

House Bill 17

By: Representatives Snelling of the 99th, Westmoreland of the 104th, Walker of the 87th and Campbell of the 42nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to
2 marriage generally, so as to provide for covenant marriage; to provide for a short title; to
3 provide for definitions; to provide for procedures; to provide for conditions and limitations;
4 to provide for duties and authority of the office of Attorney General; to provide effective
5 dates; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage
9 generally, is amended by adding a new article at the end thereof, to be designated Article 4,
10 to read as follows:

11 "ARTICLE 4

12 19-3-80.

13 This article shall be known and may be cited as the 'Covenant Marriage Act.'

14 19-3-81.

15 As used in this article, the term 'authorized counseling' means marital counseling provided
16 by a priest, minister, rabbi, clerk of the Society of Friends, any clergy member of any
17 religious sect, a marriage and family therapist licensed under Chapter 10A of Title 43, a
18 clinical social worker or licensed professional counselor, or a psychologist licensed under
19 Chapter 39 of Title 43.

20 19-3-82.

21 (a) A covenant marriage is a marriage entered into by one male and one female who
22 understand and agree that the marriage between them is a lifelong relationship. Parties to
23 a covenant marriage have received authorized counseling emphasizing the nature and

1 purposes of marriage and the responsibilities thereto. Only when there has been a complete
 2 and total breach of the marital covenant commitment may the nonbreaching party seek a
 3 declaration that the marriage is no longer legally recognized.

4 (b) A man and woman may contract a covenant marriage by declaring their intent to do
 5 so on their application for a marriage license, as otherwise required under Article 2 of this
 6 chapter, and executing a declaration of intent to contract a covenant marriage as provided
 7 in Code Section 19-3-83. The application for a marriage license and the declaration of
 8 intent shall be filed with the official who issues the marriage license.

9 19-3-83.

10 (a) A declaration of intent to contract a covenant marriage shall contain all of the
 11 following:

12 (1) A recitation by the parties to the following effect:

13 'A COVENANT MARRIAGE

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

22 With full knowledge of what this commitment means, we do hereby declare that our
 23 marriage will be bound by Georgia law on covenant marriages and we promise to love,
 24 honor, and care for one another as husband and wife for the rest of our lives.';

25 (2)(A) An affidavit by the parties that they have received authorized counseling which
 26 shall include a discussion of the seriousness of covenant marriage, communication of
 27 the fact that a covenant marriage is a commitment for life, a discussion of the obligation
 28 to seek marital counseling in times of marital difficulties, and a discussion of the
 29 exclusive grounds for legally terminating a covenant marriage by divorce.

30 (B) A notarized attestation, signed by the counselor and attached to or included in the
 31 parties' affidavit, confirming that the parties received authorized counseling as to the
 32 nature and purpose of the marriage and the grounds for termination thereof and an
 33 acknowledgment that the counselor provided to the parties the informational pamphlet
 34 developed and promulgated by the office of the Attorney General under this article,

1 which pamphlet provides a full explanation of the terms and conditions of a covenant
2 marriage; and

3 (3)(A) The signature of both parties witnessed by a notary.

4 (B) If one or both of the parties are minors, the written consent or authorization of
5 those persons required under this chapter to consent to or authorize the marriage of
6 minors.

7 (b) The declaration shall contain two separate documents, the recitation and the affidavit,
8 the latter of which shall include the attestation either included therein or attached thereto.
9 The recitation shall be prepared in duplicate originals, one of which shall be retained by the
10 parties and the other, together with the affidavit and attestation, shall be filed as provided
11 in subsection (b) of Code Section 19-3-82.

12 19-3-84.

13 A covenant marriage shall be governed by all of the provisions of this title, except as
14 otherwise specifically provided in this article.

15 19-3-85.

16 (a) On or after January 1, 2002, married couples with a Georgia marriage license may
17 execute a declaration of intent to designate their marriage as a covenant marriage to be
18 governed by this article.

19 (b) This declaration of intent in the form and containing the contents required by
20 subsection (c) of this Code section must be presented to the officer who issued the couple's
21 marriage license and with whom the couple's marriage certificate is filed. The officer shall
22 make a notation on the marriage certificate of the declaration of intent of a covenant
23 marriage and attach a copy of the declaration to the certificate.

24 (c)(1) A declaration of intent to designate a marriage as a covenant marriage shall
25 contain all of the following:

26 (A) A recitation by the parties to the following effect:

27 'A COVENANT MARRIAGE

28 We do solemnly declare that marriage is a covenant between a man and a woman who
29 agree to live together as husband and wife for so long as they both may live. We
30 understand the nature, purpose, and responsibilities of marriage. We have read the
31 Covenant Marriage Act, and we understand that a covenant marriage is for life. If we
32 experience marital difficulties, we commit ourselves to take all reasonable efforts to
33 preserve our marriage, including marital counseling.

1 With full knowledge of what this commitment means, we do hereby declare that our
2 marriage will be bound by Georgia law on covenant marriage, and we renew our
3 promise to love, honor, and care for one another as husband and wife for the rest of
4 our lives.'; and

5 (B)(i) An affidavit by the parties that they have discussed their intent to designate
6 their marriage as a covenant marriage with an authorized counselor, which included
7 a discussion of the obligation to seek marital counseling in times of marital
8 difficulties and the exclusive grounds for legally terminating a covenant marriage by
9 divorce.

10 (ii) A notarized attestation, signed by the counselor and attached to the parties'
11 affidavit, acknowledging that the counselor provided to the parties the information
12 pamphlet developed and promulgated by the office of the Attorney General under this
13 article, which pamphlet provides a full explanation of the terms and conditions of a
14 covenant marriage.

15 (iii) The signature of both parties witnessed by a notary.

16 (2) The declaration shall contain two separate documents, the recitation and the affidavit,
17 the latter of which shall include the attestation either included therein or attached thereto.

18 The recitation shall be prepared in duplicate originals, one of which shall be retained by
19 the parties and the other, together with the affidavit and attestation, shall be filed as
20 provided in subsection (b) of this Code section.

21 19-3-86.

22 (a) Notwithstanding any other law to the contrary and subsequent to the parties obtaining
23 authorized counseling, a spouse to a covenant marriage may obtain a judgment of divorce
24 only upon proof of any of the following:

25 (1) The other spouse has committed adultery;

26 (2) The other spouse has committed a felony and has been sentenced to death or
27 imprisonment;

28 (3) The other spouse has abandoned the matrimonial domicile for a period of one year
29 and constantly refuses to return;

30 (4) The other spouse has physically or sexually abused the spouse seeking the divorce
31 or a child of one of the spouses; or

32 (5) The spouses have been living separate and apart continuously without reconciliation
33 for a period of one year.

1 (b) No spouse shall be required to obtain or participate in counseling as a condition of
2 divorce pursuant to the grounds set forth in paragraphs (2) and (4) of subsection (a) of this
3 Code section.

4 19-3-87.

5 In any case in which the parties are ineligible for a decree of divorce due to their failure to
6 satisfy the requirements of Code Section 19-3-86, an action shall nonetheless lie for
7 spousal support, child support, child custody, apportionment of debts, and possession of
8 separate and marital property.

9 19-3-88.

10 The office of Attorney General shall, prior to January 1, 2002, promulgate an informational
11 pamphlet, entitled 'Covenant Marriage Act,' which shall outline in sufficient detail the
12 consequences of entering into a covenant marriage. The informational pamphlet shall be
13 made available to any counselor who provides authorized counseling as provided for by
14 this article."

15 **SECTION 2.**

16 The provisions of this Act which require the Attorney General to prepare and make available
17 an informational pamphlet relating to covenant marriage shall become effective upon
18 approval of this Act by the Governor or upon its becoming law without such approval. The
19 remaining provisions of this Act shall become effective January 1, 2002.

20 **SECTION 3.**

21 All laws and parts of laws in conflict with this Act are repealed.