



Uncontested Divorce in Arkansas

Frequently, spouses are in agreement about the dissolution of their marriage. This generally occurs when both spouses agree to the filing of the complaint for divorce, and have come to terms on the agreed division of the property, as well as the agreed custody of the children as applicable. This is typically the best scenario for a cordial resolution of a marriage and civil divorce action. This saves time as well as attorney's fees since issues in the divorce case do not have to be contested but rather are agreed to and memorialized into a final decree of divorce. There's no need to present any evidence to the court other than the agreement by the parties and prove up the plaintiff's residency and pleading requirements.

In a typical uncontested divorce case, the agreed divorce petition is filed along with a waiver of service on the part of the other spouse or defendant. This allows for the expedited completion of the service requirement. However, from the time of the filing of the complaint for divorce, the parties must still wait for the standard 30 day "cooling off" period before a court of law will be able to sign off on a divorce decree.

It may not be necessary for both parties to appear in court for an uncontested divorce if all necessary documents and waivers are duly executed in advance. Should a final hearing be required, the party taking the divorce along with a witness that can verify residency will be required to put basic evidence regarding but not limited to : residence in Arkansas, residence in the county of filing, agreement as to the terms of the final decree, and that the spouses do not expect to reconcile. Once this short evidentiary hearing is held, the court will typically sign off on the final decree.

*Note, certain Arkansas courts allow you take a divorce on written interrogatories in which case neither party will have to appear in court assuming all necessary documents and waivers are executed in advance.

If you and your spouse are in agreement to a divorce, and agree to the terms of the divorce, then contact one of our divorce attorneys or family law attorneys to discuss the options of filing for an uncontested divorce.

Warning: Despite the simplicity of an uncontested divorce, there are still many pitfalls and procedural requirements for uncontested divorces in Arkansas. Online forms and pre-filled forms typically do not work a lot of the time, and most often, the court admonishes the pro se petitioner to seek legal counsel, even on uncontested divorces. Contact an experienced Arkansas divorce attorney or lawyer today. The divorce attorneys and lawyers at the Schmidt Law Firm are experienced in handling uncontested divorces from the simplest case to the complex high net worth or large marital property divorces.

Disclaimer

Please note that the above information is not intended to serve as legal advice. Further, contacting us and sending information to us via our website does not create an attorney-client relationship. Please do not send any confidential information to us until such time as an attorney-client relationship has been established with our law firm. Should you desire to discuss your case with one of our attorneys, please contact us.