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HOUSE BILL 315

By Hurt

AN ACT to amend Tennessee Code Annotated, Title 8; Title 10; Title 16; Title 36; Title 39; Title 67 and Title 68, relative to marriage.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 3, is amended by adding the following as a new part:

36-3-201.

This act is known and may be cited as the "Tennessee Covenant Marriage Act."

36-3-202.

(a) A covenant marriage is a marriage entered into by one (1) male and one (1) female, each having reached the age of majority, who understand and agree that marriage is a lifelong relationship. Parties to a covenant marriage must receive counseling emphasizing the nature, purposes, and responsibilities of marriage. Only when there has been a complete and total breach of the marital covenant commitment may the non-breaching party seek a declaration that the marriage is no longer legally recognized.

(b) A man and woman may contract a covenant marriage by declaring their intent to do so on their application for a marriage license and executing a declaration of intent to contract a covenant marriage. The application for a marriage license and the declaration of intent must be filed with the county clerk who issues the marriage license.

36-3-203.

(a) A declaration of intent to contract a covenant marriage must contain the following:

(1) The following statement made by both parties:

We do solemnly declare that marriage is a covenant between a man and a woman who agree to live together as husband and wife for so long as we both may live. We have chosen each other carefully and disclosed to one another everything which could adversely affect the decision to enter into this marriage. We have received premarital counseling on the nature, purposes, and responsibilities of marriage. We have read the Tennessee Covenant Marriage Act, and we understand that a covenant marriage is for life. If we experience marital difficulties, we commit ourselves to take all reasonable efforts to preserve our marriage, including attending marriage counseling. With full knowledge of what this commitment means, we do hereby declare that our marriage will be bound by the laws of this state on covenant marriage, and we promise to love, honor, and care for one another as husband and wife for the rest of our lives;

(2) An affidavit by the parties that they have received premarital counseling from an ordained minister, religious priest or clergyman of a bona fide religion, or a licensed counselor under title 63, chapter 22. Such counseling must include a discussion of the seriousness of covenant marriage, communication of the fact that a covenant marriage is a commitment for life, a discussion of the obligation to seek marital counseling in times of marital difficulties, and a discussion of the exclusive grounds for legally terminating a covenant marriage by divorce or by divorce after a legal separation;

(3) A notarized attestation confirming:

(A) The parties were counseled as to the nature and purpose of the marriage and the grounds for termination; and

(B) The ordained minister, religious priest, clergyman, or licensed counselor provided to the parties the informational pamphlet developed and promulgated by the secretary of state. The attestation must be signed by either the ordained minister, religious priest, clergyman, or licensed counselor and attached to the parties' affidavit; and

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

(b) The declaration must contain three (3) separate documents: the statement, the affidavit, and the notarized attestation. The statement must be prepared in duplicate originals, one (1) of which must be retained by the parties. The parties shall file the statement, affidavit, and attestation with the county clerk.

36-3-204.

(a) On or after July 1, 2025, previously married couples may execute a declaration of intent to designate their marriage as a covenant marriage to be governed by such laws.

(b)

(1) This declaration of intent in the form and containing the contents required by subsection (c) must be presented to the office of the county clerk who issued the couple's marriage license and with whom the couple's marriage certificate is filed. If the couple was married outside of this state, then a copy of the foreign marriage certificate, with the declaration of intent attached, must be filed with the county clerk in the county where the couple is domiciled. The officer shall make a notation on the marriage certificate of the declaration of intent of a covenant marriage and attach a copy of the declaration to the certificate.

(2) On or before the tenth day of each calendar month, each county clerk shall forward to the division of vital records each declaration of intent of a covenant marriage filed during the preceding calendar month pursuant to this section.

(c)

(1) A declaration of intent to designate a marriage as a covenant marriage must contain the following:

(A) The following statement made by both parties:

We do solemnly declare that marriage is a covenant between a man and a woman who agree to live together as husband and wife for so long as we both may live. We understand the nature, purpose, and responsibilities of marriage. We have read the Tennessee Covenant Marriage Act, and we understand that a covenant marriage is for life. If we experience marital difficulties, we commit ourselves to take all reasonable efforts to preserve our marriage, including attending marriage counseling. With full knowledge of what this commitment means, we do hereby declare that our marriage will be bound by the laws of this state on covenant marriage, and we renew our promise to love, honor, and care for one another as husband and wife for the rest of our lives;

(B) An affidavit by the parties that they have received premarital counseling from an ordained minister, religious priest or clergyman of a bona fide religion, or a licensed counselor under title 63, chapter 22. Such counseling must include a discussion of the seriousness of covenant marriage, communication of the fact that a covenant marriage is a commitment for life, a discussion of the obligation to seek marital

counseling in times of marital difficulties, and a discussion of the exclusive grounds for legally terminating a covenant marriage by divorce or by divorce after a legal separation;

(C) A notarized attestation confirming:

(i) The parties were counseled as to the nature and purpose of the marriage and the grounds for termination; and

(ii) The ordained minister, religious priest, clergyman, or licensed counselor provided to the parties the informational pamphlet developed and promulgated by the secretary of state. The attestation must be signed by either the ordained minister, religious priest, clergyman, or licensed counselor and attached to the parties' affidavit; and

(D) The signature of both parties witnessed by a notary public.

(2) The declaration must contain three (3) separate documents: the statement, the affidavit, and the notarized attestation. The statement must be prepared in duplicate originals, one (1) of which must be retained by the parties. The parties shall file the statement, affidavit, and attestation as provided in subsection (b).

36-3-205.

(a) Notwithstanding another law to the contrary, upon the parties attending counseling, a spouse to a covenant marriage may obtain a judgment of divorce upon proof of any of the following:

(1) The other spouse has committed adultery;

(2) The other spouse has committed a felony and has been sentenced to death or continuous confinement;

(3) The other spouse has abandoned the matrimonial domicile for a period of one (1) year and repeatedly refuses to return;

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

(5) The spouses have been living separately and apart continuously without reconciliation for a period of two (2) years;

(6) The spouses have been living separately and apart continuously without reconciliation for a period of one (1) year from the date of legal separation; or

(7) If there is a minor child or children of the marriage, the spouses have been living separately and apart continuously without reconciliation for a period of one (1) year and six (6) months from the date the legal separation was signed; provided, however, if abuse of a child of the marriage or a child of one (1) of the spouses is the basis for which legal separation was obtained, then a judgment of divorce may be obtained if the spouses have been living separately and apart continuously without reconciliation for a period of one (1) year from the date the legal separation was signed.

(b) Notwithstanding another law to the contrary, upon the parties attending counseling, a spouse to a covenant marriage may obtain a legal separation upon proof of any of the following:

(1) The other spouse has committed adultery;

(2) The other spouse has committed a felony and has been sentenced to death or continuous confinement;

(3) The other spouse has abandoned the matrimonial domicile for a period of one (1) year and repeatedly refuses to return;

(4) The other spouse has physically or sexually abused the spouse seeking the judgment of separation or a child of one (1) of the spouses;

(5) The spouses have been living separately and apart continuously without reconciliation for a period of two (2) years; or

(6) On account of habitual intemperance of the other spouse, or excesses, cruel treatment, or outrageous conduct of the other spouse, if such habitual intemperance, or such ill-treatment is of a nature as to render their living together insupportable.

36-3-206.

(a) Unless legally separated, spouses in a covenant marriage shall not sue each other, except for causes of action pertaining to:

(1) Contracts;

(2) Restitution of separate property;

(3) Legal separation in covenant marriages;

(4) Divorce;

(5) Declaration of nullity of the marriage;

(6) Spousal support; or

(7) Support or custody of a child while the spouses are living separately and apart, although not legally separated.

(b)

(1) A court that has jurisdiction over divorce proceedings has jurisdiction of an action for legal separation in a covenant marriage if:

(A) One (1) or both of the spouses are domiciled in this state and the ground for divorce was committed or occurred in this state or while the matrimonial domicile was in this state; or

(B) The ground for divorce occurred while either or both of the spouses were domiciled elsewhere, if the person obtaining the legal separation was domiciled in this state before the cause of action accrued and is domiciled in this state when the cause of action is filed.

(2) An action for a legal separation in a covenant marriage must be brought in a county where either party is domiciled or in the county of the last matrimonial domicile.

(3) The venue provided in this section must not be waived, and a judgment of separation rendered by a court of improper venue is void.

(c) Judgments on the pleadings and summary judgments must not be granted in an action for legal separation in a covenant marriage.

(d) In a proceeding for a legal separation in a covenant marriage, a court may award a spouse all incidental relief afforded in a proceeding for divorce, including spousal support, claims for contributions to education, child custody, visitation rights, child support, injunctive relief, and possession and use of a family residence.

36-3-207.

(a)

(1) A legal separation in a covenant marriage does not dissolve the bond of matrimony, because the separated husband and wife are not at liberty to marry again. A legal separation puts an end to the conjugal cohabitation of husband and wife, and to the common concerns, which existed between the husband and wife.

(2) Spouses who are legally separated in a covenant marriage must retain that status until either reconciliation or divorce.

(b)

(1) The judgment of a legal separation is retroactive to the date on which the original petition was filed in the action.

(2) Upon reconciliation of the spouses, the community must be reestablished between the spouses, as of the date of filing of the original petition in the action, unless the spouses execute prior to the reconciliation an agreement that the community must not be reestablished upon reconciliation, and this agreement does not require court approval.

SECTION 2. Tennessee Code Annotated, Section 36-3-103, is amended by adding the following new subsection:

(d) The clerk shall indicate on the marriage license whether the parties intend to enter into a covenant marriage.

SECTION 3. Tennessee Code Annotated, Section 36-3-104, is amended by adding the following new subsection:

(c) If the parties intend to contract a covenant marriage, then the application for a marriage license must include the following:

We, [name of intended husband] and [name of intended wife], do hereby declare our intent to contract a covenant marriage, and accordingly, have executed a declaration of intent which is attached.

SECTION 4. Tennessee Code Annotated, Section 36-4-101(a), is amended by deleting the language "The following are causes of divorce from the bonds of matrimony:" and substituting:

Except in the case of a covenant marriage, the following are causes of divorce from the bonds of matrimony:

SECTION 5. Tennessee Code Annotated, Section 36-4-102, is amended by adding the following new subsection:

(e) A spouse to a covenant marriage must not receive a divorce from a legal separation, except as provided in § 36-3-205.

SECTION 6. The secretary of state shall, before October 1, 2025, promulgate an informational pamphlet, entitled "Tennessee Covenant Marriage Act," which outlines the consequences of entering into a covenant marriage. The informational pamphlet must be made available to an ordained minister, religious priest or clergyman, or a licensed counselor who provides marriage counseling as provided for by this act.

SECTION 7. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 8. This act takes effect July 1, 2025, the public welfare requiring it.