

## **Index of Arkansas Marriage Laws:**

### **Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 2: License and Ceremony § 9-11-213**

(a) For the purpose of being registered and perpetuating the evidence thereof, marriage shall be solemnized only by the following persons: (1) The Governor; (2) Any former justice of the Supreme Court; (3) Any judges of the courts of record within this state, including any former judge of a court of record who served at least four (4) years or more; (4) Any justice of the peace, including any former justice of the peace who served at least two (2) terms since the passage of Arkansas Constitution, Amendment 55; (5) Any regularly ordained minister or priest of any religious sect or denomination; (6) The mayor of any city or town; (7) Any official appointed for that purpose by the quorum court of the county where the marriage is to be solemnized; or (8) Any elected district court judge and any former municipal or district court judge who served at least four (4) years. (b) (1) Marriages solemnized through the traditional rite of the Religious Society of Friends, more commonly known as Quakers, are recognized as valid to all intents and purposes the same as marriages otherwise contracted and solemnized in accordance with law. (2) The functions, duties, and liabilities of a party solemnizing marriage, as set forth in the marriage laws of this state, in the case of marriages solemnized through the traditional marriage rite of the Religious Society of Friends shall be incumbent upon the clerk of the congregation or, in his or her absence, his or her duly designated alternate.

### **Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 1: General Provisions § 9-11-101**

Marriage is considered in law a civil contract to which the consent of the parties capable in law of contracting is necessary.

### **Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 1: General Provisions § 9-11-102**

(a) Every male who has arrived at the full age of seventeen (17) years and every female who has arrived at the full age of sixteen (16) years shall be capable in law of contracting marriage. (b) (1) However, males and females under the age of eighteen (18) years shall furnish the clerk, before the marriage license can be issued, satisfactory evidence of the consent of the parent or parents or guardian to the marriage. (2) (A) The consent of both parents of each contracting party shall be necessary before the marriage license can be issued by the clerk unless the parents have been divorced and custody of the child has been awarded to one (1) of the parents exclusive of the other, or unless the custody of the child has been surrendered by one (1) of the parents through abandonment or desertion, in which cases the consent of the parent who has custody of the child shall be sufficient. (B) The consent of the parent may be voided by the order of a circuit court on a showing by clear and convincing evidence that: (i) The parent is not fit to make decisions concerning the child; and (ii) The marriage is not in the child's best interest. (c) There shall be a waiting period of five (5) business days for any marriage license issued under subdivision (b)(2) of this section. (d) If a child has a pending case in the circuit court, a parent who files consent under subsection (b) of this section shall immediately notify the circuit court, all parties, and attorneys to the pending case.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 1: General Provisions § 9-11-103**

(a) (1) If an application for a marriage license is made where one (1) or both parties are under the minimum age prescribed in § 9-11-102 and the female is pregnant, both parties may appear before a judge of the circuit court of the district where the application for a marriage license is being made. (2) Evidence shall be submitted as to: (A) The pregnancy of the female in the form of a certificate from a licensed and regularly practicing physician of the State of Arkansas; (B) The birth certificates of both parties; and (C) Parental consent of each party who may be under the minimum age. (3) Thereupon, after consideration of the evidence and other facts and circumstances, if the judge finds that it is to the best interest of the parties, the judge may enter an order authorizing and directing the county clerk to issue a marriage license to the parties. (4) The county clerk shall retain a copy of the order on file in the clerk's office with the other papers. (b) However, if the female has given birth to the child, the court before whom the parties are to appear, if satisfied that it would be to the best interests of all the interested parties and if all the requirements of subsection (a) of this section are complied with, with the exception of the physician's certificate as to the pregnancy, may enter an order authorizing and directing the county clerk to issue a marriage license as provided in subsection (a) of this section.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 1: General Provisions § 9-11-104**

In all cases in which the consent of the parent or parents or guardian is not provided, or there has been a misrepresentation of age by a contracting party, the marriage contract may be set aside and annulled upon the application of the parent or parents or guardian to the circuit court having jurisdiction of the cause.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 1: General Provisions § 9-11-105**

(a) The marriage of any male under the full age of seventeen (17) years and the marriage of any female under the full age of sixteen (16) years is voidable. (b) All marriages contracted prior to March 26, 1964, where one (1) or both parties to the contract were under the minimum age prescribed by law for contracting marriage are declared to be voidable only and shall be valid for all intents and purposes unless voided by a court of competent jurisdiction. (c) All marriages contracted between July 30, 2007, and April 2, 2008, in which one (1) or both parties to the contract were under the minimum age prescribed by law for contracting marriage are voidable only and are valid for all intents and purposes unless voided by a court of competent jurisdiction.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 1: General Provisions § 9-11-106**

(a) All marriages between parents and children, including grandparents and grandchildren of every degree, between brothers and sisters of the half as well as the whole blood, and between uncles and nieces, and between aunts and nephews, and between first cousins are declared to be incestuous and absolutely void. This section shall extend to illegitimate children and relations. (b) Whoever contracts marriage in fact, contrary to the prohibitions of subsection (a) of this section, and whoever knowingly solemnizes the marriage shall be deemed guilty of a misdemeanor and shall upon conviction be fined or

imprisoned, or both, at the discretion of the jury who shall pass on the case, or if the conviction shall be by confession, or on demurrer, then at the discretion of the court.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 1: General Provisions § 9-11-107**

(a) All marriages contracted outside this state that would be valid by the laws of the state or country in which the marriages were consummated and in which the parties then actually resided shall be valid in all the courts in this state. (b) This section shall not apply to a marriage between persons of the same sex.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 1: General Provisions § 9-11-108**

In all cases in which any husband abandons his wife, or a wife her husband, and resides beyond the limits of this state for the term of five (5) successive years, without being known to the other spouse to be living during that time, the abandoning party's death shall be presumed. Any subsequent marriage entered into after the end of the five (5) years shall be as valid as if the husband or wife were dead.

HISTORY: Rev. Stat., ch. 94, § 8; C. & M. Dig., § 7044; Pope's Dig., § 9024; A.S.A. 1947, § 55-109.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 1: General Provisions § 9-11-109**

Marriage shall be only between a man and a woman. A marriage between persons of the same sex is void.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 2: License and Ceremony § 9-11-201**

(a) All persons hereafter contracting marriage in this state are required to first obtain a license from the clerk of the county court of some county in this state. (b) On and after July 1, 1997, the county clerk shall record the social security numbers of the persons obtaining a marriage license on the marriage license application or the coupon for the marriage license. If an applicant does not possess a social security number, the clerk shall note this representation on the marriage license application or the coupon for the marriage license. (c) (1) The county clerk shall transmit social security numbers of marriage license applicants to the Bureau of Vital Statistics of the Department of Health. The clerk is not required to otherwise maintain or report the social security numbers of marriage license applicants. Compliance with the social security number reporting requirements of this section by the clerk of the county court shall be deemed to satisfy licensing entity reporting requirements under this section relative to marriage licenses. (2) The bureau shall allow the Office of Child Support Enforcement of the Revenue Division of the Department of Finance and Administration access to such social security information and on an automated basis to the maximum extent feasible.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 2: License and Ceremony § 9-11-202**

(a) The license may be in the following form: State of Arkansas, County of ..... To any person authorized by law to solemnize marriage: You are hereby commanded to solemnize the rites and publish

the bans of matrimony between A. B., age ..... years, and D. C., age ..... years, according to law, and officially sign and return this license to the parties herein named. Witness my hand and official seal, this ..... day of ....., 20..... [L. S.] A. B., County Clerk? (b) The party solemnizing the rites of matrimony shall endorse on the license his or her certificate of that fact in the following form: State of Arkansas, County of ..... ss I, A. B., do hereby certify that on the ..... day of ....., 20....., I did duly, and according to law as commanded in the foregoing license, solemnize the rites and publish the bans of matrimony between the parties herein named. Witness my hand this ..... day of ....., 20 ..... A. B., Justice of the Peace? (Or insert whatever title the party has, as minister, etc.) (c) If the parties intend to contract a covenant marriage, the application for a marriage license must also include the following statement completed by at least one (1) of the two (2) parties: "We, [insert name of spouse] and [insert name of spouse], declare our intent to contract a covenant marriage and accordingly have executed the attached declaration of intent."

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 2: License and Ceremony § 9-11-203**

(a) The clerks of the county courts of the several counties in this state are required to furnish the license upon: (1) Application's being made; (2) Being fully assured that applicants are lawfully entitled to the license; and (3) Receipt of his or her fee. (b) It shall be lawful for clerks of the circuit courts to issue marriage licenses in counties having two (2) judicial districts. (c) (1) In addition to the standard certificate of marriage issued under subsection (a) of this section, the county clerk shall offer and, upon payment of a fee established by regulation promulgated by the State Child Abuse and Neglect Prevention Board, issue an heirloom certificate of marriage. (2) (A) The board shall adopt regulations for the design of the heirloom certificate and shall print and distribute the certificates to each county clerk in this state. (B) (i) The board shall set the amount of the fee for the heirloom certificates to exceed the estimated actual costs for the development and distribution of the certificates but not to exceed the estimated fair market value of a comparable artistic rendition. (ii) The fee is in addition to any other fee established by law for the issuance of a certificate of marriage. (iii) The additional fees from the sale of heirloom certificates shall be transmitted monthly by the county clerk to the Treasurer of State for deposit into the State Treasury to the credit of the Children's Trust Fund. (3) (A) The heirloom certificate shall be in a form consistent with the need to protect the integrity of vital records and suitable for display. (B) It may bear the seal of the state and may be signed by the Governor. (4) An heirloom certificate of marriage issued under this subsection has the same status as evidence as the standard certificate of marriage issued under subsection (a) of this section. (5) Heirloom certificates may be issued for any marriage certificate issued at any time in this state, whether before or after August 13, 2001.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 2: License and Ceremony § 9-11-204**

If any county clerk in this state shall issue any license contrary to the provisions of this act, or to any persons who are declared by law as not entitled to the license, he or she shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 2: License and Ceremony § 9-11-205**

(a) No marriage license shall be issued by the clerks unless a notice of intention to wed shall have been signed by both of the applicants applying for the marriage license and filed with the county clerk where the license is obtained. (b) The notice shall state the name, age, and address of both parties desiring to wed. (c) The county clerk shall verify the age of both parties and may treat birth certificates as prima facie proof of age. (d) The notice of intention to wed referred to in this section shall be filed with the county clerk of the county where the marriage license is obtained. (e) The county clerk may destroy the notice of intention to wed one (1) year after the date of its issuance. (f) Upon the failure on the part of the county clerk or any other person to comply with the provisions of this section, he or she shall be adjudged guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). (g) No marriage shall be void for failure to comply with the provisions of this section. (h) If applicable, the notice of intention to wed shall contain the declaration of intent for a covenant marriage as provided in the Covenant Marriage Act of 2001, § 9-11-801 et seq.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 2: License and Ceremony § 9-11-206**

The fee prescribed by law for the issuance of the marriage license shall be paid to the clerk at the time the applicants apply for the marriage license and sign the notice of intention to wed.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 2: License and Ceremony § 9-11-207**

It shall be unlawful for any clerk who is authorized to issue marriage licenses to furnish or sell to any person or persons a license to marry at a time when either of the contracting parties is visibly under the influence of intoxicating drinks or under the influence of any kind of drugs. The parties applying for the license shall at the time be duly sober.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 2: License and Ceremony § 9-11-208**

(a) It shall be the declared public policy of the State of Arkansas to recognize the marital union only of man and woman. No license shall be issued to persons to marry another person of the same sex and no same-sex marriage shall be recognized as entitled to the benefits of marriage. (b) Marriages between persons of the same sex are prohibited in this state. Any marriage entered into by persons of the same sex, when a marriage license is issued by another state or by a foreign jurisdiction, shall be void in Arkansas, and any contractual or other rights granted by virtue of that license, including its termination, shall be unenforceable in the Arkansas courts. (c) However, nothing in this section shall prevent an employer from extending benefits to persons who are domestic partners of employees. (d) No license shall be issued to persons to marry unless and until the female shall attain the age of sixteen (16) years and the male the age of seventeen (17) years and then only by written consent by a parent or guardian until the male shall have attained the age of eighteen (18) years and the female the age of eighteen (18) years.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 2: License and Ceremony § 9-11-215**

(a) When marriages are solemnized by a minister of the gospel or priest, the ceremony shall be according to the forms and customs of the church or society to which he or she belongs. When solemnized by a civil officer, the form observed shall be the one the officer deems most appropriate. (b) It shall be lawful for religious societies who reject formal ceremonies to join together in marriage persons who are members of the society according to the forms, customs, or rites of the society to which they belong, with the exception that the requirements set forth in the Covenant Marriage Act of 2001, § 9-11-801 et seq., shall be complied with if the parties enter into a covenant marriage.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 2: License and Ceremony § 9-11-209**

(a) Any person applying for the license to marry another may introduce the parent or guardian of himself or herself or the other party, or the certificate of the parent or guardian duly attested, to prove to the satisfaction of the clerk that the parties to the marriage are of lawful age. (b) In case either or both of the parties to the marriage are not of lawful age, it shall be the duty of the clerk, before issuing the license to require the party applying therefor to produce satisfactory evidence of the consent and willingness of the parent or guardian of the party to the marriage which shall consist of either verbal or written consent thereto. (c) If there are any doubts in the mind of the clerk as to the evidence of the consent and willingness of the parent or guardian of the party applying for the license or if the clerk is in doubt as to the true age of the party so making application, the clerk may require the applicants to furnish a copy of their birth certificates as proof of lawful age or may require the parties to make affidavit to the genuineness of the consent granted or to the correctness of the ages given. The affidavit so made shall be filed in the clerk's office for public inspection.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 2: License and Ceremony § 9-11-210**

(a) Any person applying for a license under the provisions of this act shall be required to enter into bond to the State of Arkansas in the penal sum of one hundred dollars (\$100) for the use of and benefit of the general fund of the county to ensure that the parties applying have a lawful right to the license and that they will faithfully carry into effect and comply with the provisions of this act. (b) The bond shall be void when the license is duly returned to the office of the county clerk, duly executed and officially signed by someone authorized by law to solemnize the rites of matrimony.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 2: License and Ceremony § 9-11-211**

(a) (1) Upon written petition being filed with the county clerk of any county in this state, the county court, after hearing, may in its discretion waive by written order the requirement of bond, as prescribed by § 9-11-210, and the consent of parents, as required by §§ 9-11-102 -- 9-11-105. The court may authorize and direct the county clerk to forthwith issue a license to marry to any resident of this state who is on active duty with the armed forces of the United States of America or to any resident of this state to marry a person who is on active duty with the armed forces of the United States of America. (2) Nothing in this section is to be considered as reducing the statutory marriageable age of females not in the military service. (b) (1) The petition shall be signed and properly verified by both the parties seeking the license to marry and shall be styled "In the Matter of the Issuance of a Marriage License to a Member of the Armed Forces of the United States of America". (2) The petition shall set out the full

name and address of each party, the military serial number of the service man or woman, rank, and military organization to which he or she is attached. (3) The birth certificate of the nonservice man or woman shall be attached to the petition as an exhibit. (4) The parties shall personally appear before the court, and the service man or woman will appear in uniform and exhibit to the court his or her military identification card. (5) The parties will be required to execute the notice of intention to wed as prescribed by § 9-11-205 and file the notice with the county clerk. (c) The county courts of this state for the purpose of this section shall be open and in session during regular office hours.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 2: License and Ceremony § 9-11-212**

(a) If any person shall apply for and obtain a license to marry another, without first obtaining the consent of that party, the person shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100). The fines, when collected, shall be paid into the general fund of the county wherein the offense is tried. (b) The party so doing shall moreover be liable to the party injured in any sum that a court or jury of competent jurisdiction may adjudge for damages.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 2: License and Ceremony § 9-11-213**

(a) For the purpose of being registered and perpetuating the evidence thereof, marriage shall be solemnized only by the following persons: (1) The Governor; (2) Any former justice of the Supreme Court; (3) Any judges of the courts of record within this state, including any former judge of a court of record who served at least four (4) years or more; (4) Any justice of the peace, including any former justice of the peace who served at least two (2) terms since the passage of Arkansas Constitution, Amendment 55; (5) Any regularly ordained minister or priest of any religious sect or denomination; (6) The mayor of any city or town; (7) Any official appointed for that purpose by the quorum court of the county where the marriage is to be solemnized; or (8) Any elected district court judge and any former municipal or district court judge who served at least four (4) years. (b) (1) Marriages solemnized through the traditional rite of the Religious Society of Friends, more commonly known as Quakers, are recognized as valid to all intents and purposes the same as marriages otherwise contracted and solemnized in accordance with law. (2) The functions, duties, and liabilities of a party solemnizing marriage, as set forth in the marriage laws of this state, in the case of marriages solemnized through the traditional marriage rite of the Religious Society of Friends shall be incumbent upon the clerk of the congregation or, in his or her absence, his or her duly designated alternate.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 2: License and Ceremony § 9-11-214**

(a) No minister of the gospel or priest of any religious sect or denomination shall be authorized to solemnize the rites of matrimony in this state until the minister or priest has caused to be recorded his or her license or credentials of his or her clerical character in the office of the county clerk of some county in this state. The minister or priest must also have obtained from the clerk a certificate, under his or her hand and seal, that the credentials are duly recorded in his or her office. (b) It shall be the duty of a minister of the gospel or priest to add to the certificate of marriage required by law a statement setting forth the county where and the time when his or her license or credentials were so recorded. (c)

Any minister of the gospel, priest of any religious sect or denomination, or any person purporting to be such, who shall solemnize the rites of matrimony contrary to the provisions of this section, shall be deemed guilty of a misdemeanor. On conviction he or she shall be fined in any sum not less than one hundred dollars (\$100). (d) (1) It shall be the duty of the clerk and recorder in each county, seasonably to record, in a well-bound book to be kept for that purpose, all licenses or credentials of clerical character of the persons who deposit the licenses or credentials of clerical character with him or her for record. (2) Any clerk failing to comply with the provisions of this subsection shall, on motion of the party aggrieved, giving the clerk ten (10) days' notice in writing of the motion, be fined any sum not exceeding one hundred dollars (\$100).

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 2: License and Ceremony § 9-11-216**

(a) Any person who presumes to solemnize marriage in this state contrary to the provisions of this act shall be adjudged guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). (b) The fine imposed by subsection (a) of this section shall be paid when collected into the general fund of the county in which the offense was committed.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 2: License and Ceremony § 9-11-217**

(a) Any person who fails to officially sign and return any license to the parties at the time of the marriage shall be adjudged guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). (b) The fine imposed by subsection (a) of this section shall be paid when collected into the general fund of the county in which the offense was committed.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 2: License and Ceremony § 9-11-218**

(a) Any person obtaining a license under the provisions of this act shall be required to return the license to the office of the clerk of the county court within sixty (60) days from the date of the license. (b) (1) If the license is duly executed and officially signed by some person authorized by law to solemnize marriage in this state, the bond required by § 9-11-210 shall be deemed null and void. (2) Otherwise, it shall remain in full force and effect.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 2: License and Ceremony § 9-11-219**

If any person authorized to solemnize any marriage in this state shall willfully make a false return of any marriage or pretended marriage to the clerk and recorder, or if the clerk and recorder shall willfully make a false record of any return of a marriage license made to him or her, the offender shall be deemed guilty of a misdemeanor and on conviction shall be fined in any sum not less than one hundred dollars (\$100).

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 2: License and Ceremony § 9-11-220**

(a) Upon the return of any license officially signed as having been executed and that the parties therein named have been duly and according to law joined in marriage, the clerk issuing the license shall make a record thereof in the marriage record in his or her office. (b) The clerk shall immediately make out a certificate of the record, giving the names, date, book, and page, together with the name of the county and state, and attach the certificate to the license and return the license to the party presenting it. (c) The certificate shall be signed officially by the clerk and sealed with the county seal. (d) The circuit clerks in counties having two (2) judicial districts shall keep a record at the county site of each district in which marriage licenses shall be recorded. (e) (1) If a license has been returned and recorded by the clerk that contains clerical or scrivener's errors, the licensee may submit proof of the error to the circuit court in an ex parte proceeding. (2) The court, upon a finding of error, shall order the county clerk to correct the errors on the license. (3) The licensee shall not be charged a fee for filing a request to correct clerical or scrivener's errors. (f) On the face of the certificate shall appear the certification to the fact of marriage, including, if applicable, a designation that the parties entered into a covenant marriage signed by the parties to the marriage and the witnesses, and the signature and title of the officiant.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 2: License and Ceremony § 9-11-221**

The books of marriages and clerical credentials to be kept by the respective clerks and recorders and copies duly certified by the clerks and recorders shall be evidence in all the courts in this state.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 3: Marriage Contracts Generally § 9-11-30**

All marriage contracts whereby any estate, real or personal, is intended to be secured or conveyed to any person, or whereby the estate may be affected in law or equity, shall be in writing acknowledged by each of the contracting parties or proved by one (1) or more subscribing witnesses.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 3: Marriage Contracts Generally § 9-11-302**

Marriage contracts shall be acknowledged or proven before a court of record, before some judge or clerk of a court of record, or before any former judge of a court of record who served at least four (4) years, of the state in which the contract is made and executed, which acknowledgment or proof shall be taken and certified in the same manner as deeds of conveyance for lands are or shall be required by law to be acknowledged or proven.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 8: Covenant Marriage Act § 9-11-801**

This subchapter shall be known and may be cited as the "Covenant Marriage Act of 2001".

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 3: Marriage Contracts Generally § 9-11-303**

(a) Every marriage contract whereby any real estate is conveyed or secured shall be recorded with the certificate of proof or acknowledgment in the office of the clerk and recorder of every county in which any estate intended to be affected or conveyed shall be situated. (b) When a marriage contract is

deposited with the recorder of any county for record, it shall be deemed full notice to all persons of the contents thereof, as far as relates to real estate affected thereby in the county where it is deposited.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 3: Marriage Contracts Generally § 9-11-304**

No marriage contract shall be valid or affect property, except between the parties thereto and those who have actual notice thereof, until it shall be deposited for record with the clerk and recorder of the county where the real estate is situated.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 3: Marriage Contracts Generally § 9-11-305**

(a) Marriage contracts duly proved or acknowledged, certified, or recorded shall be received as evidence in any court of record of this state, without further proof of their execution. (b) When it shall appear to a court that any marriage contract duly acknowledged or proved and recorded is lost or is not in the power of the party wishing to use it, a copy duly certified under the hand and seal of the clerk and recorder may be received in evidence. (c) Neither the certificate of acknowledgment nor probate of any marriage contract, nor the record or transcript thereof, shall be conclusive, but may be rebutted.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 7: Validating Acts § 9-11-701**

(a) The acts and deeds of all persons acting for and in behalf of any county clerk in this state in the issuance of marriage licenses prior to January 26, 1945, whether the person was a duly and legally appointed deputy of the county clerk or not, are declared to be as legal and valid as if the licenses had been issued by the county clerk in person. (b) All marriages solemnized in this state prior to January 26, 1945, pursuant to a marriage license issued by a person other than the county clerk of the county wherein the license was issued or by the legally appointed deputy of the county clerk are declared to be valid. All the marriages shall be as binding and effectual as if the licenses had been issued by the county clerk of the county in person.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 7: Validating Acts § 9-11-702**

All marriage ceremonies performed by mayors in the State of Arkansas prior to June 12, 1947, are declared to be valid.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 7: Validating Acts § 9-11-703**

(a) Section 9-11-214(a) and (b) shall not apply to those ministers and priests who properly filed their credentials prior to February 18, 1947, according to the law as it existed at the time the credentials were filed. (b) Any marriage solemnized by any regularly ordained minister or priest of any religious sect or denomination in this state prior to February 18, 1947, is declared legal and valid, whether or not the minister or priest caused his or her license or credentials to be recorded as provided by § 9-11-214(a) and (b).

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 7: Validating Acts § 9-11-704**

(a) All marriages between persons authorized to contract marriage and solemnized prior to March 31, 1885, by any justice of the peace, or any other person authorized by law to solemnize the rites of matrimony, of any county in any other county in this state, and the persons afterwards lived together as husband and wife, are declared to be legal and their children legitimate. (b) All marriages so solemnized prior to March 31, 1885, by any justice of the peace, or any other person authorized by law to solemnize the rites of matrimony, of any county in any other county are legalized and made as binding between the married persons in every respect as if the rites of matrimony had been solemnized by a justice of the peace of the county where the marriage was solemnized.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 7: Validating Acts § 9-11-705**

All marriages solemnized by municipal court judges prior to July 20, 1987, are declared valid ab initio.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 7: Validating Acts § 9-11-706**

(a) It is the intent of this section to validate all marriages deemed void as a result of the decision of the Supreme Court in *Standridge v. Standridge*, 298 Ark. 494, 769 S.W.2d 12 (1989), whether occurring prior to or subsequent to November 14, 1989. (b) (1) All marriages heretofore or hereafter declared void because the parties had entered into an otherwise valid marriage after the rendition of a valid decree of divorce of either of the parties but before the entry for record of the decree are declared valid for all purposes. (2) All children born to any marriage declared valid by this section are deemed to be the legitimate children of both parents for all purposes. (3) All property rights, including, but not limited to, conveyances, inheritance, intestate succession, dower, curtesy, and all rights and duties between the parties themselves or third persons, are declared to be those of validly married persons. (c) This section shall apply to all marriages occurring both prior and subsequent to November 14, 1989.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 8: Covenant Marriage Act § 9-11-802**

As used in this subchapter: (1) "Authorized counseling" means marital counseling provided by: (A) (i) A priest; (ii) A minister; (iii) A rabbi; (iv) A clerk of the Religious Society of Friends; or (v) Any clergy member of any religious sect or a designated representative; (B) A marriage educator approved by the person who will perform the marriage ceremony; or (C) As defined by § 17-27-102: (i) A licensed professional counselor; (ii) A licensed associate counselor; (iii) A licensed marriage and family therapist; (iv) A licensed clinical psychologist; or (v) A licensed associate marriage and family therapist; and (2) "Judicial separation" means a judicial proceeding pursuant to § 9-11-809 that results in a court determination that the parties to a covenant marriage live separate and apart.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 8: Covenant Marriage Act § 9-11-803**

(a) (1) A covenant marriage is a marriage entered into by one (1) male and one (1) female who understand and agree that the marriage between them is a lifelong relationship. (2) Parties to a

covenant marriage will have received authorized counseling emphasizing the nature, purposes, and responsibilities of marriage. (3) Only when there has been a complete and total breach of the marital covenant commitment may a party seek a declaration that the marriage is no longer legally recognized. (b) (1) A man and a woman may contract a covenant marriage by declaring their intent to do so on their application for a marriage license as otherwise required under this chapter and executing a declaration of intent to contract a covenant marriage as provided in § 9-11-804. (2) The application for a marriage license and the declaration of intent shall be filed with the official who issues the marriage license.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 8: Covenant Marriage Act § 9-11-804**

(a) A declaration of intent to contract a covenant marriage shall contain all of the following: (1) A recitation signed by both parties to the following effect: "A COVENANT MARRIAGE We do solemnly declare that marriage is a covenant between a man and a woman who agree to live together as husband and wife for so long as they both may live. We have chosen each other carefully and disclosed to one another everything which could adversely affect the decision to enter into this marriage. We have received authorized counseling on the nature, purposes, and responsibilities of marriage. We have read the Covenant Marriage Act of 2001, and we understand that a covenant marriage is for life. If we experience marital difficulties, we commit ourselves to take all reasonable efforts to preserve our marriage, including marital counseling. With full knowledge of what this commitment means, we do hereby declare that our marriage will be bound by Arkansas law on covenant marriages, and we promise to love, honor, and care for one another as husband and wife for the rest of our lives."; (2) (A) An affidavit by the parties that they have received authorized counseling that shall include a discussion of the seriousness of covenant marriage, communication of the fact that a covenant marriage is a commitment for life, a discussion of the obligation to seek marital counseling in times of marital difficulties, and a discussion of the exclusive grounds for legally terminating a covenant marriage by divorce. (B) An attestation, signed by the counselor and attached to or included in the parties' affidavit, confirming that the parties received authorized counseling as to the nature and purpose of the marriage and the grounds for termination of the marriage and an acknowledgment that the counselor provided to the parties the informational pamphlet developed and promulgated by the Administrative Office of the Courts under this subchapter that provides a full explanation of the terms and conditions of a covenant marriage; and (3) (A) The signature of both parties witnessed by a notary; and (B) If one (1) of the parties is a minor, or both are minors, the written consent or authorization of those persons required under this chapter to consent to or authorize the marriage of minors. (b) The declaration shall consist of two (2) separate documents: (1) The recitation as set out in subdivision (a)(1) of this section; and (2) The affidavit with the attestation either included within or attached to the document. (c) The recitation, affidavit, and attestation shall be filed as provided in § 9-11-803(b).

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 8: Covenant Marriage Act § 9-11-805**

The following is the suggested form of the affidavit that may be used by the parties, notary, and counselor: STATE OF ARKANSAS COUNTY OF BE IT KNOWN THAT on this..... day of ....., ....., before me the undersigned notary, personally came and appeared: ..... and ..... who after being duly sworn by me, a notary, deposed and stated that: Affiants acknowledge that they have received premarital counseling from a priest, minister, rabbi, clerk of the Religious Society of Friends,

any clergyman of any religious sect, or a professional marriage counselor, which marriage counseling included: A discussion of the seriousness of covenant marriage; Communication of the fact that a covenant marriage is a commitment for life; The obligation of a covenant marriage to take reasonable efforts to preserve the marriage if marital difficulties arise; and That affiants both read the pamphlet entitled "Covenant Marriage Act" developed and promulgated by the Administrative Office of the Courts, which provides a full explanation of a covenant marriage, including the obligation to seek marital counseling in times of marital difficulties and the exclusive grounds for legally terminating a covenant marriage by divorce or divorce after a judgment of separation from bed or board. .... (Name of prospective spouse) ..... (Name of prospective spouse) ..... SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY OF ....., ..... NOTARY PUBLIC ATTESTATION The undersigned attests that the affiants did receive counseling from me as to the nature and purpose of marriage, which included a discussion of the seriousness of covenant marriage, communication of the fact that a covenant marriage is for life, and the obligation of a covenant marriage to take reasonable efforts to preserve the marriage if marital difficulties arise. .... Counselor?

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 8: Covenant Marriage Act § 9-11-806**

A covenant marriage shall be governed by all of the provisions of this title, except as otherwise specifically provided in this subchapter.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 8: Covenant Marriage Act § 9-11-807**

(a) A married couple, upon submission of a copy of its marriage certificate, which need not be certified, may execute a declaration of intent to designate its marriage as a covenant marriage to be governed by this subchapter. (b) This declaration of intent in the form and containing the contents required by subsection (c) of this section must be filed with the officer who issues marriage licenses in the county in which the couple is domiciled. (c) (1) A declaration of intent to redesignate a marriage as a covenant marriage shall contain all of the following: (A) A recitation by the parties as set out in § 9-11-804; (B) An affidavit by the parties as set out in § 9-11-805 that they have discussed their intent to designate their marriage as a covenant marriage with an authorized counselor that included a discussion of the obligation to seek marital counseling in times of marital difficulties and the exclusive grounds for legally terminating a covenant marriage by divorce; (C) An attestation signed by the counselor and attached to the parties' affidavit acknowledging that the counselor provided to the parties the informational pamphlet developed and promulgated by the Administrative Office of the Courts under this subchapter that provides a full explanation of the terms and conditions of a covenant marriage; and (D) The signature of both parties witnessed by a notary. (2) (A) The declaration shall contain two (2) separate documents: (i) The recitation; and (ii) The affidavit with the attestation either included within or attached to the document. (B) The recitation, affidavit, and attestation shall be filed as provided in subsection (b) of this section.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 8: Covenant Marriage Act § 9-11-808**

(a) Notwithstanding any other law to the contrary and subsequent to the parties' obtaining authorized counseling, a spouse to a covenant marriage may obtain a judgment of divorce only upon proof of any of

the following: (1) The other spouse has committed adultery; (2) The other spouse has committed a felony or other infamous crime; (3) The other spouse has physically or sexually abused the spouse seeking the divorce or a child of one (1) of the spouses; (4) The spouses have been living separate and apart continuously without reconciliation for a period of two (2) years; or (5) (A) The spouses have been living separate and apart continuously without reconciliation for a period of two (2) years from the date the judgment of judicial separation was signed; or (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) 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. (b) Notwithstanding any other law to the contrary and subsequent to the parties' obtaining authorized counseling, a spouse to a covenant marriage may obtain a judgment of judicial separation only upon proof of any of the following: (1) The other spouse has committed adultery; (2) The other spouse has committed a felony and has been sentenced to death or imprisonment; (3) The other spouse has physically or sexually abused the spouse seeking the legal separation or divorce or a child of one (1) of the spouses; (4) The spouses have been living separate and apart continuously without reconciliation for a period of two (2) years; or (5) The other spouse shall: (A) Be addicted to habitual drunkenness for one (1) year; (B) Be guilty of such cruel and barbarous treatment as to endanger the life of the other; or (C) Offer such indignities to the person of the other as shall render his or her condition intolerable.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 8: Covenant Marriage Act § 9-11-809**

(a) Unless judicially separated, spouses in a covenant marriage may not sue each other except for causes of action: (1) Pertaining to contracts; (2) For restitution of separate property; (3) For judicial separation in covenant marriages; (4) For divorce or for declaration of nullity of the marriage; and (5) For causes of action pertaining to spousal support or the support or custody of a child while the spouses are living separate and apart, although not judicially separated. (b) (1) Any court that is competent to preside over divorce proceedings has jurisdiction of an action for judicial separation or divorce in a covenant marriage if: (A) One (1) or both of the spouses are domiciled in this state and the ground for judicial separation or divorce in a covenant marriage was committed or occurred in this state or while the matrimonial domicile was in this state; or (B) The ground therefor occurred elsewhere while either or both of the spouses were domiciled elsewhere, provided the person obtaining the judicial separation was domiciled in this state prior to the time the cause of action accrued and is domiciled in this state at the time the action is filed. (2) An action for a judicial separation in a covenant marriage shall be brought in a county where either party is domiciled, or in the county of the last matrimonial domicile. (3) The venue provided in this section may not be waived, and a judgment of separation rendered by a court of improper venue is an absolute nullity. (c) Judgments on the pleadings and summary judgments shall not be granted in any action for judicial separation in a covenant marriage. (d) In a proceeding for a judicial separation in a covenant marriage or thereafter, a court may award a spouse all incidental relief afforded in a proceeding for divorce, including, but not limited to, spousal support, claims for contributions to education, child custody, visitation rights, child support, injunctive relief, and possession and use of a family residence or joint property.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 8: Covenant Marriage Act § 9-11-810**

(a) Judicial separation in a covenant marriage does not dissolve the bond of matrimony since the separated husband and wife are not at liberty to marry again, but it puts an end to their conjugal cohabitation and to the common concerns that existed between them. (b) Spouses who are judicially separated in a covenant marriage shall retain that status until either reconciliation or divorce.

**Arkansas Code - Title 9: Family Law - Subtitle 2: Domestic Relations - Chapter 11: Marriage - Subchapter 8: Covenant Marriage Act § 9-11-811**

(a) The Administrative Office of the Courts shall promulgate an informational pamphlet, entitled "Covenant Marriage Act of 2001", which shall outline in sufficient detail the consequences of entering into a covenant marriage. (b) The informational pamphlet shall be made available to any counselor who provides authorized counseling as provided for by this subchapter.