

28 ~~monthly. The personal identification information contained on each application]~~

29 (2) Completed applications shall be transmitted by the clerks to the state registrar
30 monthly.

31 (3) The personal identification information contained on each application for a
32 marriage license filed with the county clerk shall be entered on a form supplied by the state
33 registrar.

34 (4) The person performing the marriage shall furnish the date and place of marriage
35 and his name and address.

36 (5) The form shall be completed and certified by the county clerk before it is filed with
37 the state registrar.

38 (6) The form shall also indicate whether the marriage is a covenant marriage.

39 Section 2. Section **30-1-12** is amended to read:

40 **30-1-12. Clerk to file license and certificate.**

41 (1) The license, together with the certificate of the person officiating at the marriage,
42 shall be filed and preserved by the clerk, and shall be recorded by him in a book kept for that
43 purpose, or by electronic means. The record shall be properly indexed in the names of the
44 parties so married.

45 (2) A transcript shall be promptly certified and transmitted by the clerk to the state
46 registrar of vital statistics.

47 (3) If the marriage is a covenant marriage pursuant to Section 30-1-40 et seq., the clerk
48 shall attach the documents required by Section 30-1-40.1 to the license before filing and
49 recording, and indicate in the record book that the marriage is a covenant marriage.

50 Section 3. Section **30-1-40** is enacted to read:

51 **30-1-40. Covenant marriage -- Definition.**

52 (1) Sections 30-1-40 through 30-1-40.5 shall be known as the "Covenant Marriage
53 Act."

54 (2) As used in Sections 30-1-40 through 30-1-40.5, "covenant marriage" means a
55 marriage entered into according to the requirements of this chapter by parties who understand
56 and agree that the marriage between them is a lifelong commitment as evidenced by their
57 compliance with the requirements of this act.

58 Section 4. Section **30-1-40.1** is enacted to read:

59 **30-1-40.1. Covenant marriage -- Declaration of intent -- Filing requirements.**60 (1) Persons who have the legal capacity to marry pursuant to this title may enter into a
61 covenant marriage by declaring their intent to do so on the application for a marriage license
62 obtained pursuant to Section 30-1-7.63 (2) Persons who wish to enter into a covenant marriage shall provide the following
64 documentation with the application for a marriage license to the county clerk:65 (a) a signed and notarized copy of the "Declaration of Intent to Enter into a Covenant
66 Marriage" found in Section 30-1-40.2;67 (b) an affidavit signed by both parties stating that they have received premarital
68 counseling from a member of the clergy or a certified marriage counselor; and69 (c) a signed statement from a member of the clergy or a certified marriage counselor in
70 accordance with Section 30-1-40.3 stating that the parties were counseled.71 ~~h [(3) The county clerk may charge a fee not to exceed \$20 in addition to the license fee~~
72 ~~when the couple indicates their intent to enter into a covenant marriage.] h~~73 Section 5. Section **30-1-40.2** is enacted to read:74 **30-1-40.2. Covenant marriage -- Declaration of intent -- Contents.**75 The Declaration of Intent to Enter into a Covenant Marriage shall be stated as follows:76 "Declaration of Intent to Enter into a Covenant Marriage77 1. We do solemnly declare that marriage is a covenant between a man and a woman who agree
78 to live together as husband and wife for so long as they both may live.79 2. We have chosen each other carefully and disclosed to one another everything which could
80 adversely affect the decision to enter this marriage.81 3. We have received premarital counseling on the nature, purposes, and responsibilities of
82 marriage.83 4. We have read the Covenant Marriage Act, and we understand that a Covenant Marriage is
84 for life. If we experience marital difficulties, we commit ourselves to take all reasonable efforts
85 to preserve our marriage, including marital counseling.86 5. We understand that by entering into a Covenant Marriage, that the dissolution of our
87 marriage may only take place under specific circumstances.88 6. With full knowledge of what this commitment means, we do hereby declare that our
89 marriage will be bound by Utah law on Covenant Marriages and we promise to love, honor,

90 and care for one another as husband and wife for the rest of our lives."

91 Section 6. Section **30-1-40.3** is enacted to read:

92 **30-1-40.3. Premarital counseling required -- Statement by counselor.**

93 (1) The parties wishing to enter into a covenant marriage shall be counseled together
 94 by a member of the clergy or certified marriage counselor. The counseling shall include
 95 discussions covering the following:

96 (a) the seriousness of a covenant marriage and an understanding that a covenant
 97 marriage is commitment for life;

98 (b) characteristics that provide a strong foundation for marriage and the skills
 99 necessary to maintain it; **h** **[and]** **h**

100 (c) the obligation to seek marital counseling in times of marital difficulties **h** ; **AND**

100a **(d) THE FINANCIAL OBLIGATIONS ASSOCIATED WITH MARRIAGE h** .

101 (2) The counseling may also include a discussion of the exclusive grounds for legally
 102 terminating a covenant marriage.

103 (3) Upon completion of the counseling, the counselor shall provide a statement to the
 104 couple indicating that they participated in counseling concerning covenant marriage and the
 105 responsibilities it entails.

106 Section 7. Section **30-1-40.4** is enacted to read:

107 **30-1-40.4. Covenant marriage -- Existing marriage conversion.**

108 (1) A husband and wife may enter into a covenant marriage by submitting to the county
 109 clerk the declaration prescribed in Section 30-1-40.2 and a sworn statement with the names and
 110 dates of birth of the husband and wife and the date and place their marriage was contracted.

111 (2) If the original marriage license was issued from the same county and a paper copy
 112 can be retrieved, the clerk shall attach the declaration to the original documents and issue to the
 113 husband and wife a certificate that documents the conversion. If only an electronic copy of the
 114 documents can be retrieved, the clerk shall note on the electronic copy that the marriage was
 115 converted and the date of conversion and issue to the husband and wife a certificate that
 116 documents the conversion.

117 (3) If a husband and wife who were not married within this state wish to convert their
 118 marriage to a covenant marriage, they shall present a certified copy of their marriage certificate,
 119 along with a properly signed declaration to the county clerk.

120 (4) A husband and wife who apply for a covenant marriage conversion under this

121 section are not required to receive premarital counseling and may delete statement 3 from the
122 declaration before signing.

123 (5) A husband and wife are not required to have the converted covenant marriage
124 separately solemnized.

125 (6) The county clerk may charge a fee not to exceed \$20 for the conversion.

126 (7) Conversion to a covenant marriage does not make valid a marriage that is
127 prohibited pursuant to this title or that is not validly contracted in this state.

128 Section 8. Section **30-1-40.5** is enacted to read:

129 **30-1-40.5. Covenant marriage -- Dissolution -- Grounds.**

130 Notwithstanding any law to the contrary, if a husband and wife have entered into a
131 covenant marriage pursuant to this chapter a court shall not enter a decree of divorce pursuant
132 to Chapter 3 of this title unless it finds one of the following:

133 (1) The respondent spouse has committed adultery.

134 (2) The respondent spouse has committed a felony and has been sentenced to death or
135 imprisonment in any federal, state, county, or municipal correctional facility.

136 (3) The respondent spouse has abandoned the matrimonial domicile for at least one
137 year before the petitioner filed for dissolution of marriage and refuses to return.

138 (a) A party may file a petition based on this ground by alleging that the respondent
139 spouse has left the matrimonial domicile and is expected to remain absent for the required
140 period.

141 (b) If the respondent spouse has not abandoned the matrimonial domicile for the
142 required period at the time of the filing of the petition, the action shall not be dismissed for
143 failure to state sufficient grounds and the action shall be stayed for the period of time remaining
144 to meet the grounds based on abandonment, except that the court may enter and enforce any
145 temporary orders during the time that the action is pending.

146 (4) The respondent spouse has physically or sexually abused the spouse seeking the
147 dissolution of marriage, a child, a relative of either spouse permanently living in the
148 matrimonial domicile or has committed domestic violence as defined in Section 77-36-1 or
149 emotional abuse.

150 (5) (a) The spouses have been living separate and apart continuously without
151 reconciliation before the petitioner filed for dissolution of the marriage for at least:

- 152 (i) two years, if there are children of the marriage; or
153 (ii) 18 months, if there are no children of the marriage.
154 (b) A party may file a petition based on this ground by alleging that it is expected that
155 the parties will be living separate and apart for the required period.
156 (c) If the parties have not been separated for the required period at the time of the filing
157 of the petition, the action shall not be dismissed for failure to state sufficient grounds and the
158 action shall be stayed for the period of time remaining to meet the grounds based on separation,
159 except that the court may enter and enforce any temporary orders issued during the time that
160 the action is pending.
161 (6) The spouses have been living separate and apart continuously without
162 reconciliation for at least one year from the date the decree of legal separation was entered.
163 (7) The respondent spouse has habitually abused drugs or alcohol.
164 (8) The husband and wife both agree to a dissolution of marriage.
165 Section 9. **Effective date.**
166 This act takes effect on July 1, 2003.

Legislative Review Note
as of 10-18-02 9:24 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

State Impact

The provisions of this bill could generate revenue for county governments. The amount will depend on the price the county decides to charge up to \$20 and the number of couples choosing to enter into a "Covenant Marriage." A one-time General Fund appropriation of \$1,900 to the State Registrar (Department of Health) for printing costs is also required.

	<u>FY 04 Approp.</u>	<u>FY 05 Approp.</u>	<u>FY 04 Revenue</u>	<u>FY 05 Revenue</u>
General Fund	\$1,900	\$0	\$0	\$0
Local Revenue	\$0	\$0	\$2,500	\$2,500
TOTAL	<u>\$1,900</u>	<u>\$0</u>	<u>\$2,500</u>	<u>\$2,500</u>

Individual and Business Impact

The bill requires a couple to receive counseling before entering into a "Covenant Marriage." This may require the payment of a fee for counseling along with the county fee. Counties are authorized to charge up to \$20 for a "Covenant Marriage."

Office of the Legislative Fiscal Analyst