

What is an Affair?

Mississippi law defines an affair as uncondoned sexual intercourse with a person of the opposite sex, not your spouse.



This definition is evolving, however. With recent [changes in the law regarding who can get married](#) the requirement that it be a person of the opposite sex is no longer a valid limitation. Additionally, it must be uncondoned which means without either permission before or forgiveness after.

Because affairs are so secretive in nature the Court can use circumstantial proof to find you guilty of Adultery. Upon a showing of inclination and opportunity the Court can conclude you cheated even over your absolute denial and total absence of DNA evidence! Frankly, DNA evidence and divorce Courts have not caught up with CSI, yet.

Inclination (or infatuation) is the many, many number of calls, texts, emails and love letters, communicating all hours of the night and day. The contact between the spouse and the paramour.

Opportunity is just them being alone together long enough to... This could be the house, car, park, hotel, motel or back alley.

Does other stuff count, as opposed to just sexual intercourse? It could. It also stands to reason that the Court could infer that if you are doing other stuff it includes intercourse.

Matthew Thompson is a Mississippi Divorce Attorney and reminds you to not have an affair.

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