

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1908

By: Representative Pilkington

For An Act To Be Entitled

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

Subtitle

TO AMEND THE LAW CONCERNING THE GROUNDS FOR DIVORCE; AND TO AMEND THE LAW CONCERNING THE GROUNDS FOR DIVORCE 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 amended to read as follows:

(4) The spouses have been living separate and apart continuously without reconciliation for a period of ~~two (2)~~ seven (7) years; or

(5)(A) The spouses have been living separate and apart continuously without reconciliation for a period of ~~two (2)~~ seven (7) 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)~~ seven (7) 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 § 9-12-301(b)(5), concerning grounds for divorce, is amended to read as follows:

(5) When husband and wife have lived separate and apart from each other for ~~eighteen (18)~~ seven (7) 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;