



Name of Country and Jurisdiction:

## Mississippi, United States

- 1. What forms of legally recognized relationships are available?
- 2. What are the requirements to be able to enter into the above relationships?
- 3. Differences between marriage and civil unions and how the two sets of laws interact.
- 4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?
- 5. When a couple comes to Mississippi, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?
- 6. How can each form of relationship be dissolved? What is the residency requirement or other link to Mississippi for an authority to grant a divorce/ dissolution?



### 1. What forms of legally recognized relationships are available?



LEGAL RECOGNITION FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	AVAILABLE TO SAME-SEX COUPLE?
Marriage, registered	Mississippi	Miss. Code Ann. § 93-1-1–93-1-5; <i>Obergefell v. Hodges</i> , 576 U.S. _____ (2015)	Yes

**NOTE:** On June 26, 2015, the United States Supreme Court issued a decision in four consolidated cases from the Sixth Circuit Court of Appeals under the name *Obergefell v. Hodges*, 576 U.S. \_\_\_\_\_ (2015), regarding same-sex marriage. The appeals arose from federal district court decisions in Michigan, Kentucky, Ohio and Tennessee, which struck down as unconstitutional laws that denied the 14 petitioners the right to marry or refused to give full recognition to marriages lawfully performed in another state. The laws at issue in those states define marriage as a union between one man and one woman. The Sixth Circuit had reversed those decisions in *DeBoer v. Snyder*, 772 F.3d 388 (2014), holding that a state had no constitutional obligation to allow same-sex marriages or to recognize those performed in another state. In a 5-4 majority opinion, the U.S. Supreme Court held that the Fourteenth Amendment requires a state to license marriages between same-sex couples and to recognize lawfully performed same-sex marriages from another state. The Court held that the right to marry is protected under both the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment. Because the Court found that the state laws at issue burden the liberty and abridge the equality of same-sex couples, they must be struck down.

Q

**2. What are the requirements to be able to enter into the above relationships?**

A

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<p>Incestuous marriages are void and include those between: (i) grandparents and grandchildren, (ii) parents and children, (iii) siblings, (iv) stepsiblings, (v) stepparents and stepchildren or stepgrandchildren, (vi) first cousins, (vii) uncles or aunts and nephews or nieces, (viii) parents and the surviving spouse of the child.</p> <p>Males must be at least 17 years old and females at least 15 years old to legally wed. However, any person under the age of 21 must provide the consent of their parent, guardian, or next of kin.</p> <p>Marriage must be solemnized by a minister, rabbi, or judge who is permitted to do so under the rules of their respective organizations.</p> <p>There are no residency requirements for marriage.</p>

Q

**3. If both marriage and civil unions exist:**

- (a) Identify any significant differences in eligibility; and
- (b) Briefly highlight how they interact if both are in effect (e.g., in some countries, entering into a marriage with the same or a different person automatically dissolves any civil union that the two parties were previously party to, making the latter vulnerable and potentially circumventing separation laws).
- (c) If both marriage and civil unions are available to same-sex couples, briefly highlight areas where major differences exist between marriage and civil unions (e.g., taxes, adoption, immigration, etc.).

A

(a)–(c)	Not applicable; Mississippi does not recognize civil unions.
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Q

**4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?**

A

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	A person is ineligible to marry if already married to another person at the time of the marriage ceremony.

Q

**5. When a couple comes to Mississippi, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?**

A

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<p>A marriage between parties that would be deemed incestuous and void under Mississippi law is not recognized.</p> <p>Marriages legally performed between members of the same sex must be recognized under <i>Obergefell v. Hodges</i>.</p>

Q

**6. How can each form of relationship be dissolved? What is the residency requirement or other link to Mississippi for an authority to grant a divorce/dissolution?**

A

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Annulment	<p>A marriage may be annulled due to the following causes existing at the time of the marriage ceremony: incurable impotency or adjudicated mental illness or incompetency. A marriage may also be annulled under the following causes if not ratified by the other party: (i) either party is incapable from physical causes, or of consenting, to enter into the marriage state, (ii) the consent is obtained through force or fraud, or (iii) the wife is pregnant by another person and the husband was unaware.</p> <p>Suits for annulment should be brought within six months of when the grounds for annulment are discovered.</p>
Divorce	<p>Divorce grounds include: (i) natural impotency, (ii) adultery unless committed by collusion to procure divorce or the parties cohabited after the adultery is discovered, (iii) sentencing to a penitentiary, (iv) desertion of at least one year, (v) habitual drunkenness, (vi) habitual and excessive drug use, (vii) habitual cruel and inhumane treatment, (viii) mental illness or disability at the time of the marriage if the other party was unaware, (ix) marriage to another at the time of the marriage, (x) pregnancy of the wife by another if the husband was unaware, (xi) incest, and (xii) incurable mental illness after at least three years of treatment.</p> <p>One of the parties must be an actual bona fide resident of Mississippi for six months before the filing of the action. Members of the United States armed forces are considered to be bona fide residents if stationed and residing in the state with their spouse at the time of separation.</p> <p>If it can be shown that residence in Mississippi was acquired for the purpose of securing a divorce, the action will be dismissed.</p>

**Sources:**

- Miss. Code Ann. § 93-1-1 et seq.
- Miss. Code Ann. § 93-3-1 et seq.
- Miss. Code Ann. § 93-5-1 et seq.
- Miss. Const. art. XIV, § 263A.
- *Obergefell v. Hodges*, 576 U.S. \_\_\_\_\_ (2015).

