

BowTieLawyer

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Jurisdiction; Where to Sue.

Jurisdiction is one of those legal terms we hear a lot, but aren't always sure what it means. In the Court to be able to act upon a filed complaint and grant relief to a party, the Court must have juri



Mississippi law provides rules for determining if a Court has jurisdiction and where that may be. i contains the residency requirements for a divorce action. Additionally, all actions for divorce will Chancery Court for the appropriate county.

The jurisdiction of the chancery court in suits for divorce shall be confined to the following cases:

(a) Where one (1) of the parties has been an actual bona fide resident within this state for six (6) months preceding the commencement of the suit. If a member of the armed services of the United States is st state and residing within the state with his spouse, such person and his spouse shall be considered as residents of the state for the purposes of this section, provided they were residing within the state at separation of the parties.

(b) In any case where the proof shows that a residence was acquired in this state with a purpose of: divorce, the court shall not take jurisdiction thereof, but dismiss the bill at the cost of complainant.

In plain terms, this means you file your divorce action in your home county, or the County that y for at least 6 months, immediately filing the action. If you were married in another stated and m residency requirements you file in Mississippi. If were married on the Coast, but live in Jackson a months you file in Jackson. Sometimes, if you wish to file in your current area, but have not met requirements you may have to wait. Sometimes there are disputes as to residency and the parties the case should be litigated. Some states have different residency requirements than Mississippi sc 6 months if you are in another state.

There are also a number of exceptions or tweaks to the jurisdictional rules. Another Court, or Stat “emergency jurisdiction” in child custody cases pursuant to the Uniform Child Custody Jurisdiction Act. (UCCJEA). Also, if your divorce was originally in another state or another county, that origi have original jurisdiction and there are additional rules to “transfer” jurisdiction and in some inst

move it. Military family law cases also have exceptions to the traditional jurisdiction rules.

Jurisdiction is a critical aspect to consider when filing. It is imperative that your case be filed in the geographically and the right Court. You also may have options between differing Courts based on your case. Talk to your lawyer about where your case should be filed.

Matthew is a family law attorney and native Mississippian. Follow his blog, here, at <http://www.BowTieLawyer.wp.com>.

You may also contact Matthew with your family law or jurisdictional question or concern at (601) 880 8000 or Matthew@wmtlawfirm.com.



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