

Frequently Asked Questions About Divorce



**Need an
Attorney?**

LibertyEllingtonLaw.com

**Hi, I'm LynMarie,
Attorney and
Super Small
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You may have
many questions
about getting a
divorce. Here are
some answers to
the most
commonly asked
questions.**

Considering A Divorce?

It can be a life changing event when a marriage dissolves and a divorce is on the horizon. Divorce is the legal dissolution of a marriage, usually by a court, or other competent body. It also deals with matters that occurred during the marriage, such as property acquired and care for any children.

Every divorce case is different, and the process for getting a divorce varies from state to state. For example, some states have specific residency requirements, others don't have any at all. Each state also has its own procedures regarding child custody, property distribution, and grounds for divorce.



Requirements for Divorce in Arkansas

- You or your spouse must be a resident of Arkansas for **at least 60 days** before filing for a divorce.
- Both you and your spouse must be residents of the state of Arkansas for **at least three months** prior to a court granting the divorce.
- Arkansas recognizes no-fault divorces as well as at-fault divorces.
- A no-fault divorce requires you and your spouse have been living separately for **at least 18 months**. A fault divorce must meet the required grounds for divorce such as adultery, cruel/inhumane treatment, the other spouse was convicted of a felony crime, your spouse was impotent prior to marriage and during the marriage, or your spouse was deemed incurably insane with commitment to an institution.
- Arkansas also recognizes covenant marriages. This is different from a traditional marriage, where the couple agrees to attend counseling prior to the marriage and limits grounds for a future divorce.
- Divorce proceedings will be held in the county that the complainant resides in.
- Divorce costs can vary depending on the circumstances of the divorce and the legal representation needed.

What is the Waiting Period For a Divorce in Arkansas?

The court does not grant divorces immediately after you file the paperwork. It will be **at least 30 days** before the court issues the divorce decree.

Can you receive Alimony in an Arkansas Divorce?

Alimony may be available in Arkansas for divorce proceedings if there is a variation of earning power between the parties. Judges have to consider many factors in determining if alimony should be awarded. Temporary alimony is available while the divorce is in progress if the judge believes it is warranted.

How Can I Get an Marriage Annulment in Arkansas?

Grounds for obtaining an annulment in Arkansas are very narrow. Courts may grant an annulment if the marriage is deemed the parties were too young to consent, were under coercion, unable to comprehend, or unable to

consummate the marriage. Both parties will be summoned to court, and the plaintiff must attend to prevent satisfactory evidence that the marriage should be annulled.

How is Child Custody decided in an Arkansas divorce?

The judge will consider a multitude of factors when it comes to deciding who has custody of the children. These include both parents' moral characters, parental past conduct with their children, the child's need for stability with their parents, and whether either parent has committed domestic violence. A judge may also take into account the children's own preferences.

What happens when the parties involved cannot agree on a Divorce Settlement?

When spouses cannot agree on issues leading to the end of the marriage, they will go to trial where a judge will resolve the disputes. This can delay the divorce procedure and may cost more financially. Where possible, spouses

should try to reach an agreement that is fair to both parties.

Can we agree to an out-of-court settlement in our Arkansas divorce?

You and your spouse may agree about how to handle the issues in your divorce at any point during the process. Courts strongly encourage settlements, and will consider the divorce uncontested if parties are in agreement on all matters.

Where can I get more information and help with my Arkansas divorce?

You can find divorce information and court forms on the [Arkansas Judiciary website](#).

If you need an Attorney, I am here to help. Contact my office to set up an appointment for an initial FREE consultation.



