

Regular Session, 2014

HOUSE BILL NO. 1260 (Substitute for House Bill No. 738 by Representative Nancy Landry)

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. 9:237(C), relative to covenant marriages; to provide for notice
3 of certain expenses; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 9:237(C) is hereby amended and reenacted to read as follows:

6 §237. Information on matrimonial regime and covenant marriage laws; printed
7 summary

8 * * *

9 C. The summary of covenant marriage law shall emphasize that premarital
10 counseling is mandatory at which time the necessary documents consisting of the
11 declaration of intent and the affidavit and attestation of the counselor shall be
12 executed, that the couple agrees to take all reasonable steps to preserve their
13 marriage if marital difficulties arise, including marriage counseling, that divorce in
14 a covenant marriage is restricted to fault by a spouse and living separate and apart
15 for two years as provided in R.S. 9:307, that expenses for additional legal and marital
16 counseling may be incurred by the couple in order to obtain a legal termination of
17 a covenant marriage, and that divorce under the general marriage law of this state
18 differs significantly.

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. 1260

Abstract: Provides for notification that expenses for additional legal and marital counseling may be incurred by a couple in order to obtain a legal termination of a covenant marriage.

Present law requires that on receiving an application for a license to marry, the license-issuing officer shall deliver to each prospective spouse, either in person or by registered mail, a printed summary of the current matrimonial regime laws of this state and the covenant marriage law of this state, and that the summaries shall be prepared by the attorney general of this state.

Present law requires that the summary emphasize the possibility of contracting expressly a regime of one's choosing before marriage, that spouses who have not entered into a matrimonial agreement before marriage become subject to the legal regime by operation of law, and the possibility of contracting after marriage to modify the matrimonial regime.

Present law requires that the summary of covenant marriage law shall emphasize that premarital counseling is mandatory, that the couple agrees to take all reasonable steps to preserve the marriage, including marriage counseling, that divorce in a covenant marriage is restricted to fault by a spouse and living separate and apart for two years as provided in R.S. 9:307, and that divorce under the general marriage law of this state differs significantly.

Proposed law retains present law and requires the summary to emphasize that expenses for additional legal and marital counseling may be incurred by a couple in order to obtain a legal termination of a covenant marriage.

(Amends R.S. 9:237(C))