

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1906

5 By: Representative Pilkington
6

For An Act To Be Entitled

8 AN ACT TO REPEAL AND AMEND CERTAIN PROVISIONS OF THE
9 LAW CONCERNING GROUNDS FOR DIVORCE; TO REPEAL AND
10 AMEND CERTAIN PROVISIONS OF THE LAW CONCERNING
11 GROUNDS FOR DIVORCE AND SEPARATION UNDER THE COVENANT
12 MARRIAGE ACT OF 2001; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 TO REPEAL AND AMEND CERTAIN PROVISIONS OF
16 THE LAW CONCERNING GROUNDS FOR DIVORCE;
17 AND TO REPEAL AND AMEND CERTAIN
18 PROVISIONS OF THE LAW CONCERNING GROUNDS
19 FOR DIVORCE AND SEPARATION UNDER THE
20 COVENANT MARRIAGE ACT OF 2001.
21
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23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

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27 or separation under the Covenant Marriage Act of 2001, are repealed.

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

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

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



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

7
 8 SECTION 2. Arkansas Code § 9-11-808(b)(4), concerning divorce or
 9 separation under the Covenant Marriage Act of 2001, is repealed.

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

12
 13 SECTION 3. Arkansas Code § 9-11-808, concerning grounds for divorce or
 14 separation under the Covenant Marriage Act of 2001, is amended to add an
 15 additional subsection to read as follows:

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

18
 19 SECTION 4. Arkansas Code § 9-12-301(b)(5), concerning grounds for
 20 divorce, is repealed.

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

27
 28 SECTION 5. Arkansas Code § 9-12-301, concerning grounds for divorce,
 29 is amended to add an additional subsection to read as follows:

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