

Handwritten - Census 1977
ARK. Women, 1977

HANDBOOK ON LEGAL RIGHTS FOR ARKANSAS WOMEN



Handbook
ON
Legal Rights
FOR
Arkansas Women

AUTHORS:

Carolyn Armbrust
Ellen Brantley
Terry Kirkpatrick
Hillary Rodham
Pam Walker

a project of the

**Governor's Commission
on the Status of Women**

Harryette Dorchester, Chair

Copyright September 1977

Governor's Commission
on the Status of Women

Room 011, State Capitol
Little Rock, Arkansas 72201

For additional copies, contact
The Governor's Commission on the Status of Women
Room 011, State Capitol
Little Rock, Arkansas 72201

Printed by the

Union National Bank

of Little Rock

as a public service

with the special assistance of Elizabeth Brooks

Copy preparation by the

Arkansas Press Women

with the special assistance of Deborah Mathis

Cover Design by Karen Miller (APW)

Drawing by George Fisher

Contents

SUBJECT	PAGE
Abortion.....	1
Abuse.....	1
Citizenship.....	2
Credit.....	3
Criminal Laws.....	4
Divorce.....	6
Education.....	8
Employment.....	9
Marriage.....	11
Parenthood.....	13
Property and Inheritance.....	14
Social Security.....	17
Directory of Services.....	19

Abortion

Q. Are abortions legal in Arkansas?

A. Yes. The United States Supreme Court ruled that the constitution's guarantee of the right of privacy included a woman's decision to seek an abortion. The Arkansas Criminal Code contains penalties and requirements for abortion in Ark. Stat. Ann. Sec. 41-2551-2560, but these have been challenged in a recent lawsuit and appear to be unconstitutional.

Q. Where may a woman obtain a legal abortion?

A. First, ask your regular physician. Many doctors in Arkansas have been performing abortions since 1973. If your doctor does not perform abortions, he or she may be able to recommend a doctor who does. If not, there are several abortion and problem pregnancy referral agencies in the state that will recommend a clinic or doctor and offer counseling and any other help. Some doctors perform abortions in their clinics by a suction device. This is only for very early pregnancies. It cuts down on expenses and the woman is able to resume her normal activities shortly afterward.

Q. How much does it cost to get an abortion?

A. Costs vary, depending on whether the abortion is performed on an out-patient basis or in a hospital. Doctors' charges vary also.

Abuse

Q. Does a man have a "right" to abuse his spouse?

A. No. Criminal penalties apply to physical attacks, regardless of whether the attacker is married to the victim. Often, however, law enforcement officials are reluctant to interfere in domestic quarrels and arrest an abusing husband.

Q. If a wife calls the police after a beating, will they arrest her husband immediately when they arrive?

A. Usually not. If the injuries are serious enough for a man to be arrested for a felony, the police will arrest him; but, if not, they usually only advise the parties on their rights.

Q. What should a woman do if her husband beats her?

A. If she wants him arrested, she should go to the local prosecuting attorney's office and tell him what happened, and that she wants to swear out an arrest warrant. The prosecutor usually will agree to that action; however, a private attorney may be helpful in obtaining the warrant. Then the husband will be arrested and put in jail. He has the right to be bailed out and may be able to arrange a quick release. When his trial does come up, his wife generally must testify against him.

Q. Are there any other alternatives?

A. Very few. A wife may file for divorce and request the judge to issue a restraining order to keep her husband away. Restraining orders have to be enforced by calls to the police. Many judges do not enforce violations. There also are several agencies that offer counseling to abusers and victims to help solve problems that are causing the beatings. One group in Little Rock, Advocates for Battered Women, is trying to set up a "safe-house" to which women can come and bring their children. The group will refer women to counselors or attorneys for advice.

Citizenship

Q. Are women eligible for jury duty?

A. Yes. Although the Arkansas Constitution provides that women shall not be compelled to serve on juries, the United States Supreme Court has ruled that women cannot be excluded from performing this civic duty solely on the basis of their sex.

Q. Is a woman entitled to hold public office?

A. Yes. Naturally, she must meet all of the other qualifications, such as age and residency.

Q. What requirements must be met before a woman can vote in Arkansas?

A. To vote in local or state elections, she must be a United States citizen, be eighteen (18) years or older, and have lived in the state for twelve (12) months, the county for six (6) months, and the precinct, town or ward one (1) month. If she wants to vote in a national election, she must have lived in the state for thirty (30) days and be registered to vote for twenty (20) days before the election.

Q. If a woman is convicted of a crime, does she lose her right to vote?

A. Any person who has been convicted of a felony and has either completed her sentence or has been pardoned may re-register to vote with the appropriate county clerk.

Q. Must a woman indicate her marital status when she registers to vote?

A. No. A federal court has held that a designation of marital status is irrelevant as far as a person's qualification to vote. Therefore, she cannot be required to use "Miss" or "Mrs." if she does not want to do it. She may register with "Ms." or without any designation at all.

Q. Is a married woman required to use her husband's surname when she registers to vote?

A. An Arkansas woman may use any name she wishes if she does not intend to use it for fraudulent purposes. So, a woman should register to vote under the name she uses.

Q. At what age do women reach majority?

A. Under a recent United States Supreme Court decision, the legal age of majority must be the same for men and women. Both men and women reach majority at the age of eighteen (18) in Arkansas for all purposes except for the purchase and consumption of alcoholic beverages.

Q. At what age may a woman make a contract?

A. As soon as a woman is considered an adult, at the age of eighteen (18), she may make a binding contract. Minors below the age of eighteen (18) may make binding contracts in the following areas: necessities of life; loans for higher education, and stock investments. If a minor disaffirms a contract, all money or property received because of it must be returned.

Q. Is a woman restricted in her right to establish her own legal residence (called a "domicile") because of sex or marital status?

A. No. A woman, under Arkansas law, may establish separate domicile in Arkansas even though married to someone domiciled in another state.

Credit

Q. Is a woman entitled to receive credit?

A. Yes. The Equal Credit Opportunity Act forbids discrimination in credit on the basis of sex or marital status.

Q. If a woman is married, can she establish credit in her own name?

A. Yes. A creditor cannot refuse to give a woman a separate account, if she requests it and is credit worthy. In fact, if she applies for an account in her own name, a creditor cannot inquire about her marital status, and cannot request or consider information about her husband except if he will be using the account, be responsible for paying it, or if she is relying on his income or property in requesting the credit.

Q. If a wife and husband apply for credit together, does her income count?

A. Yes. In a joint application, the creditor cannot discount her income because of her sex, ask about child-bearing plans or assume she will drop out of the labor market and lose her income.

Q. If a wife and husband have credit jointly, how can she establish a credit history?

A. She may request that a creditor report the credit history of her joint account to credit bureaus in both names. This will be done automatically on all joint accounts opened after June 1, 1977. Additionally, a creditor must consider the history of any joint account if a woman requests that and can show it reflects her credit experience.

Q. Can a woman's credit rating be hurt by a bad record on a joint account with her husband?

A. If she can show that the unfavorable credit history of an account she shared with her husband, or former husband, does not reflect accurately her willingness or ability to pay, a creditor cannot consider it in evaluating her request for credit.

Q. What can a woman do if she is denied credit?

A. If she requests them, the reasons for denying credit must be given to her. If she believes she was discriminated against, she may file a complaint with the Federal Trade Commission. She also may file suit in federal court against the creditor for actual damages and for punitive damages up to \$10,000.

Q. How can a woman find out her credit rating?

A. A credit bureau must allow her to inspect her file if she requests to do so. If she wishes, she may place a statement in the file contesting any inaccurate information.

Criminal Laws

Q. Are there any Arkansas criminal laws that can apply only to women?

A. No. The Arkansas Criminal Code defines those who may be charged with the commission of any crime as "persons."

Q. Does this mean a woman may be charged with rape?

A. Yes. The Arkansas Criminal Code defines the crime as engaging in sexual intercourse or deviate sexual activity by forcible compulsion.

Q. Are there any defenses available only to women under the Arkansas Criminal Code?

A. No. Before 1976, a wife was not held responsible for committing certain crimes if she could prove that her husband made her commit the act. Now, the defense of duress is available to men and women, without any special rule for marital coercion.

Q. What is the difference between a "felony" and a "misdemeanor"?

A. A felony is a serious crime, punishable by a fine of more than \$1,000, or being held in the state prison for a period greater than one (1) year, or both. Some felonies are punishable by death. A misdemeanor is punishable by a fine of up to \$1,000, being held in the county or city jail for a period less than one (1) year, or both.

I cannot say that I think you are very generous to the ladies, for whilst you are proclaiming peace and good will to men, emancipating all nations, you insist upon retaining an absolute power over wives.

Q. What is the husband-wife privilege?

A. This rule of evidence means that any communication between spouses is made privately and is not intended for disclosure to another. If either the husband or the wife is accused in a criminal action, the accused spouse may prevent the other from testifying about the contents of the communication. The rule does not apply when one spouse is charged with a crime against the person or property of (1) the other spouse; (2) the couple's children or a child of either; or (3) a person residing in the household of either.

Q. When a woman is testifying in court against a person who is charged with raping her, can evidence of her prior sexual conduct be introduced?

A. Generally, this type of testimony no longer is allowed in Arkansas in any case dealing with sexual misconduct. A person can be asked about prior sexual activity only after the trial court has held a private hearing to determine whether such evidence should be admitted.

Q. Are those who solicit the services of a prostitute committing a crime?

A. Yes. Both the crime of prostitution and patronizing a prostitute are misdemeanors. Because each crime defines the actor as "person", women or men may be charged with either crime.

Q. Is it a crime for a man to fail to support his wife and children?

A. The crime of nonsupport applies to both men and women. It provides that a person commits the offense if, without just cause, he or she fails to provide support to (1) a spouse who is physically or mentally infirm or financially dependent; (2) a legitimate child under eighteen (18); (3) an illegitimate child under sixteen (16), or (4) a dependent child who is physically or mentally infirm. The person convicted of nonsupport may spend up to one (1) year in a county jail and/or pay up to a \$1,000 fine.

Q. Is there a remedy available for child snatching?

A. Yes. When a former or separated spouse refuses to return a child to the person who has legal custody, the prosecuting attorney should be notified. Interference with lawful custody is a felony offense if the child is taken outside the state and a misdemeanor if it occurs within Arkansas. This rule does not apply before divorce or legal custody is obtained.

Anyone who knows anything of history knows that great social changes are impossible without the feminine ferment. Social progress can be measured exactly by the social position of the fair sex (the ugly ones included).

--Karl Marx

5

Divorce

Q. What is the difference between a divorce and a decree for separate maintenance?

A. A divorce ends the marriage absolutely; a decree for separate maintenance leaves the relationship intact and provides only for separation of the couple and usually has payment of a fixed sum for living expenses. A decree for separate maintenance also may make determinations about child custody.

Q. Where is suit filed?

A. Suit is filed in Chancery Court of the county where the plaintiff or defendant has established residence, and the other party must be served with notice of the suit and of the decree.

Q. What are the grounds for divorce in Arkansas?

A. Adultery; desertion (one year); willful nonsupport; conviction of a felony; idiocy or insanity (three years); cruel or barbarous treatment endangering the life of the spouse; alcoholism (one year); impotence at time of marriage; separation (three years); personal indignities, and bigamy. Each of these grounds is defined in the Arkansas statutes and court decisions, and a woman may need to ask an attorney what grounds she has.

Q. How long must a person have lived in Arkansas before she or he can file for a divorce?

A. Two months.

Q. What is alimony?

A. It is an allowance the court orders one spouse to pay the other while they are legally separated or after they are divorced.

Q. What is child support?

A. It is a specific allowance to support a child paid by one spouse to the spouse with custody of the child according to a court order.

Q. What is meant by "property distribution"?

A. During a marriage, a couple acquires certain property, either jointly or on the part of each individual. In the course of a legal separation or divorce, each spouse makes claims to certain property and the court must decide which person is entitled to what property. The court's decision distributes the property between them.

Men, their rights and nothing more; women, their rights and nothing less.

--Susan B. Anthony

5

Q. How does the court decide whether to award alimony or child support and how to divide property?

A. Fault is one of the bases on which the court determines the amount and recipient of support and the division of property. That is, the court tries to determine which spouse played a greater part in the breakup of the marriage -- in other words, who was more at fault. The court also considers the needs of both parties, the needs of any minor children, the incomes of both parties and the standard of living of the couple before the divorce. Courts may follow, and frequently do follow, the Arkansas Bar Association's suggested schedule of child support payments set up on a weekly basis.

Q. Who is entitled to alimony?

A. In Arkansas, only the wife is entitled to alimony and then only when the circumstances in the case warrant it.

Q. Does remarriage of either party terminate alimony?

A. Upon remarriage of the wife, the husband may apply to the court for termination of alimony set by the court. Reduction of alimony because of remarriage of the husband is possible, but seldom allowed. The court will not disturb property settlements made between the parties.

Q. May a couple make their own decisions about alimony, child support and distribution of property?

A. Yes. Spouses may make a contract stipulating alimony payments, child support and distribution of property; if approved by the court, the contract will be enforceable.

Q. Are alimony and child support payments tax deductible?

A. Child support payments are not reportable income to the wife, but alimony is taxable income to the wife and tax deductible to the husband.

Q. May a wife have her maiden name restored?

A. Yes, unless there are children born of the marriage, she may ask the court to restore her maiden name in the divorce decree. According to a statute, a woman with children may not resume use of her maiden name through the divorce decree. She may do so, however, by simply adopting her maiden name the same way she adopted her married name -- by using it.

Q. What is an annulment?

A. A legal declaration that a marriage never was valid and that returns the parties to their unmarried state.

Q. What are the grounds for annulment?

A. Mental incapacity at time of marriage; under age; fraud; force or duress; incest, and impotence at the time of marriage.

Once made equal to man, woman becomes his superior.

--Socrates

Q. How does a woman enforce child support if her ex-husband refuses or neglects to pay?

A. An order can be filed with the same court in which the divorce was obtained, forcing the ex-husband to show good reason why he had not been paying. The court may order him to make back payments, as well as continuing with current payments and may even order him jailed if he continues not to pay. Nonsupport of minor or handicapped children also may be a crime, as discussed elsewhere.

Q. What if an ex-husband leaves Arkansas?

A. Arkansas courts have agreements with courts in other states to enforce orders obtained in Arkansas.

Q. If a woman does not know where her ex-husband is, how does she find him?

A. If he owes her or her children a duty of support, usually because of a court order from a divorce or separation or paternity action, she should go to the State Welfare Department or prosecuting attorney and ask them for help in locating him.

Education

Q. Are there laws that protect women from discrimination in education?

A. Yes. Title IX of the Education Amendments Act of 1972 is a federal law that says:

"No person...shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance..."

In 1975, the Department of Health, Education and Welfare issued regulations implementing this law. With certain exemptions, the law bars sex discrimination in any academic, extracurricular, research, occupational training or other educational program--pre-school to postgraduate--operated by an organization or agency that receives or benefits from federal aid. All Arkansas public schools and colleges are covered. If a woman believes she has been discriminated against in admissions, treatment of students after admission, employment, or any other aspect of her education, she should bring the discrimination to the attention of school authorities. If she does not receive satisfaction from them, she should file a complaint with HEW within 180 days from the date of the discrimination.

Nobody will ever win the Battle of the Sexes. There's too much fraternizing with the enemy.

8

--Henry Kissinger

Q. Are there also constitutional protections against discrimination?

A. Yes. A woman also may bring a lawsuit under the Equal Protection Clause of the Fourteenth Amendment.

Q. Should women who want to challenge discriminating practices in public schools use both the Equal Protection Clause and Title IX?

A. Yes, because each provides a different remedy. Together they could maximize the pressure on school officials to cease discriminatory practices.

Employment

Q. What is the minimum wage in Arkansas?

A. Ark. Stat. Ann. Sec. 81-320 (e) was amended in February 1977 to provide for \$2.10 an hour as the minimum wage effective July 1, 1977. On July 1, 1978, it will go up to \$2.20 an hour; on July 1, 1979, to \$2.30 an hour. The statute does not apply to employers with fewer than five employees. An employer also may be covered under the federal minimum wage law which is \$2.30 an hour. An employer is covered if involved in interstate commerce; there is no minimum number of employees required.

Q. Are women entitled to overtime pay?

A. Yes. The old law that provided overtime only for women was declared unconstitutional. The General Assembly passed Act 345 in February 1977 which provided overtime pay of time and one-half to both women and men for work over 40 hours a week. Federal overtime law provides substantially the same benefits.

Q. Is a woman entitled to equal pay for equal work?

A. Yes. Ark. Stat. Ann. 81-624 (1976 Repl.) provides that no employer shall discriminate in payment of wages as between the sexes. Act 282 of 1977 was passed in February 1977 and provides for equal compensation for equal services and prohibits discrimination in the payment of wages or compensation solely on the basis of sex. An employer who violates this act is guilty of a Class C misdemeanor. Violators are punishable by a fine of up to \$100 for each day the violation continues. There also are federal laws that protect women against job and pay discrimination. The best known is Title VII of the Civil Rights Act of 1964 which prohibits discrimination on the basis of sex in employment. It covers private employers employing more than 15 workers.

Equality is not when a female Einstein gets promoted to assistant professor. Equality is when a female schlemiel moves ahead as fast as a male schlemiel.

--Ewald Nyquist

Q. Are women prohibited from working in any...

A. Title VII of the Civil Rights Act prohibits sex-based discrimination in employment unless the worker's sex is a "bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise." One Arkansas law, Ark. Stat. Ann. 52-612 (1971 Repl.) regulates the age of miners working in coal mines. It prohibits females of any age from working in underground mines. At this time there is one underground mine in Arkansas. The law appears to be unconstitutional.

Q. Does Arkansas have special "protective legislation" for women?

A. Yes. There are provisions guaranteeing women lunchrooms and lunch hours (Ark. Stat. Ann. Sec. 81-410, 609). There is a law to protect the morals of women employees (81-405), one that requires rest breaks for female workers (81-609), one that requires comfortable seats to rest for women employees (81-620), and one mandates doors that open outward, handrails on stairways and proper lighting (81-404). These statutes may work to the detriment of the female employee instead of benefiting her. An employer's responsibilities by law are much less burdensome for male employees than for female employees which reduces the incentive to hire women. Therefore, a female conceivably could be denied an opportunity for employment because of her sex.

Q. What should a woman do if she thinks she has been discriminated against in employment?

A. If she is a union member, she should report it to her union representative who will advise her. If she is not satisfied with the union's advice or action, she should seek counsel. Arkansas Women's Rights, 402 East 9th Street, Little Rock, handles referrals and calls free on job discrimination questions. Their counselors will try to determine if there is a basis for a lawsuit. If so, they will refer the caller to an attorney. Their telephone number is 375-6894. Under state law, she should call the Labor Department at 371-1401. Most suits are filed under federal law. An attorney will discover if an employer is covered under Title VII of the Civil Rights Act. If so, a complaint will be filed with the Equal Employment Opportunity Commission. The EEOC will investigate and determine if suit should be filed or if the employer voluntarily will change discriminatory practices. The EEOC staff has a backlog and a complaint may take years to investigate. Lawsuits may be filed, however, after a certain waiting period by a private attorney. If a woman is successful in her suit, her costs and attorney's fees will be paid by the losing employer. Many Title VII suits are filed as class actions in behalf of a number of persons discriminated against by an employer.

What, sir, would the people of the earth be without woman? They would be scarce, sir, almighty scarce.

--Mark Twain

Q. How can a woman get a job?

A. Register with the Employment Security Division. This agency handles thousands of jobs daily and does not charge a fee for helping to find a job. Check the help wanted ads. It is against the law to list jobs just for men or just for women. The yellow pages in the telephone book also list numerous employment agencies. Most will charge a fee for finding a job. They are not allowed to discriminate in job referrals, and any violations should be reported to the state or federal Labor Departments.

Q. Can a woman get a job if she is pregnant?

A. Yes. No employer under state or federal law (Title VII) may discriminate in the hiring or firing of pregnant women. An employer may not require a woman to quit her job before her baby is born so long as her doctor certifies that she is able to work and the pregnancy does not interfere with her job. An employer may not deny a pay raise to a pregnant woman. If a woman takes maternity leave and then desires to return to work, her employer must take her back in her old job or the first open comparable one. The employer must treat pregnancy as any other sickness or disability, except in the payment of sick leave and insurance benefits. Any violations of this law should be reported immediately.

Marriage

Q. At what age may a woman be married in Arkansas?

A. A woman may marry at sixteen (16) with the consent of her parents and at eighteen (18) without consent. A man may marry at eighteen (18) with or without the consent of parents. There are provisions for waiver in case of pregnancy.

Q. What is required for a legal marriage in Arkansas?

A. The couple must apply for a license at the office of the county clerk. A blood test is required. There is a three day wait after the application before the license can be picked up at the clerk's office. A marriage must be performed by a licensed clergy or authorized lay person for it to be valid.

Q. May a woman retain legal use of her maiden name after marriage?

A. There is no law in Arkansas that requires a woman to take her husband's name, and many women use their maiden names. In fact, any person may use whatever name he or she wishes, so long as the name is not adopted for fraudulent purposes. A woman who decides to keep her maiden name after marriage may wish to notify agencies such as Social Security and insurance companies of her changed marital status.

Q. Are interracial marriages valid?

A. Yes.

Q. Are common law marriages valid?

A. There is no common law marriage in Arkansas. However, a common law marriage accepted as legally valid in another state may be recognized for certain purposes.

Q. Does the law require that a husband support his wife?

A. The right of a financially dependent wife to seek support from her husband usually is enforceable only after the marriage is over. There are a few exceptions to this general rule, such as in the case of a wife living in circumstances of deprivation imposed by a husband with sufficient finances to afford easily the necessities of life. In that case, the wife might be successful suing for support, but even there, her chances would improve if she sued for divorce or separate maintenance. The crime of non-support is discussed in the Criminal Laws section.

Q. Do single women have any legal rights married women don't have?

A. No. The Married Woman's Act provides that every married woman shall enjoy all rights and be subjected to all laws as though she were single.

Q. Does a married woman have sole control of her wages?

A. Yes. However, a man's paycheck may not be assigned to be paid to another person without the wife's consent.

Q. May a husband and wife contract with each other?

A. Yes. Under the Married Woman's Act, a married woman is free to contract as though she were single, with no exceptions, and all statutory and common law disabilities of the married woman are removed.

Q. What are antenuptial and postnuptial contracts?

A. In an antenuptial contract, the woman and man agree before marriage about any property rights or any other aspect of their marriage relationship. A postnuptial contract is entered into after marriage. Where the marriage is a second one, and particularly where there are children of previous marriages, parties sometimes find a contract helpful.

Q. May a husband and wife sue each other or sue third parties for injuries suffered by one spouse that affect the other?

A. A husband and wife may sue each other for personal injuries. The husband also may sue for the loss of his wife's company, affection and services ("consortium"), and the wife may sue for the loss of her husband's consortium. A spouse also may have a legal action if the injury or death of the other spouse inflicted economic or mental damage.

Q. Is a wife legally restricted from entering into business?

A. In Arkansas, a wife may enter into contracts, sell property, and engage in business on exactly the same basis as her husband.

Women are not altogether in the wrong when they refuse the rules of life prescribed to the World, for men only have established them and without their consent.

--Montaigne

Parenthood

Q. Are children entitled to support from their mother or only from their father?

A. The law requires both parents of neglected and dependent children to contribute to their support. Also, both mother and father are subject to criminal penalties for abandoning or failing to support their minor child, or a physically or mentally handicapped child of any age.

Q. Does Arkansas have a child abuse law?

A. Yes. The law requires the reporting of abuse, sexual abuse and neglect to the Department of Human Services or other official agency. Persons making good faith reports are immune from civil or criminal complaints for their reports. Persons who fail to report abuse may be subject to penalties and those responsible for abuse may be charged with a crime.

Q. Does a parent have the responsibility of seeking that a child attends school?

A. Yes. Every parent or guardian of children between seven (7) and fifteen (15) inclusive shall send her children to school unless they are mentally or physically unable to attend or if they have completed the eighth grade or if their services are needed to support a widowed mother.

Q. Are married women, pregnant married women, or pregnant unmarried women permitted to continue in school?

A. As a matter of constitutional law, they have the right to continue school. Different school boards, however, may have different policies still and may need reminding about the law.

Q. Which parent is the guardian of the children?

A. Both parents are joint guardians.

Q. Are parents financially responsible for willful damage to property by their minor children?

A. Yes. Both parents are. Under Act 201 of 1977, a parent may be assessed up to \$2,000 damages a child.

Q. Is there an obligation to support poor relatives?

A. The parents of persons unable to support themselves, or who are incompetent or insane, are required to support them to the best of their ability; children have the same obligation to their parents.

Q. How is a child born out of wedlock legitimized?

A. If the parents marry and the father recognizes the child as his own, the child become legitimate. If the parents go through a marriage ceremony that later turns out to be invalid, any child born of the marriage is considered legitimate.

Q. Is there any law in Arkansas regulating the use of artificial insemination?

A. There is no statute now. If a woman is inseminated artificially with the consent of her husband, the child is considered legitimate for all purposes.

Q. If the father of the family is unemployed, is the family entitled to Aid to Families with Dependent Children (AFDC) benefits?

A. Arkansas does not provide benefits to families if an able-bodied unemployed father is living with the family.

Q. Are there any restrictions on who may adopt children?

A. There are no legal restrictions. Single persons are just as eligible to adopt a child as a married couple. Persons who wish to be considered as adoptive parents, however, have to meet the requirements established by adoption agencies.

Property and Inheritance

Q. Are both men and women entitled to own property on the same basis?

A. Yes. This was not true until the passage of the Married Woman's Property Act in the 19th Century. Until that time, a single woman could own property, but a married woman's property automatically belonged to her husband.

Q. Does marriage affect the ownership of property?

A. Not automatically. Married persons may own property separately. After marriage, however, a woman has "dower" rights in property her husband owns. The word property includes both realty or land and personal or all other forms of property such as money, cars, stocks, etc.

Q. What are "dower rights"?

A. At her husband's death, these rights entitle a wife to inherit a certain portion of her husband's property. Additionally, during the husband's lifetime, a wife has an "inchoate" dower right in all his real estate. That means that although she cannot claim her share of property while he is living, he cannot deprive her of her dower rights by selling the property. Unless the wife joins in the transfer of real property, her dower rights continue for seven (7) years even after it is sold. Dower rights in personal property attach only at death; therefore, a wife need not join in the sale of personal property by her husband. Dower attaches only to property held in the husband's name and not to property owned by a partnership, corporation or in joint tenancy with another person.

Nature has given women so much power that the law has very wisely given them little.

--Samuel Johnson

Q. Does a husband have the same rights in his wife's property?

A. No. Husbands have "curtesy" rights in their wife's property, both real and personal. These rights attach only at death, however. Therefore, a wife may transfer real property without having her husband join in the transfer.

Q. What is jointly held property?

A. Although nothing requires them to do so, married persons frequently buy property in the names of both husband and wife, as joint tenants. Each spouse owns an undivided interest in the property. At the death of one spouse, the other spouse immediately becomes the sole owner of the property. Any two or more persons may own property jointly, but when a married couple holds property in this manner, lawyers refer to them as "tenants by the entireties." Joint property not only passes differently at death than individually owned property but is treated differently during the lifetimes of the owners. Most importantly, it cannot be attached by a creditor of one of the tenants, and it cannot be disposed of without the consent of both parties.

Q. Is a wife's separate property subject to the debts of her husband?

A. Not unless they are contracted for her support. Neither is the husband liable for any debts contracted by his wife with regard to her own separate property or business.

Q. What happens to a woman's property when she dies?

A. If she has a will, her property will be disposed of as she directs. Women have complete power to exclude their husbands (and their children) from sharing in their property at death. While there is no law requiring that a person have her will drawn up by a lawyer, it usually is a good idea to do so. Certain formalities are required in the execution (signing and witnessing) of a will that, if omitted, could make the entire will invalid. She should know that some important forms of property, such as jointly held property, discussed in a previous question, are not passed by will. For example, the proceeds of any insurance policy which she owns on her own life will be paid to the beneficiary she named on the insurance company's form, and not to a person named in her will. If she is covered by a pension plan at her job, there may be death benefits connected with the plan that also usually will be payable to a beneficiary she designated rather than the persons to whom she leaves her property by will.

Women's Liberation is a terrorist movement. It is precisely those women who have been dominating men for the last 20 years who are leading the movement. The men are terrified.

--Norman Mailer

Q. If a woman does not have a will, what happens to her property?

A. The Laws of Descent and Distribution and, if married, her husband's curtesy rights will govern. If she is married at the time of her death, and does not have a will, her husband's share of her estate is set by the curtesy law. The amount he receives varies, depending on (1) whether they have been married more than three years, (2) whether they have any children, and (3) whether her real property, if she leaves any, was "ancestral property" - that is, property she inherited or was given by her parents or other relative, or whether it was a "new acquisition" - property she bought herself or otherwise acquired. In an average case, where the man and wife have been married for more than three years and have children, the husband receives one-third of his wife's personal property absolutely, and one-third of her real property for life (this means that he can use the property for his lifetime but that, at his death, the property will go to his wife's heirs.) The remaining property would go equally to the wife's children (or, if they are dead, to their children). If there are no children or grandchildren, the husband will receive the entire estate, unless the couple has been married for less than three years. Then, a portion will go to the wife's parents. If the husband dies before the wife, all the wife's property goes to the children. If a woman dies survived by no husband or children, the property goes to her "heirs" - first her parents, if they are living, if not, her brothers and sisters, if they are living, if not, their children, if any, finally, to her grandparents or their descendants. If there are no relatives, the property escheats (passes) to the state. As mentioned above, certain forms of property - insurance and jointly held property, particularly - will not pass in the manner of her other property but will go to designated beneficiaries in the case of life insurance, or to the other tenant in the case of jointly held property.

Q. If a woman's husband dies, what are her rights in his property?

A. If the husband has a will, his wife will receive whatever he leaves to her in it. However, if the husband leaves his wife less in his will than she would have received if he had died without a will, she has the choice of accepting what he leaves her or "electing against the will." If she elects against the will, she will receive the amount she would have received had he not had a will. A husband does not have the same right to disinherit a wife that a wife has to disinherit her husband. Men can, like women, disinherit their children, if they choose.

Q. What part of a husband's property will a wife receive if her husband dies without a will or if she elects against his will?

A. Her rights here will vary, as discussed above for men, depending on whether they have been married for three years or more, whether she and her husband have children, and whether the real property he leaves is ancestral property or new acquisition. In the case where she has been married more than three years and they have children, she will receive one-third of his personal property absolutely and one-third realty for life. She also is entitled to homestead and other allowances discussed on Page 17.

Q. Do adopted children have the same inheritance rights as natural children?

A. Yes. Legally adopted children inherit from their parents and other relatives exactly as natural children. Also, if an adopted child dies, his adoptive parents inherit from him just as they would from a natural child. An adopted child also inherits from his natural parents, but they do not inherit from him or her.

Q. Do illegitimate children have the same inheritance rights as legitimate children?

A. Yes. Although Arkansas law provides that an illegitimate child inherits only from his mother and her family and not from his father and his family (and that only his mother and her family inherit from him or her), a recent United States Supreme Court case has held that statutes of this type are unconstitutional.

Q. What are "homestead" rights?

A. The Arkansas Constitution provides that a widow shall receive, in addition to her dower rights, a homestead allowance. This is the family home and surrounding land, up to one-quarter acre in the city and eighty (80) acres in rural areas.

Q. What are "family allowances"?

A. A widow also is entitled to household furniture and "necessaries", and other personal property of \$2,000 from her husband's estate. If the estate is insolvent, her claim is limited to \$1,000. She also is entitled to a payment, as authorized by the probate judge, of up to \$500 from the estate for support during the two-month period immediately following her husband's death.

Social Security

Q. What benefits can a woman receive from Social Security?

A. There are three types of Social Security benefits: retirement benefits, disability benefits, and survivor benefits. The amount a person receives after she retires or if she is disabled is based on her age at retirement and the number of years she worked at a job covered by Social Security. Survivor's benefits are payable to her husband and/or dependent children after her death. A woman may receive survivor's benefits if her husband dies, or if she is a minor, or her mother or father dies.

I believe a woman's place not only is in the home, but in the House and Senate and throughout the government. One thing we are insisting on is that we not have this stag government.

--Lyndon B. Johnson

Q. Do men and women receive equal benefits under Social Security?

A. Yes. Of course, some payments vary according to the length of time a woman worked in a covered job and the salary she earned. Also, until a recent United States Supreme Court case, a widow was entitled automatically to Social Security survivor benefits if her husband had been covered by Social Security, but a widower whose wife had been covered by Social Security had to prove that his wife had furnished her own support and more than one-half of his or three-quarters of the family income in order to receive benefits. The Supreme Court ruled that this different treatment was unconstitutional, and now benefits are available equally to surviving spouses, male or female. A special pamphlet on Women's Rights Under Social Security is available from the Social Security Office in Little Rock.

If I were asked to what the singular prosperity and growing strength of [the American] people ought mainly to be attributed, I should reply: To the superiority of their women.

--De Tocqueville

Directory of Services

Compiled by Harryette Dorchester

Many services are provided in each county. The Social Services Division offices will be listed in local telephone directories and can provide information concerning Medicaid, Aid for Families with Dependent Children, food stamps and other social service programs. While every county does not have a Social Security office, addresses for district offices may be found in your telephone directory. Social Security representatives make regular visits to communities where there are no district offices to provide assistance to persons in those areas.

The following state, federal and private agencies can serve as referral agencies and provide information on a number of subjects:

Citizens Advisory Council on the Status of Women
U.S. Department of Labor
Washington, D. C. (202-523-6538)
(Publishes a variety of reports on women)

Crisis Center of Arkansas
3805 West 13th Street
Little Rock, Ark. 72204 (501-664-8834)
(Provides 24-hour telephone service for problems of all kinds)

Governor's Commission on the Status of Women
Room 011, State Capitol
Little Rock, Ark. 72201 (501-371-1842)
(Provides information on issues of concern to women)

National Commission on the Observance of International Women's Year
IWY Secretariat, Room 1004
Department of State
Washington, D.C. 20520 (202-632-8888)
(Serves as a national resource providing a broad range of information on issues of concern to women)

Employment Standards Administration
U.S. Department of Labor
555 Griffin Square Building
Room 506
Dallas, Tex. 75202 (214-749-2568)
(Provides information and reports on women -- especially on the subject of employment)

Arkansas Women's Rights, Inc.
402 East 9th Street
Little Rock, Ark. 72202 (501-375-6894)
(Provides information on problem pregnancy counseling, employment discrimination and battered women)

BANKING, CREDIT AND INSURANCE

Consumer Protection Division
Attorney General's Office
Justice Building
Little Rock, Ark. 72201 (501-371-2341)
(Processes discrimination complaints concerning credit)

Bank Department (State Department of Commerce)
200 University Tower Building
Twelfth Street and University Avenue
Little Rock, Ark. 72204 (501-371-1117)
(Regulates state banking industry)

Insurance Division (State Department of Commerce)
Suite 400, University Tower Building
Twelfth Street and University Avenue
Little Rock, Ark. 72204 (501-371-1325)
(Regulates insurance companies doing business in Arkansas)

CHILD ABUSE

Children Welfare Unit
Division of Social Services
Department of Human Services
P.O. Box 1437
Little Rock, Ark. 72203 (501-371-2181)

Scan Services, Inc.
4313 W. Markham
Little Rock, Ark. (501-371-2773)
(Protective services for children)

CHILD CARE

Child Development Unit
Division of Social Services
Department of Human Services
P.O. Box 1437
Little Rock, Ark. 72203 (501-371-2071)
(Lists licensed day care centers in Arkansas)

Consumer Protection Division
Attorney General's Office
Justice Building
Little Rock, Ark. 72201 (501-371-2341)

EDUCATION

Office of Civil Rights (Regional Office)
Department of Health, Education and Welfare
1200 Main Tower Building
Dallas, Tex. 75202 (214-655-3951)
(Enforces Title IX of the Education Amendments of 1972)

EMPLOYMENT

For information on employment opportunities, unemployment or Workers' Compensation, contact your local Employment Security Division office, or Workers' Compensation office. These are listed in your telephone directory.

AGENCIES THAT PROCESS EMPLOYMENT DISCRIMINATION COMPLAINTS

Equal Employment Opportunity Commission (District Office)
Hale Boggs Building - 10th Floor
500 Camp Street
New Orleans, La. 70130 (504-589-2736)
(Enforces Title VII of the Civil Rights Act of 1964)

EEOC Project - Office of the Governor
Room 011, State Capitol
Little Rock, Ark. 72201 (501-371-2398)
(Accepts Title VII complaints for transmission to New Orleans District Office)

Affirmative Action Section
Office of the Governor
Room 011, State Capitol
Little Rock, Ark. 72201 (501-371-1842)
(Co-ordinates Affirmative Action plans for state agencies within executive branch of state government; investigates discrimination complaints filed by state employees or applicants)

Arkansas Department of Labor
Capitol Hill Building
Little Rock, Ark. 72201 (501-371-1401)
(Enforces state labor laws)

Office of Civil Rights (Regional Office)
Department of Health, Education and Welfare
1200 Main Tower Building
Dallas, Tex. 75202 (214-655-3951)
(Enforces Title IX of Education Amendments of 1972)

Wage and Hour Division (Area Office)
Employment Standards Administration
U.S. Department of Labor
700 West Capitol
Little Rock, Ark. 72203 (501-378-5292)
(Enforces Equal Pay and Age Discrimination Acts)

FAMILY PLANNING

Family Planning Clinic
Economic Opportunity Agency of Pulaski County
4321 West Markham
Little Rock, Ark. 72205 (501-664-7153)

(For family planning information outside of Pulaski County, consult your local telephone directory)

Problem Pregnancy Counseling
Arkansas Women's Rights, Inc.
402 East 9th Street
Little Rock, Ark. 72202 (501-375-6894)

HOUSING

Department of Housing and Urban Development (Area Office)
1 Union National Plaza
Little Rock, Ark. 72201 (501-378-5931)
(Processes complaints under the federal Housing and Community Development Act)

LEGAL RESOURCES

Legal Aid Bureau of Pulaski County
Hall Building
Little Rock, Ark. 72201 (501-376-3423)

(For legal aid services outside of Pulaski County, consult your local telephone directory)

American Civil Liberties Union
904 West 2nd Street
Little Rock, Ark. 72201 (501-374-2660)

Lawyers Referral Service
400 W. Markham
Little Rock, Ark. 72201 (501-375-4605)
(Thirty minute consultation for a small fee, sponsored
by the Arkansas Bar Association and Pulaski County
Bar Association)

Advocates for Battered Women
Arkansas Women's Rights, Inc.
402 E. 9th Street
Little Rock, Ark. 72202 (501-375-6894)
(Provides assistance and counseling to victims)

Rape Crisis, Inc.
610 Rock Street
Little Rock, Ark. 72202 (501-375-5181)
(Provides assistance and counseling to rape victims)

SOCIAL SECURITY

Social Security Administration (Area Office)
700 West Capitol
Little Rock, Ark. 72201 (501-378-5525)
(Information concerning retirement benefits, disability
benefits, survivors' benefits and Medicare. Consult
your telephone directory for district Social Security
offices located throughout the state)

TAX INFORMATION

Internal Revenue Service (Area Office)
700 West Capitol
Little Rock, Ark. 72201 (501-376-4401)
(Federal taxes)

Personal and Real Property Taxes
(Contact your county collector, usually located in the
county courthouse)

Division of Revenues
Department of Finance and Administration
7th and Wolfe Streets
Little Rock, Ark. 72201 (501-371-1626)
(All Arkansas state taxes)