

# BowTieLawyer

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## Condoning Bad Behavior; Losing Grounds for Divorce

They cheated! You found out...you *TRIED* to work it out, but the trust has been broken and you just cannot get over it. You decide you have a suit for adultery. You'll get your fair share and move on. Right? Not so fast...



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In Mississippi, to be awarded a Divorce, you have to either have Fault Grounds against your spouse, that can be proven, or you and your spouse have Irreconcilable Differences. (All issues must be agreed; the divorce, itself, who gets what, who pays what, everything)

Additionally, in Mississippi, there are Defenses to a Divorce. A Defense can be used to prevent the Divorce. One of those Defenses is Condonation.

Condonation is "legal forgiveness." This happens when the aggrieved spouse knows of the fault, in this example an affair, and decides to forgive the party, when you *TRIED* to work it out.

Once the aggrieved party makes that decision to reconcile and the parties resume, or continue cohabitation, and resume marital relations, the aggrieved party has legally forgiven the guilty party. So what does that mean? There are no longer grounds for divorce based upon adultery.

There are a few catches. The guilty spouse must, in good faith, attempt the reconciliation intentionally with the purpose of saving the marriage. The aggrieved spouse can only forgive what they know about. If there were multiple affairs and all were not disclosed there may still exist fault grounds if the guilty spouse is aware of it or not. Also, the behavior, the adultery, if repeated revives the grounds for divorce. That is, past acts that were known and forgiven, if repeated the aggrieved would have grounds again. Future acts would not be forgiven either solely based on a prior reconciliation.

Condonation is one of those more difficult issues to wrestle with in divorce. The Court must consider the knowledge of the aggrieved spouse, the effort(s) to reconcile – whether they are in good faith. All these are fact specific and subjective determinations to be made by the Court.

Warning!! Some lawyers will advise the guilty party to do or say whatever is necessary to get the other party back in bed, for "reconciliation" purposes. Condonation may be used. If you find yourself in this situation, please seek the advice of an attorney prior to a reconciliation attempt. Divorce help you save your marriage, or at least advise you on the ramifications if you try.

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