

Regular Session, 2014

HOUSE BILL NO. 738

BY REPRESENTATIVE NANCY LANDRY

MARRIAGE: Provides relative to notice of certain expenses under the Covenant of Marriage Act

1 AN ACT

2 To amend and reenact R.S. 9:273(A)(1) and (2)(a), 273.1, 275(C)(1)(a) and (b)(i), and
3 275.1, relative to covenant marriages; to provide for notice of certain expenses; and
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:273(A)(1) and (2)(a), 273.1, 275(C)(1)(a) and (b)(i), and 275.1 are
7 hereby amended and reenacted to read as follows:

8 §273. Covenant marriage; contents of declaration of intent

9 A. A declaration of intent to contract a covenant marriage shall contain all
10 of the following:

11 (1) A recitation signed by both parties to the following effect:

12 "A COVENANT MARRIAGE

13 We do solemnly declare that marriage is a covenant between a man and a
14 woman who agree to live together as husband and wife for so long as they both may
15 live. We have chosen each other carefully and disclosed to one another everything
16 which could adversely affect the decision to enter into this marriage. We have
17 received premarital counseling at our own expense on the nature, purposes, and
18 responsibilities of marriage. We have read the Covenant Marriage Act, and we
19 understand that a Covenant Marriage is for life. If we experience marital difficulties,
20 we commit ourselves to take all reasonable efforts to preserve our marriage,

1 including marital counseling at our own expense, and understand that additional legal
2 counseling may be required in order to obtain a divorce.

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

7 (2)(a) An affidavit by the parties attesting they have received premarital
8 counseling from a priest, minister, rabbi, clerk of the Religious Society of Friends,
9 any clergyman of any religious sect, or a professional marriage counselor, which
10 counseling shall include a discussion of the seriousness of covenant marriage,
11 communication of the fact that a covenant marriage is a commitment for life, a
12 discussion of the obligation to seek marital counseling in times of marital difficulties,
13 the necessity of payment for the required marital counseling and probable legal
14 counseling, and that they have received and read the informational pamphlet
15 developed and promulgated by the office of the attorney general entitled "Covenant
16 Marriage Act" which provides a full explanation of the terms, expenses, and
17 conditions of a covenant marriage.

18 * * *

19 §273.1. Declaration of intent; form

20 A. The following is suggested as a form for the recitation which may be used
21 by the couple:

22 "DECLARATION OF INTENT

23 We do solemnly declare that marriage is a covenant between a man and a
24 woman who agree to live together as husband and wife for so long as they both may
25 live. We have chosen each other carefully and disclosed to one another everything
26 which could adversely affect the decision to enter this marriage. We have received
27 premarital counseling at our own expense on the nature, purposes, and
28 responsibilities of marriage. We have read the Covenant Marriage Act, and we
29 understand that a Covenant Marriage is for life. If we experience marital difficulties,

1 we commit ourselves to take all reasonable efforts to preserve our marriage,
2 including marital counseling at our own expense, and we further understand that
3 additional legal counseling may be required in order to obtain a divorce under the
4 Covenant Marriage Act.

5 With full knowledge of what this commitment means, we do hereby declare
6 that our marriage will be bound by Louisiana law on Covenant Marriages and we
7 promise to love, honor, and care for one another as husband and wife for the rest of
8 our lives."

9 B. The following is the suggested form of the affidavit which may be used
10 by the parties, notary, and counselor:

11 STATE OF LOUISIANA
12 PARISH OF

13 BE IT KNOWN THAT on this ___ day of _____ , _____, before me the
14 undersigned notary, personally came and appeared:

15 _____

16 (Insert names of the prospective spouses)

17 who after being duly sworn by me, Notary, deposed and stated that:

18 Affiants acknowledge that they have received premarital counseling from a
19 priest, minister, rabbi, clerk of the Religious Society of Friends, any clergyman of
20 any religious sect, or a professional marriage counselor, which marriage counseling
21 included:

22 A discussion of the seriousness of Covenant Marriage;

23 Communication of the fact that a Covenant Marriage is a commitment for
24 life;

25 The obligation of a Covenant Marriage to take reasonable efforts to preserve
26 the marriage if marital difficulties arise;

27 The costs that will be incurred from mandatory marital counseling and
28 probable legal counseling required in order to obtain a divorce under the Covenant
29 Marriage Act, and

1 That the affiants both read the pamphlet entitled "The Covenant Marriage
2 Act" developed and promulgated by the office of the attorney general, which
3 provides a full explanation of a Covenant Marriage, including the obligation to seek
4 and pay for marital counseling in times of marital difficulties and the exclusive
5 grounds and expenses that will and may be incurred for legally terminating a
6 Covenant Marriage by divorce or divorce after a judgment of separation from bed
7 or board.

8 _____
9 (Name of prospective spouse)

10 _____
11 (Name of prospective spouse)

12 SWORN TO AND SUBSCRIBED BEFORE ME THIS ____ DAY OF
13 _____, _____.

14 _____
15 NOTARY PUBLIC

16 ATTESTATION

17 The undersigned does hereby attest that the affiants did receive counseling
18 from me as to the nature and purpose of marriage, which included a discussion of the
19 seriousness of Covenant Marriage, communication of the fact that a Covenant
20 Marriage is for life, and the obligation of a Covenant Marriage to take reasonable
21 efforts to preserve the marriage if marital difficulties arise, and the extra expenses
22 that will and may be incurred should the affiants seek a divorce under the Covenant
23 Marriage Act.

24 _____
25 Counselor

26 * * *

27 §275. Covenant marriage; applicability to already married couples

28 * * *

1 C.(1) A declaration of intent to designate a marriage as a covenant marriage
2 shall contain all of the following:

3 (a) A recitation signed by both parties to the following effect:

4 "A COVENANT MARRIAGE

5 We do solemnly declare that marriage is a covenant between a man and a
6 woman who agree to live together as husband and wife for so long as they both may
7 live. We understand the nature, purpose, and responsibilities of marriage. We have
8 read the Covenant Marriage Act, and we understand that a Covenant Marriage is for
9 life. If we experience marital difficulties, we commit ourselves to take all reasonable
10 efforts to preserve our marriage, including marital counseling at our own expense,
11 and we understand that additional legal counseling may be required in order to obtain
12 a divorce.

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

17 (b)(i) An affidavit by the parties that they have discussed their intent to
18 designate their marriage as a covenant marriage with a priest, minister, rabbi, clerk
19 of the Religious Society of Friends, any clergyman of any religious sect, or a
20 professional marriage counselor, which included a discussion of the obligation to
21 seek marital counseling in times of marital difficulties, the necessity of payment for
22 the required marital counseling and probable legal counseling, and that they have
23 received and read the informational pamphlet developed and promulgated by the
24 office of the attorney general entitled "Covenant Marriage Act" which provides a full
25 explanation of the terms, expenses, and conditions of a Covenant Marriage.

26 * * *

1 §275.1. Declaration of intent; married couples; form

2 A. The following is suggested as a form for the recitation which may be used
3 by the couple:

4 "DECLARATION OF INTENT

5 We do solemnly declare that marriage is a covenant between a man and a
6 woman who agree to live together as husband and wife for so long as they both may
7 live. We understand the nature, purpose, and responsibilities of marriage. We have
8 read the Covenant Marriage Act, and we understand that a Covenant Marriage is for
9 life. If we experience marital difficulties, we commit ourselves to take reasonable
10 efforts to preserve our marriage, including marital counseling, and we further
11 understand the stringent requirements and expenses involved in obtaining a divorce
12 under the Covenant Marriage Act.

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

17 B. The following is the suggested form of the affidavit which may be used
18 by the parties, notary, and counselor:

19 STATE OF LOUISIANA
20 PARISH OF _____

21 BE IT KNOWN THAT on this ____ day of _____, _____, before me
22 the undersigned notary, personally came and appeared:

23 _____
24 (Insert names of spouses)

25 who after being sworn by me, Notary, deposed and stated that:

26 Affiants acknowledge that they have received counseling from a priest,
27 minister, rabbi, clerk of the Religious Society of Friends, any clergyman of any
28 religious sect, or a professional marriage counselor, which counseling included:

29 A discussion of the seriousness of Covenant Marriage;

1 that will and may be incurred should the affiants seek a divorce under the Covenant
2 Marriage Act.

3

4

Counselor

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Nancy Landry

HB No. 738

Abstract: Provides for required notification of expenses that will be incurred for required marital counseling and possible legal counseling in the process of obtaining a judgment of divorce or a judgment of separation of bed and board under the Covenant of Marriage Act.

Present law provides for the Covenant Marriage Act which establishes special procedures in order to enter into a covenant marriage and to obtain a divorce under a covenant marriage.

Present law provides for certain declarations and forms required to be used in a covenant marriage.

Present law requires premarital counseling in order to enter into a covenant marriage and requires marriage counseling to attempt to resolve marital conflicts prior to obtaining a divorce or a judgment of separation from bed and board.

Proposed law retains present law and further provides for required notice of expenses that will be incurred for required marital counseling and possible legal counseling in the process of obtaining a judgment of divorce or a judgment of separation of bed and board.

(Amends R.S. 9:273(A)(1) and (2)(a), 273.1, 275(C)(1)(a) and (b)(i), and 275.1)