

HOW TO FILE AN IRRECONCILABLE DIFFERENCES DIVORCE CASE IN MISSISSIPPI

PLEASE READ THESE CAREFULLY. IF YOU DO NOT FOLLOW THESE INSTRUCTIONS, YOUR DIVORCE CASE MAY NOT BE HEARD IN COURT

You should leave the legal clinic with the following documents:

- A Civil Coversheet
- A Joint Complaint for Divorce
- A Property Settlement Agreement
- A Judgment of Divorce based on irreconcilable differences divorce
- You may also have an Affidavit Under Uniform Child Custody Jurisdiction And Enforcement Act (UCCJEA) Section 93-27-101 Miss. Code Ann. (1972) if you have minor children

If you have all of the above documents, here are the steps you will need to take to get your divorce finalized:

1. You and your spouse **must** both sign the *Joint Complaint for Divorce* and the *Property Settlement Agreement* before a notary public. If your spouse refuses to sign either document, your irreconcilable differences divorce **will not** be granted.
2. You will need to take the signed and notarized *Joint Complaint for Divorce*, *Property Settlement Agreement* and *UCCJEA* and a **check, cash or money order for the filing fee** to the Chancery Court in the filing fee where you are filing for divorce. The amount of the filing fee will depend the county where you are filing, so call the Chancery Clerk's office in advance to find out the correct amount. It should be less than \$100.00.
3. Give all of the above documents—except the *Judgment of Divorce*—to the Chancery Clerk and ask him/her to file your divorce. Also, **ask for copies** of the *Joint Complaint for Divorce* and *Property Settlement Agreement* so you will have a case number and verification of the date of the filing.
4. Ask the Chancery Clerk for a date for your divorce hearing. Remember, **you will have to wait 60 days** before you can set your divorce for hearing. The 60 days will not start on the day you file. You cannot get a divorce on a weekend, legal holiday or any other day the courthouse is closed.
5. Before you leave the Chancery Clerk's office, be sure to **write down the date of your divorce hearing** and the telephone number to the clerk's office. Mark the date on your calendar as soon as possible. **Remember, until the judge signs your Judgment of Divorce, you remain married.**
6. A few days before your divorce hearing, contact the clerk's office to make sure your spouse did not withdraw permission for the divorce. Either of you can withdraw permission during the 60-day waiting period by filing notice with the Chancery Court. Should that occur, **you will not be able to get divorced**
7. Once the judge has signed your *Judgment of Divorce*, the Chancery Clerk will file the original *Judgment*, but you should ask him/her to make you at least two copies. There may be a small charge for making the copies.
8. Mail or hand deliver a copy of the signed *Judgment of Divorce* to your now ex-spouse.