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HOUSE BILL 733

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Lorenzo A. Larranaga

AN ACT

RELATING TO MARRIAGE; CREATING A COVENANT MARRIAGE FOR CERTAIN  
COUPLES; LIMITING THE GROUNDS ON WHICH A COURT MAY GRANT A  
SEPARATION OR DIVORCE; ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the  
"Covenant Marriage Act".

Section 2. DEFINITIONS.--As used in the Covenant  
Marriage Act:

A. "covenant marriage" means a lawful marriage  
between a man and a woman who have formally agreed to the  
provisions of the Covenant Marriage Act;

B. "marriage counselor" means a person who by  
training or experience is qualified to work with individuals  
considering marriage or married couples to provide premarital

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1 or marital counseling; and

2 C. "married couple" means a man and a woman who  
3 have entered into a lawful marriage.

4 Section 3. COVENANT MARRIAGE-- REQUIREMENTS. --

5 A. A man and a woman who wish to enter into a  
6 covenant marriage shall:

7 (1) sign a statement that reads exactly as  
8 follows:

9 "A COVENANT MARRIAGE-- We solemnly declare that  
10 marriage is a covenant between a man and a woman who agree to  
11 live together as husband and wife as long as they both shall  
12 live. We have chosen each other carefully and have received  
13 premarital counseling on the nature, purposes and  
14 responsibilities of marriage. We understand that a covenant  
15 marriage is for life. If we experience marital difficulties,  
16 we commit ourselves to take all reasonable efforts to preserve  
17 our marriage, including marital counseling. With full  
18 knowledge of what this commitment means, we do declare that  
19 our marriage will be bound by New Mexico law on covenant  
20 marriages and we promise to love, honor and care for one  
21 another as husband and wife for the rest of our lives.";

22 (2) provide a signed and sworn statement that  
23 they have received premarital counseling from a member of the  
24 clergy or a marriage counselor, provided that the premarital  
25 counseling included:

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1 (a) advisement that a covenant marriage  
2 is for life;

3 (b) discussion of the seriousness of a  
4 covenant marriage;

5 (c) notification of the requirement to  
6 seek marriage counseling if marital difficulties develop;

7 (d) notification of the limited legal  
8 grounds available for ending the marriage by legal separation  
9 or divorce; and

10 (e) a copy of a pamphlet describing the  
11 requirements of a covenant marriage; and

12 (3) provide a sworn, notarized statement from  
13 a member of the clergy or marriage counselor who provided the  
14 premarital counseling confirming that the man and woman were  
15 advised about the nature and purpose of a covenant marriage  
16 and the limited reasons for ending the marriage by legal  
17 separation or divorce and that a copy of a covenant marriage  
18 pamphlet was given to the man and woman.

19 B. Before a county clerk issues a marriage license  
20 to a man and a woman wishing to enter into a covenant  
21 marriage, the county clerk must certify that the requirements  
22 in Subsection A of this section have been met.

23 C. A married couple that wishes to convert its  
24 marriage to a covenant marriage shall provide the county clerk  
25 with:

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1 (1) a written statement exactly as that  
2 provided in Paragraph (1) of Subsection A of this section  
3 signed by the married couple; and

4 (2) a sworn statement listing the names and  
5 social security numbers of the married couple and the date and  
6 place of their lawful marriage.

7 Section 4. COVENANT MARRIAGE--DISSOLUTION.--No legal  
8 separation or divorce shall be granted in the state to a  
9 married couple in a covenant marriage unless:

10 A. the spouse against whom a petition for divorce  
11 is filed has committed adultery;

12 B. the spouse against whom a petition for divorce  
13 is filed has been convicted of a felony and has been sentenced  
14 to imprisonment or to death;

15 C. the spouse against whom a petition for divorce  
16 is filed has been absent from or has abandoned the home where  
17 the married couple resided and refuses to return;

18 D. the spouse against whom a petition for divorce  
19 is filed has:

20 (1) physically or sexually abused the other  
21 spouse, a child or a relative of either spouse who lives  
22 permanently in the married couple's home; or

23 (2) committed domestic violence; or

24 E. the married couple has been granted a legal  
25 separation by the court and has been living separate and apart

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1 without reunification for at least one year from the date of  
2 legal separation.

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