

# BowTieLawyer

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## Top 12 Fault Grounds for Divorce in Mississippi

MCA § 93-5-1 lists and defines the “grounds” for a fault based Divorce in Mississippi.

A divorce may be awarded based upon;

**1). Natural impotency.**

**2). Adultery.**

Unless it was committed by collusion of the parties for the purpose of procuring a divorce, or unless the parties cohabited after a knowledge by complainant of the adultery, which is **Condonation (or legal forgiveness)**.



**3). Incarceration.** Being sentenced to any penitentiary, and not pardoned before being sent there.

**4). Abandonment.** Willful, continued and obstinate desertion for the space of one (1) year.

**5). Habitual drunkenness.**



**6). Habitual Drug Use.** Habitual and excessive use of opium, morphine or other like drug.

**7). Cruelty.** Habitual cruel and inhuman treatment.

**8). Idiocy.** Having mental illness or an intellectual disability at the time of marriage, if the party complaining did not know of that infirmity.

**9). Bigamy.** Marriage to some other person at the time of the pretended marriage between the parties.

**10). Pregnancy of the wife by another person** at the time of the marriage, if the husband did not know of the pregnancy.

**11). Incest.** Either party may have a divorce if they are related to each other within the degrees of kindred between whom marriage is prohibited by law.

**12). Insanity.** Incurable mental illness. However, no divorce shall be granted upon this ground unless the party with mental illness has been under regular treatment for mental illness and causes thereof, confined in an institution for persons with mental illness for a period of at least three (3) years immediately preceding the commencement of the action...(see statute for additional language).

These are the grounds for Divorce in Mississippi. These must be proven through testimony, evidence and corroborated in order to be awarded a Divorce by Chancery Courts in Mississippi.

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