements of a covenant marriage,
35 the implications of entering into a covenant marriage, the

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1 grounds for dissolution of a covenant marriage, and the legal
2 differences between covenant and noncovenant marriages. The
3 pamphlet is to be available at the offices of the county
4 registrar and to all persons who provide premarital and marital
5 education. This provision of the bill takes effect upon
6 enactment.