

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

Act 97 of 1999
SENATE BILL 111

4
5 By: Senator Webb
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For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE § 9-12-307 TO REQUIRE
10 THIRTY DAYS TO ELAPSE BEFORE A DECREE OF DIVORCE MAY
11 BE GRANTED ON THE GROUNDS OF WILLFUL DESERTION OR
12 CONTINUOUS SEPARATION FOR EIGHTEEN MONTHS; AND FOR
13 OTHER PURPOSES. "

Subtitle

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16 "AN ACT TO AMEND ARKANSAS CODE § 9-12-307
17 TO REQUIRE THIRTY DAYS TO ELAPSE BEFORE
18 A DECREE OF DIVORCE MAY BE GRANTED ON
19 THE GROUNDS OF WILLFUL DESERTION OR
20 CONTINUOUS SEPARATION FOR EIGHTEEN
21 MONTHS; AND FOR OTHER PURPOSES. "

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

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25 SECTION 1. Arkansas Code § 9-12-307 is amended to read as follows:

26 "9-12-307. Matters which must be proved.

27 (a) To obtain a divorce, the plaintiff must prove, but need not allege,
28 in addition to a legal cause of divorce:

29 (1) A residence in the state by either the plaintiff or defendant
30 for sixty (60) days next before the commencement of the action and a residence
31 in the state for three (3) full months before the final judgment granting the
32 decree of divorce.

33 (A) No decree of divorce, however, shall be granted until
34 at least thirty (30) days have elapsed from the date of the filing of the
35 complaint ~~except where the ground for divorce is willful desertion for one (1)~~
36 ~~year without reasonable cause or continuous separation for eighteen (18)~~

1 ~~months without cohabitation.~~

2 (B) Where personal service cannot be had upon the defendant
3 or where the defendant fails to enter his or her appearance in the action, no
4 decree of divorce shall be granted the plaintiff until the plaintiff has
5 maintained an actual residence in the State of Arkansas for a period of not
6 less than three (3) full months.

7 (2) That the cause of action and cause of divorce occurred or
8 existed in this state, or if out of the state, that it was a legal cause of
9 divorce in this state, the laws of this state to govern exclusively and
10 independently of the laws of any other state as to the cause of divorce.

11 (3) That the cause of divorce occurred or existed within five (5)
12 years next before the commencement of the suit.

13 (b) The word 'residence' as used in subsection (a) of this section is
14 defined to mean actual presence and upon proof of such, the party alleging and
15 offering the proof shall be considered domiciled in the state, and this is
16 declared to be the legislative intent and public policy of the State of
17 Arkansas."

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19 SECTION 2. All provisions of this Act of a general and permanent nature
20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
21 Revision Commission shall incorporate the same in the Code.

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23 SECTION 3. If any provision of this Act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the Act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 Act are declared to be severable.

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29 SECTION 4. All laws and parts of laws in conflict with this Act are
30 hereby repealed.

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36 APPROVED: 2/16/1999