

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1906

By: Representative Pilkington

For An Act To Be Entitled

AN ACT TO REPEAL AND AMEND CERTAIN PROVISIONS OF THE LAW CONCERNING GROUNDS FOR DIVORCE; TO REPEAL AND AMEND CERTAIN PROVISIONS OF THE LAW CONCERNING GROUNDS FOR DIVORCE AND SEPARATION UNDER THE COVENANT MARRIAGE ACT OF 2001; AND FOR OTHER PURPOSES.

Subtitle

TO REPEAL AND AMEND CERTAIN PROVISIONS OF THE LAW CONCERNING GROUNDS FOR DIVORCE; AND TO REPEAL AND AMEND CERTAIN PROVISIONS OF THE LAW CONCERNING GROUNDS FOR DIVORCE AND SEPARATION UNDER THE COVENANT MARRIAGE ACT OF 2001.

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

SECTION 1. Arkansas Code § 9-11-808(a)(4) and (5), concerning divorce or separation under the Covenant Marriage Act of 2001, are repealed.

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

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

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



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

SECTION 2. Arkansas Code § 9-11-808(b)(4), concerning divorce or separation under the Covenant Marriage Act of 2001, is repealed.

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

SECTION 3. Arkansas Code § 9-11-808, concerning grounds for divorce or separation under the Covenant Marriage Act of 2001, is amended to add an additional subsection to read as follows:

(c) Length of time of separation shall not be used as a grounds for divorce.

SECTION 4. Arkansas Code § 9-12-301(b)(5), concerning grounds for divorce, is repealed.

~~(5) When husband and wife have lived separate and apart from each other for eighteen (18) continuous months without cohabitation, the court shall grant an absolute decree of divorce at the suit of either party, whether the separation was the voluntary act of one (1) party or by the mutual consent of both parties or due to the fault of either party or both parties;~~

SECTION 5. Arkansas Code § 9-12-301, concerning grounds for divorce, is amended to add an additional subsection to read as follows:

(c) Length of time of separation shall not be used as a grounds for divorce.