

Mississippi Divorce Laws

Divorce can be a tough and complicated issue, but unfortunately many marriages end in divorce for various reasons. If divorce is something you have to face, it is important to know the Mississippi divorce laws.

The first requirement to file for divorce in Mississippi is residency. You must be a resident of Mississippi for at least 6 months or meet certain military service criteria before filing for divorce, or the courts will not accept your case.

What are the grounds for filing divorce in Mississippi?

No Fault

- Irreconcilable Differences

Fault-Based

- Natural impotence
- Adultery
- Incarceration
- Willful, continued and obstinate desertion
- Habitual drunkenness
- Habitual and excessive use of opium, morphine or other like drug
- Habitual cruel and inhuman treatment
- Mental illness at time of marriage, unknown to the other party at the time of marriage
- Bigamy
- Pregnancy of wife by another without spousal knowledge at time of marriage
- Incest
- Insanity

What will happen to property if we divorce?

Mississippi is an equitable distribution state. This means that property will be divided in an equitable manner to be decided by the Judge, based on evidence presented by each party at trial. The Court has fairly broad authority to make these determinations, which is limited by statute and Mississippi case law. It is important that you have a lawyer who will represent your interests in the marital estate.

Who decides child custody?

If the children's parents cannot come to a mutual agreement concerning child custody, the court will decide what is in the best interest of the children. These determinations are generally governed by the case of *Albright v. Albright* and its predecessors. There is no law that deems one gender to be categorically better suited than another when it comes to custody. If you are filing for divorce and have children, I strongly recommend contacting a reputable lawyer that can help you with child custody.

Will child support be provided after my divorce?

Child support in Mississippi is statutorily defined. Which means it is calculated based on percentages of income set by statute. It is important that you use the statute properly in order to make the correct child support deductions and calculations, therefore, it is important to consult with your attorney before filing for divorce when there are children involved.

At the Law Office of Joseph D. Songy, PLLC Attorney and Counselor at Law we take special care to ensure that you have the best representation possible throughout your divorce process. We know that divorce is not something that anyone desires, but we make it as simple as possible. As always if you need any legal assistance, give our office a call at 601-336-0305 or email us at songylaw@gmail.com to schedule your Free Consultation from a local attorney in Hattiesburg, MS