

Thompson Law Firm, pllc (601) 850-8000

DIVORCE, GENERAL LEGAL, IRRECONCILABLE DIFFERENCES, MARRIAGE, OPINION

Divorce Floodgates; Why Mississippi Will Always be Backwards and Our "Leaders" are Leading the Way.

03/02/2017 | [BOWTIELAWYER](#) | [LEAVE A COMMENT](#) |

Mississippi is again the butt of the joke, the laughingstock, and the backwards looking, Buckle of the Bible-belt, and proud of it.



Go Get My Belt

The Mississippi legislature has refused to "*open the floodgates of divorce.*" This is demonstrated by the recent deaths of two bills. One, providing an additional ground for divorce if your spouse commits Domestic Violence against you, and the second casualty, adding "*two years of actual separation*" as a fault ground.

A Change of Heart

Who killed it? The whole legislature is not to blame (*or take credit*). Both bills passed the Senate. Mississippi House of Representative, Andy Gipson, takes the credit for killing Senate Bill 2703 (<http://billstatus.ls.state.ms.us/documents/2017/html/SB/2700-2799/SB2703PS.htm>). This is the bill that added Domestic Violence as a ground. Gipson would not even allow the merits of the bill to be considered for discussion in the House. Gipson told the Clarion Ledger (<http://www.clarionledger.com/story/opinion/editorials/2017/03/01/andy-gipson-killed-domestic-violence-divorce/98546280/>) "[w]e need to have policies that strengthen marriage. If a person is abusive, they need to have a change in behavior and *change of heart.*" Gipson went on to add that current, existing law covers the proposed changes rendering it unnecessary and that the change would "*open the floodgates*" of divorce. Gipson's rationale relied upon contradictory points. Gipson argued out of both sides of his mouth.

However, Gipson is wrong. The current, existing law requires proof of **habitual cruel and inhuman treatment**. Habitual means constant. It is quite likely that one conviction for Domestic Violence would not be grounds for divorce in a large majority of Mississippi's divorce Courts. The law provides that for

one instance to be enough it has to be physically severe. Interestingly, one conviction is enough to provide that the offender can never possess a gun, ever again, but it does not provide that the spouse-victim can get a divorce.

Gipson provided no means for this change of heart either.

Don't Go Changing the Rules in the Middle of the Game

State Senator Chris McDaniel (<http://www.clarionledger.com/story/news/politics/2017/02/18/divorce-antiquated-laws/97862130/>) put in his two cents, as well. As he voted against the proposal to add two years of bona fide, actual separation as an additional ground for divorce, which Gipson also killed. McDaniel stated that "given the state is in the marriage and divorce business, *lawmakers shouldn't be changing the terms of the contract midstream.*" This comment literally means that he believes that people seeking to marry fully contemplate the 12 fault grounds for divorce, (<https://bowtielawyer.ms/2015/09/18/4-of-the-biggest-grounds-for-divorce-and-the-rest-of-the-fault-grounds-too/>) the Court's burden of proof to establish same with corroborating witnesses and evidence, and then and only then enter into a marital contract. Ridiculous.

We're Not Last in Something

Every state except Mississippi and South Dakota provide for a true No-Fault divorce process. This means that in the 48 other states, and the District of Columbia, if you are a resident and want a divorce you get a divorce. According to the Center for Disease Control, Mississippi is tied for the 15th highest divorce rate, *per capita*, in the United States. That means that over 30 states have a lower divorce rate than Mississippi, despite it being infinitely easier to gain a divorce in those states. Floodgates be damned.

"If You Ain't First, Your're Last" – Ricky Bobby

Mississippi is perennially last in every "good" category and first in the "bad" categories. Our head-in-the-sand "leaders" seem to be doing their best to keep us there. Mississippi ranks last in education (http://www.statemaster.com/graph/edu_per_of_peo_who_hav_com_hig_sch_inc_equ-completed-high-school-including-equivalency) for high-school graduation, last in school performance (<http://msbusiness.com/2014/01/report-ranks-state-schools-performance-51st-nation/>), one of the highest unemployment rates (<https://www.bls.gov/web/laus/laumstrk.htm>), and 49th in teen pregnancy rate (<https://thenationalcampaign.org/data/state/mississippi>). We are also statistically more obese (<http://calorielab.com/news/2015/10/31/fattest-states-2015/>), worse drivers (<http://www.carinsurancecomparison.com/which-states-have-the-worst-drivers/>) and will die sooner (<http://www.usatoday.com/story/money/business/2014/02/23/most-miserable-states/5729305/>). Maybe that last one is good?

But it Just Enriches Lawyers

I am a divorce lawyer. The current, existing laws only serve to enrich lawyers, not protect families. Our Courts, and man's law, cannot make people love each other and cannot make people live together (<https://bowtielawyer.ms/2015/01/23/being-not-divorced-does-not-a-marriage-make/>). The proposed law change, making divorce law make sense, would make it less lucrative to be a divorce lawyer. But, it's still the right thing to do. While Gipson and McDaniel are both lawyers, the majority of our legislature is not. Only about 32% of the entire legislature are lawyers. 48 or so, out of 152. It is not a bunch of lawyers running amok. However, 45% of our legislature are Baptists. Some 69 or so, including Gipson and

McDaniel. Even if, at best, this is not about money, it means that this is about forcing your subjective beliefs on someone else. Remember, this Country was founded upon religious freedoms. It is in the Constitution.

The Bottom Line

Why should you care? Because the current law promotes divorce blackmail (<https://bowtielawyer.ms/2014/12/03/divorce-blackmail-its-legal-yall/>). Divorces are a necessary "evil" of life and marriage. Divorce is rooted in the Bible and while it is despised, it is allowed for adultery, abandonment, abuse and adultery of the heart. The heart that needs to be changed is the heart of a lawmaker that seeks to keep a just-enough-abused, but not too much, spouse in a loveless "marriage." That is not a marriage. The floodgates are already open. The law change actually serves to help and protect those that we are commanded to help and to protect.

Matthew Thompson is an opinionated divorce lawyer, adjunct professor that teaches family law, author of Mississippi Divorce, Alimony and Child Support, a native Mississippian and proud of all of the above.



Matthew@BowTieLawyer.ms

www.BowTieLawyer.ms (601) 850-8000

◀ [ABANDONMENT](#) ◀ [ANDY GIPSON](#) ◀ [CHRIS MCDANIEL](#) ◀ [DIVORCE](#)
[BLACKMAIL](#) ◀ [DIVORCE FLOODGATES](#) ◀ [DOMESTIC VIOLENCE DIVORCE](#) ◀ [MS SENATE](#)
[BILL 2703](#) ◀ [NO FAULT DIVORCE](#)