Table of Contents

CHAPTER 1. THE SOURCES OF FAMILY LAW IN ARKANSAS

§ 1:1 Prehistoric, territorial, and state history
§ 1:2 How marriage as we know it got that way: Anglo-Saxon customs, ecclesiastical canons, and civil law
§ 1:3 Amendment 80: Circuit courts' general jurisdiction merges law and equity and abolishes chancery
§ 1:4 Arkansas Amendment 83 and some Title 9 Sections held unconstitutional

CHAPTER 2. REPRESENTING YOUR CLIENT

§ 2:1 Representation and ethics
§ 2:2 Arkansas Rules of Professional Conduct
§ 2:3 Practical considerations
§ 2:4 Withdrawal from representation
§ 2:5 Continuing legal education
§ 2:6 IOLTA foundation
§ 2:7 Staying current
§ 2:8 Know thyself
§ 2:9 COVID-19 (Representing clients during a pandemic)
§ 2:10 Maintaining distance and objectivity

CHAPTER 3. MARRIAGE

§ 3:1 Marriage defined
§ 3:2 Age of consent
§ 3:3 The marriage ceremony
§ 3:4 Who may solemnize marriages
§ 3:5 Who may marry
§ 3:6 Covenant marriage
§ 3:7 No common-law marriage in Arkansas
§ 3:8 Void marriages
§ 3:9 Voidable marriages
§ 3:10 License requirement
§ 3:11 Prior existing marriage not dissolved
§ 3:12 Proxy marriage
§ 3:13 Sexual orientation and marriage
§ 3:14 Full faith and credit
§ 3:15 Sexual orientation repeals
§ 3:16 Staying Current

CHAPTER 4. DIVORCE, ANNULMENT, SEPARATE MAINTENANCE

§ 4:1 Grounds for limited or absolute divorce
§ 4:2 Grounds for covenant marriage limited or absolute divorce
§ 4:3 Matters which must be proved
§ 4:4 Condonation
§ 4:5 Corroboration of uncontested grounds
§ 4:6 Corroboration of contested grounds
§ 4:7 Annulment
§ 4:8 Separate maintenance
§ 4:9 Attorney's fees
§ 4:10 No federal jurisdiction

CHAPTER 5. JURISDICTION AND VENUE

§ 5:1 Jurisdiction—In general
§ 5:2 Venue—In general
§ 5:3 Divorce
§ 5:4 Race to the courthouse in cases of divorce
§ 5:5 Paternity
§ 5:6 Adoption
§ 5:7 Child custody
§ 5:8 Temporary emergency jurisdiction
§ 5:9 Declining jurisdiction
§ 5:10 Continuing jurisdiction
§ 5:11 Failure to prosecute

CHAPTER 6. PLEADINGS AND PROCESS

§ 6:1 Service of process according to rules
§ 6:2 Service of process by waiver
§ 6:3 Attorney responsibility for investigation
§ 6:4 Amendments liberally allowed
§ 6:5 Pleadings generally
§ 6:6 Special proceedings
§ 6:7 Electronic filing
§ 6:8 Post-appeal process

CHAPTER 7. DOMESTIC ABUSE

§ 7:1 Domestic Abuse Act of 1991
§ 7:2 Verified petition
§ 7:3 Venue
§ 7:4 Service
§ 7:5 Who may be protected

§ 7:6 Available relief
§ 7:7 Duration of relief
§ 7:8 Burden of proof
§ 7:9 Violations and penalties
§ 7:10 Appeals
§ 7:11 Enforcement of out of state orders
§ 7:12 Additional resources

CHAPTER 8. CUSTODY AND VISITATION

§ 8:1 Awarding custody
§ 8:2 Burden of proof
§ 8:3 Presumptions
§ 8:4 Parental Kidnapping Prevention Act
§ 8:5 Uniform Child Custody Jurisdiction Enforcement Act
§ 8:6 Relocation out of state
§ 8:7 Visitation rights of parents
§ 8:8 Visitation rights of siblings, grandparents, great-grandparents
§ 8:9 Joint custody
§ 8:10 Custody of children born to same-sex couples and transgendered parents
§ 8:11 Supervised visitation
§ 8:12 International Child Abduction Prevention Act
§ 8:13 Missing child records
§ 8:14 Uniform Deployed Parents Custody and Visitation Act
§ 8:15 Attorney Ad Litems (AAL)

CHAPTER 9. CHILD SUPPORT AND ALIMONY

§ 9:1 Calculation of family support owed
§ 9:2 Administrative Order No. 10 (Amended Version, after October 6, 2022)
§ 9:3 Modification of previous orders
§ 9:4 Interest
§ 9:5 Non-payment
§ 9:6 Termination of child support
§ 9:7 Standing in child support cases
§ 9:8 Alimony
§ 9:9 Centralized clearinghouse
§ 9:10 Abatement and overpayments
§ 9:11 Uniform Interstate Family Support Act (UIFSA)

CHAPTER 10. PROPERTY AND DEBT DIVISION

§ 10:1 Marital and non-marital property

§ 10:2 Premarital agreements
§ 10:3 When experts are needed
§ 10:4 Social security benefits
§ 10:5 Retirement benefits, pensions and Qualified Domestic Relations Orders
§ 10:6 Effect of fraud on spouse
§ 10:7 Debt division
§ 10:8 Fairness
§ 10:9 Tax considerations
§ 10:10 Bankruptcy
§ 10:11 Intangible digital assets and cash apps

CHAPTER 11. DISCOVERY

§ 11:1 General guidelines
§ 11:2 Interrogatories
§ 11:3 Requests for production of documents and entry upon land
§ 11:4 Requests for admission of facts
§ 11:5 Depositions
§ 11:6 Rule 35 motion for examination
§ 11:7 Subpoenas
§ 11:8 What can go wrong
§ 11:9 Privileges and right to remain silent

CHAPTER 12. MEDIATION

§ 12:1 Mediation defined
§ 12:2 Arkansas ADR commission
§ 12:3 Finding a certified mediator
§ 12:4 Access and visitation program
§ 12:5 Becoming a certified mediator
§ 12:6 Liability of mediators

CHAPTER 13. SETTLEMENT AGREEMENTS

§ 13:1 Benefits of settlement agreements
§ 13:2 Some provisions not binding on courts
§ 13:3 Drafting
§ 13:4 Qualified Domestic Relations Orders
§ 13:5 Equal or unequal distribution of property
§ 13:6 Comingling of non-marital funds
§ 13:7 Recitations
§ 13:8 Characterization of payments
§ 13:9 To merge or not to merge, that is the question
§ 13:10 Be sure to get it in writing carefully

CHAPTER 14. DIVORCE DECREES

§ 14:1 Minimum waiting periods
§ 14:2 Matters of proof
§ 14:3 Corroboration
§ 14:4 Grounds
§ 14:5 Provisions for property and debt division
§ 14:6 Custody and visitation
§ 14:7 Support
§ 14:8 Change of name
§ 14:9 Finality
§ 14:10 Modification
§ 14:11 Attorney's fees
§ 14:12 Contempt

CHAPTER 15. THE JUVENILE CODE

§ 15:1 Objectives of the Juvenile Code
§ 15:2 Exclusive original jurisdiction
§ 15:3 Concurrent jurisdiction
§ 15:4 Protecting privacy

CHAPTER 16. ABUSED, NEGLECTED, DEPENDENT CHILDREN

§ 16:1 Definitions of abuse, neglect, dependency
§ 16:2 The Child Maltreatment Act: Child abuse reporting
§ 16:3 Probable cause hearings
§ 16:4 Adjudication
§ 16:5 Disposition
§ 16:6 Removing a juvenile from home
§ 16:7 Hearings, reports, reviews, and case closure
§ 16:8 Permanency planning
§ 16:9 Termination of parental rights
§ 16:10 *Parent v. Putative father*
§ 16:11 Rights of foster parents
§ 16:12 Ad litem program
§ 16:13 Court appointed special advocates
§ 16:14 Division of Children and Family Services of the Arkansas Department of Human Services
§ 16:15 Emancipation

CHAPTER 17. FAMILIES IN NEED OF SERVICES

§ 17:1 Definition
§ 17:2 Family services defined

§ 17:3 Dispositions available
§ 17:4 FINS jurisdiction not forever
§ 17:5 New laws and services

CHAPTER 18. PERMANENCY PLANNING

§ 18:1 In general
§ 18:2 No permanency plan hearing necessary

CHAPTER 19. TERMINATION OF PARENTAL RIGHTS

§ 19:1 Termination overview
§ 19:2 The drastic remedy
§ 19:3 No timely rehabilitation equals termination

CHAPTER 20. DELINQUENCY

§ 20:1 Definitions
§ 20:2 Diversions
§ 20:3 Burden of proof, etc.
§ 20:4 Detention hearings
§ 20:5 Adjudication
§ 20:6 Disposition
§ 20:7 Transfers and extended juvenile jurisdiction
§ 20:8 Interrogations and confessions

CHAPTER 21. PATERNITY

§ 21:1 Who may petition for a determination
§ 21:2 DNA testing
§ 21:3 Acknowledgment of paternity
§ 21:4 Putative father registry
§ 21:5 Custody, support, visitation

CHAPTER 22. ADOPTION

§ 22:1 General provisions
§ 22:2 Types of adoptions
§ 22:3 Jurisdiction and venue
§ 22:4 Privacy considerations
§ 22:5 Revised Uniform Adoption Act
§ 22:6 Consent to adoption
§ 22:7 Child Welfare Agency Licensing Act
§ 22:8 Voluntary adoption registry
§ 22:9 Streamlined adoptions
§ 22:10 Records and files must be kept for 99 years
§ 22:11 Initiated Act 1

§ 22:12 Re-homing of an adopted minor

CHAPTER 23. REPRODUCTIVE TECHNOLOGY

§ 23:1 Advances in fertility treatments
§ 23:2 Surrogacy
§ 23:3 ABA Model Act and other resources

CHAPTER 24. GUARDIANSHIPS

§ 24:1 Guardians generally
§ 24:2 Who may and may not be a guardian
§ 24:3 Petition and notices
§ 24:4 Guardianships of incompetent adults
§ 24:5 Guardianships of minors
§ 24:6 Bond and letters of guardianship
§ 24:7 Temporary appointments in emergencies
§ 24:8 Standby guardians
§ 24:9 Annual accounting
§ 24:10 Arkansas Subsidized Guardianship Act
§ 24:11 Uniform Veterans' Guardianship Act
§ 24:12 Conservatorships
§ 24:13 The public guardian for adults
§ 24:14 Termination of guardianships
§ 24:15 Other statutory remedies

CHAPTER 25. MINORS AND FINANCIAL RESOURCES

§ 25:1 General provisions regarding minors
§ 25:2 Uniform Transfers to Minors Act
§ 25:3 Uniform Securities Ownership by Minors Act
§ 25:4 Fiduciary duties of custodians
§ 25:5 Internet resource

CHAPTER 26. DOMESTIC PARTNERSHIPS

§ 26:1 Cohabiting couples
§ 26:2 Same-sex intimate relationships
§ 26:3 Domestic partnership registry

CHAPTER 27. CHANGING NAMES

§ 27:1 Changing names
§ 27:2 Effect of name change
§ 27:3 Changing the name of a child
§ 27:4 Name change incident to divorce

§ 27:5 Name change incident to adoption
§ 27:6 Obtaining state identification cards

CHAPTER 28. INTERSTATE AND INTERNATIONAL CONSIDERATIONS

§ 28:1 Uniform Interstate Family Support Act
§ 28:2 Uniform Child Custody Jurisdiction and Enforcement Act
§ 28:3 Interstate Compact for Juveniles
§ 28:4 Interstate Compact on the Placement of Children
§ 28:5 Interstate Compact on Adoption and Medical Assistance
§ 28:6 Interstate Compact on Mental Health
§ 28:7 Interstate compact on educational opportunity for military children
§ 28:8 The Hague Convention
§ 28:9 International Child Abduction Remedies Act (ICARA)
§ 28:10 Indian Child Welfare Act (ICWA)

CHAPTER 29. APPEALS

§ 29:1 Appeals—In general
§ 29:2 Notice of appeal and other requirements
§ 29:3 Time considerations: beware 21 days in dependency-neglect cases
§ 29:4 Constitutional questions
§ 29:5 Standards of review
§ 29:6 Changes in filing requirements—Electronic filings and Cover Sheets
§ 29:7 Extraordinary remedies—Writs
§ 29:8 From Justice Scalia's advice for persuasion
§ 29:9 Advice for appellate advocacy
§ 29:10 Just good advocacy to ensure a good record

CHAPTER 30. FORMS

§ 30:1 Caution—Only suggestions

A. INTERNAL OFFICE FORMS

§ 30:2 Intake form
§ 30:3 Contract for legal services—Flat fee
§ 30:4 —Hourly
§ 30:5 Divorce case questions
§ 30:6 Medical release
§ 30:7 Waiver of formal discovery

§ 30:8 Identification block
§ 30:9 Verification
§ 30:10 Certificate of service

B. PLEADINGS

§ 30:11 Petition for ex-parte temporary order of protection and petition for order of protection
§ 30:12 Ex parte temporary order of protection
§ 30:13 Final order of protection
§ 30:14 Notice of Hearing on Petition for Order of Protection
§ 30:15 General Entry of Appearance
§ 30:16 Summons in a domestic relations case
§ 30:17 Notice and service acknowledgment
§ 30:18 Warning order
§ 30:19 Affidavit for warning order
§ 30:20 Probate summons
§ 30:21 Notice of rights—Adult
§ 30:22 Caption in a guardianship case
§ 30:23 Notice of filing of petition for guardianship
§ 30:24 Petition for guardianship
§ 30:25 Order on petition for guardianship
§ 30:26 Acceptance of guardian
§ 30:27 Letters of guardianship
§ 30:28 Guardian's annual report
§ 30:29 Caption in an adoption case
§ 30:30 Notice of filing of petition for adoption
§ 30:31 Petition for adoption
§ 30:32 Consent to adoption
§ 30:33 Decree of adoption
§ 30:34 Paternity complaint
§ 30:35 Paternity acknowledgment judgment
§ 30:36 Form voluntary acknowledgment of paternity
§ 30:37 Order establishing paternity
§ 30:38 Confidential Information Sheet
§ 30:39 Cover Sheet
§ 30:40 Caption in a domestic relations case
§ 30:41 Complaint for divorce
§ 30:42 Example standing order
§ 30:43 Answer to complaint for divorce
§ 30:44 Answer to complaint and counterclaim for divorce
§ 30:45 Letter to pro se defendant
§ 30:46 Pro se appearance and waiver
§ 30:47 Example standard visitation

§ 30:48 Affidavit of financial means and Child Support Worksheet
§ 30:49 Property settlement agreement
§ 30:50 Qualified domestic relations order
§ 30:51 Decree of divorce
§ 30:52 Decree of annulment
§ 30:53 Motion to withdraw from representation
§ 30:54 Notice of motion
§ 30:55 Notice of hearing on motion
§ 30:56 Contempt motion for rule to show cause
§ 30:57 Order to Show Cause
§ 30:58 Petition for name change
§ 30:59 Order for change of name

C. DISCOVERY

§ 30:60 Subpoena
§ 30:61 Notice of deposition
§ 30:62 Notice of service of interrogatories, etc
§ 30:63 Interrogatories and request for production
§ 30:64 Request for admissions of fact
§ 30:65 Motion for drug testing, mental evaluation

D. CONSTITUTIONAL CHALLENGES

§ 30:66 Notice to Arkansas Attorney General
§ 30:67 Letter Providing Notice to Arkansas Attorney General

E. APPEALS

§ 30:68 Notice of appeal
§ 30:69 Certificate of Compliance with Administrative Order No. 19
§ 30:70 Motion for rule on the clerk
§ 30:71 Supreme Court opinion regarding Rule 5.2

APPENDICES

Appendix A. Arkansas Code Annotated
Appendix B. Arkansas Rules of Professional Conduct
Appendix C. Supreme Court of Arkansas
Appendix D. Administrative Order No. 10, Family Support Charts and Affidavit of Financial Means

Table of Laws and Rules

Table of Cases

Index