

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

SENATE BILL 527

5 By: Senator K. Hammer  
6 By: Representative C. Cooper  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE COVENANT MARRIAGE ACT OF 2001; TO  
10 REQUIRE CLERKS TO PROVIDE ADDITIONAL INFORMATION  
11 REGARDING COVENANT MARRIAGES TO A MARRIAGE LICENSE  
12 APPLICANT; TO IMPOSE ADDITIONAL REQUIREMENTS FOR  
13 ENTERING INTO AND DISSOLVING A COVENANT MARRIAGE; AND  
14 FOR OTHER PURPOSES.  
15

## Subtitle

16  
17  
18 TO IMPOSE ADDITIONAL REQUIREMENTS FOR  
19 ENTERING INTO AND DISSOLVING A COVENANT  
20 MARRIAGE.  
21

22  
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. Arkansas Code § 9-11-203, concerning the issuance of  
26 marriage licenses, is amended to add an additional subsection to read as  
27 follows:

28 (e) A clerk who is required to furnish a marriage license under this  
29 section shall provide:

30 (1) A current copy of the Covenant Marriage Act of 2001, § 9-11-  
31 801 et seq., to a person who inquires about a covenant marriage license; and

32 (2) Information about a covenant marriage on the clerk's  
33 website, if the clerk has a website.  
34

35 SECTION 2. Arkansas Code § 9-11-802 is amended to read as follows:  
36 9-11-802. Definitions.



As used in this subchapter:

(1) "Authorized ~~counseling~~ counselor" means a person providing premarital or marital counseling provided by who is one (1) of the following:

- (A) A priest;
- (B) A minister;
- (C) A rabbi;
- (D) A clerk of the Religious Society of Friends;
- (E) Any clergy member of any religious sect or a

designated representative;

(F) A marriage educator approved by the person who will perform the marriage ceremony; ~~or~~

(G) As defined by in § 17-27-102:

- (i) A licensed professional counselor;
- (ii) A licensed associate counselor;
- (iii) A licensed marriage and family therapist;
- (iv) A licensed clinical psychologist; or
- (v) A licensed associate marriage and family

therapist; ~~and~~ or

(H) A certified biblical counselor;

(2) "Certified biblical counselor" means a person who:

(A) Is certified by a biblical counseling association that provides accreditation or certification services; and

(B) Uses only biblical scripture to provide counseling to individuals or couples;

(3) "Judicial separation" means a judicial proceeding pursuant to under § 9-11-809 that results in a court determination that the parties to a covenant marriage live separate and apart;

(4) "Marital counseling" means counseling provided by an authorized counselor to a couple in a covenant marriage that serves to describe, evaluate, and modify the couple's intrapersonal and interpersonal behavior within the context of the couple's covenant marriage; and

(5) "Premarital counseling" means counseling provided by an authorized counselor to a couple before a couple enters into a covenant marriage that serves to develop an understanding of the nature, purposes, and responsibilities associated with a covenant marriage.

1 SECTION 3. Arkansas Code § 9-11-803(a), concerning the description of  
2 a covenant marriage, is amended to read as follows:

3 (a)(1) A covenant marriage is a marriage entered into by one (1) male  
4 and one (1) female who understand and agree that the marriage between them is  
5 a lifelong relationship.

6 (2) Parties to a covenant marriage will have received ~~authorized~~  
7 ~~counseling emphasizing the nature, purposes, and responsibilities of marriage~~  
8 premarital counseling as described under § 9-11-812 before entering into the  
9 covenant marriage.

10 (3)(A) Only when there has been a complete and total breach of  
11 the marital covenant commitment may a party seek a declaration that the  
12 marriage is no longer legally recognized.

13 (B) If a party to a covenant marriage seeks a divorce or a  
14 judicial separation, the party shall attach to his or her initial pleading an  
15 attestation signed by the authorized counselor who provided premarital  
16 counseling or the authorized counselor who provided marital counseling, or  
17 both, that:

18 (i) The parties completed the number of premarital  
19 counseling and marital counseling sessions required under § 9-11-812; and

20 (ii) The authorized counselor who provided  
21 premarital counseling discussed the topics required under § 9-11-812 with the  
22 parties in their premarital counseling sessions.

23  
24 SECTION 4. Arkansas Code § 9-11-804 is amended to read as follows:  
25 9-11-804. Content of declaration of intent.

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

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

29 "A COVENANT MARRIAGE

30 We do solemnly declare that marriage is a covenant between a man  
31 and a woman who agree to live together as husband and wife for so long as  
32 they both may live. We have chosen each other carefully and disclosed to one  
33 another everything which could adversely affect the decision to enter into  
34 this marriage. We have received ~~authorized counseling~~ premarital counseling  
35 on the nature, purposes, and responsibilities of marriage. We have read the  
36 Covenant Marriage Act of 2001, and we understand that a covenant marriage is

1 for life. If we experience marital difficulties, we commit ourselves to take  
2 all reasonable efforts to preserve our marriage, including marital  
3 counseling.

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

8 (2) An affidavit by the parties that they have received  
9 ~~authorized~~ premarital counseling that shall include a discussion of the  
10 seriousness of covenant marriage, communication of the fact that a covenant  
11 marriage is a commitment for life, a discussion of the obligation to seek  
12 marital counseling in times of marital difficulties, and a discussion of the  
13 exclusive grounds for legally terminating a covenant marriage by divorce;

14 (3) An attestation, signed by the authorized counselor and  
15 attached to or included in the parties’ affidavit, confirming that the  
16 parties received ~~authorized~~ premarital counseling as to the nature and  
17 purpose of the marriage and the grounds for termination of the marriage and  
18 an acknowledgment that the authorized counselor;

19 (A) Provided to the parties the informational pamphlet  
20 developed and promulgated by the Administrative Office of the Courts under  
21 this subchapter that provides a full explanation of the terms and conditions  
22 of a covenant marriage;

23 (B) Provided a minimum of four (4) premarital counseling  
24 sessions to the couple; and

25 (C) Discussed the topics required under § 9-11-812 with  
26 the parties in their premarital counseling sessions; and

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

28 (B) If one (1) of the parties is a minor, or both are  
29 minors, the written consent or authorization of those persons required under  
30 this chapter to consent to or authorize the marriage of minors.

31 (b) The declaration shall consist of two (2) separate documents:

32 (1) The recitation as set out in subdivision (a)(1) of this  
33 section; and

34 (2) The affidavit with the attestation either included within or  
35 attached to the document.

36 (c) The recitation, affidavit, and attestation shall be filed as

1 provided in § 9-11-803(b).

2 (d) A clerk required to issue a marriage license under § 9-11-203  
3 shall:

4 (1) Ask an applicant for a covenant marriage license for a copy  
5 of the attestation described in subdivision (a)(3) of this section; and

6 (2) Keep a copy of the attestation described in subdivision  
7 (a)(3) of this section that is provided by the applicant.

8  
9 SECTION 5. Arkansas Code § 9-11-808 is amended to read as follows:  
10 9-11-808. Divorce or separation.

11 (a) Notwithstanding any other law to the contrary and subsequent to  
12 the parties' obtaining ~~authorized~~ marital counseling, a spouse to a covenant  
13 marriage may obtain a judgment of divorce only upon proof of any of the  
14 following:

15 (1) The other spouse has committed adultery;

16 (2) The other spouse has committed a felony or other infamous  
17 crime;

18 (3) The other spouse has physically or sexually abused the  
19 spouse seeking the divorce or a child of one (1) of the spouses;

20 (4) The spouses have been living separate and apart continuously  
21 without reconciliation for a period of two (2) years; or

22 (5)(A) The spouses have been living separate and apart  
23 continuously without reconciliation for a period of two (2) years from the  
24 date the judgment of judicial separation was signed.

25 (B)(i) If there is a minor child or children of the  
26 marriage, the spouses have been living separate and apart continuously  
27 without reconciliation for a period of two (2) years and six (6) months from  
28 the date the judgment of judicial separation was signed.

29 (ii) However, if abuse of a child of the marriage or  
30 a child of one (1) of the spouses is the basis for which the judgment of  
31 judicial separation was obtained, then a judgment of divorce may be obtained  
32 if the spouses have been living separate and apart continuously without  
33 reconciliation for a period of one (1) year from the date the judgment of  
34 judicial separation was signed.

35 (b) Notwithstanding any other law to the contrary and subsequent to  
36 the parties' obtaining ~~authorized~~ marital counseling, a spouse to a covenant

1 marriage may obtain a judgment of judicial separation only upon proof of any  
2 of the following:

- 3 (1) The other spouse has committed adultery;
- 4 (2) The other spouse has committed a felony and has been  
5 sentenced to death or imprisonment;
- 6 (3) The other spouse has physically or sexually abused the  
7 spouse seeking the legal separation or divorce or a child of one (1) of the  
8 spouses;
- 9 (4) The spouses have been living separate and apart continuously  
10 without reconciliation for a period of two (2) years; or
- 11 (5) The other spouse ~~shall~~:
  - 12 (A) ~~Be~~ Is addicted to habitual drunkenness or habitual  
13 substance abuse for at least one (1) year;
  - 14 (B) ~~Be~~ Is guilty of such cruel and barbarous treatment as  
15 to endanger the life of the other; or
  - 16 (C) ~~Offer~~ Offers such indignities to the person of the  
17 other ~~as shall~~ sufficient to render his or her condition intolerable.

18  
19 SECTION 6. Arkansas Code § 9-11-811(b), concerning informational  
20 pamphlets to be provided in accordance with the Covenant Marriage Act of  
21 2001, is amended to read as follows:

22 (b) The informational pamphlet shall be made available to any  
23 authorized counselor who provides ~~authorized~~ premarital or marital counseling  
24 as provided for by this subchapter.

25  
26 SECTION 7. Arkansas Code Title 9, Chapter 11, Subchapter 8, is amended  
27 to add an additional section to read as follows:

28 9-11-812. Premarital counseling and marital counseling -  
29 Requirements.

30 (a) Premarital counseling shall:

31 (1) Be provided for a minimum of four (4) sessions; and

32 (2) Involve discussion between the authorized counselor and the  
33 couple of topics related to covenant marriage, including without limitation:

34 (A) The description of covenant marriage as described in §  
35 9-11-803;

36 (B) The significance of commitment to a covenant marriage;

