



# Covenant Marriage Fact Sheet

## Introduction

This points out issues for you to think about and choices you will need to make. Every divorce starts with one person (the plaintiff) filing a complaint asking the court to grant a divorce decree. The person who files the complaint asking for the divorce is the plaintiff. The person who the divorce is filed against is the defendant.

## Filing

If your spouse does not want the divorce, then you must prove each of the things listed below in court and bring a witness or a written affidavit to prove your testimony about the grounds and residency at the final hearing. If you and your spouse agree to divorce, then you do not need to have a witness.

- you must have lived in Arkansas for 60 days before filing
- you must attend marital counseling
- you must state grounds
- the grounds must have happened within the last five years

## Grounds for Divorce and Separation

### Divorce

The grounds for divorce in a covenant marriage are stricter than in a normal marriage. You must prove that your spouse committed at least one of these grounds to get a divorce:

- adultery
- felony or serious crime
- physical or sexual abuse of one of your children
- living separate and apart from you for at least two years
- living separate and apart from you for at least two years and six months, if you have a child

Living separate and apart from you for at least one year, if you have a child and your spouse abused you or the child.

## Separation

The grounds for separation in a covenant marriage are stricter than in a normal marriage. You must prove that your spouse committed at least one of these grounds to get a separation:

- adultery
- felony or serious crime
- physical or sexual abuse of one of your children
- living separate and apart from you for at least two years
- constantly drinking alcohol for one year
- cruel and barbarous treatment that is a danger to your life
- general indignities that make it intolerable to continue being married

## Service

You must tell the defendant about the divorce and give the defendant the chance to respond.

You must follow the Arkansas Rules of Civil Procedure when telling the defendant of the divorce.

- a process server or deputy sheriff may personally give the summons and complaint to the defendant or the defendant may be served by certified mail
- if the whereabouts of the defendant is unknown, service by warning order may be used
- there are specific rules for serving a defendant who is in prison or serving in the military

Once the defendant is served, he or she generally has thirty days to file a written answer with the court. If the defendant does not file an answer, the court can grant the divorce without the defendant being present.

Many cases are settled by agreement of the parties. If the parties cannot agree, the judge will decide.



These are some of the issues decided in divorce cases:

- Which parent will the children live with?
- How often will the children be able to visit with the other parent?
- Will the children be able to move from the state?
- Who will pay for the children's medical and other expenses beyond child support?
- How should property and debts acquired during the marriage be divided?

The amount of child support is determined by the Arkansas Family Support Chart. Alimony or spousal support may be awarded based on the spouse's needs, the other's ability to pay, and the specific facts of the case.

Getting a divorce in Arkansas takes a minimum of thirty days from the date a complaint is filed. If there are several issues to be decided by the judge, the divorce may take much longer.

Once the judge issues the final divorce decree, you cannot get the terms changed just because you do not like it or change your mind. To change the final decree, a party must show that a material change in circumstances has happened since the filing of the decree. The divorce decree lists the rights and responsibilities of each person. If someone does not follow the decree, the other may file a motion for contempt. Only the judge can change the decree.

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*This fact sheet is a collaboration of the Center for Arkansas Legal Services and Legal Aid of Arkansas, Inc. These nonprofit organizations provide free legal assistance to eligible Arkansans who meet income, asset, and other guidelines. Legal assistance may also include advice and counsel, brief services, or full representation depending on the situation. For more information about civil legal aid in Arkansas, please visit [arlegalservices.org](http://arlegalservices.org). For information specific to Legal Aid of Arkansas, Inc., visit [arlegalaid.org](http://arlegalaid.org). Apply for services online or by calling 1-800-9-LAW-AID (1-800-952-9243).*

*The information and statements of law in this fact sheet should not be considered legal advice. This fact sheet is provided as a broad guide to help you understand how certain legal matters are handled in general. Courts may interpret the law differently. Before you take action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.*

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