

STATE OF MISSISSIPPI FOURTH CHANCERY DISTRICT

(AMITE, FRANKLIN, PIKE AND WALTHALL COUNTIES)

Debbra K. Halford, Sr. Chancellor

Stacye Campbell, Court Administrator

ctadministrator@franklincountymiss.org

601-384-3833 (telephone)

E. Wayne Smith, Jr. Chancellor

Mary Whittington, Deputy Court Administrator

mary@msdistrict4.com

601-657-5855 (telephone)

TO: ALL SELF-REPRESENTED LITIGANTS

You have the right to represent yourself in any Court matter except guardianships, conservatorships and estates and even in those actions, there are circumstances where you may represent yourself.

If you choose to represent yourself, you must do so without assistance from anyone unless that person is a licensed attorney. The Chancery Clerk and staff cannot practice law by advising you about your case. You are allowed to look through the files in the Chancery Clerk's office which are public record to find pleadings to go by but the staff cannot supply particular papers for you or to check the accuracy of your paperwork. If you represent yourself, you have the same responsibility to prepare and file your paperwork in accordance with the law as an attorney does. The Statutes and Court Rules governing the proceedings are available on the Mississippi Attorney General's website. You are further required to prepare and have issued the correct form of summons for all Defendants and subpoenas for witnesses; obtain proper service of summons and subpoenas and file proper proof of such service at the Clerk's office.

If you represent yourself, you are further required to make sure your case is properly set through the appropriate Court Administrator. The Court Staff cannot give you any advice or assistance in the proper preparation of your case. The Chancery Clerks do issue summons/subpoenas but they only issue the process that you prepare.

If your action begins with a joint complaint for divorce on the grounds of irreconcilable differences, you are responsible for notifying the appropriate Court Administrator when the sixty (60) day waiting period expires to have your case set for hearing. Your file will not be reviewed or presented to the Court until you request a setting. Pursuant to Court Rules, pleadings are not to be filed and orders are not to be submitted that contain blanks. *Fill-in-the-blank pleadings completed with handwritten information are not acceptable for filing.*

Since the law is a specialized field and your business is important, you are encouraged to get advice from an attorney. This memo is not intended to discourage you from representing yourself, but it is important for you to understand that none of the Clerk or Court personnel can give you legal advice or provide any assistance to you beyond the scope of their job duties. Specifically, all staff members are prohibited from advising you or consulting with you on how to prepare or file your case.

If you are not able to afford an attorney, you may qualify for free or reduced-price legal services. The numbers below may be of assistance to you:

MS ACCESS TO JUSTICE COMMISSION **1-601-960-9581**
Or visit www.msatjc.org (for access to legal forms)

MS CENTER FOR LEGAL SERVICES **1-800-498-1804**
Or visit www.mscenterforlegalservices.org

MS VOLUNTEER LAWYERS PROJECT **1-601-960-9577**
Or visit www.mvlp.org

MISSISSIPPI
Access to Justice
COMMISSION

JUSTICE *for* ALL

**FREE ONLINE LEGAL RESOURCES SPONSORED BY THE
MISSISSIPPI ACCESS TO JUSTICE COMMISSION**

For a list of the nonprofit organizations that provide free legal assistance to low-income individuals, visit <http://www.msatjc.org/legal-services-providers/>.

Free Online Legal Help Through <https://MS.freelegalanswers.org>

MS Free Legal Answers is an online civil legal help website designed to assist Mississippi's low-income citizens with their legal questions. The free, innovative service answers users' civil law questions. Topics may include family law matters such as divorce, custody, child support, visitation, guardianship, emancipation, adoption, name change and birth certificate correction as well as domestic violence, bankruptcy, consumer issues, education, employment, housing, workers compensation, wills and estate planning. *The site will not deal with criminal law questions.* People who qualify for assistance will sign up for an account and then post a question privately to the website. Attorneys will respond to questions and users will be alerted to their responses by email.

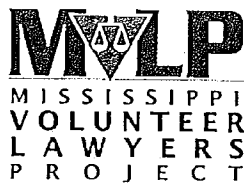
Free Legal Forms for Divorce, Emancipation and Adult Name Change

The Commission is pleased to make available virtual forms for low-income Mississippians seeking assistance with irreconcilable differences divorce, emancipation and adult name change matters. Find links to the virtual forms below:

Irreconcilable Differences Divorce (Both parties want to be divorced and will both sign the divorce papers):
<https://lawhelpinteractive.org/Interview/GenerateInterview/3490/engine>

Emancipation (You are under the age of 21 and want to live independently from your parents with their consent):
<https://lawhelpinteractive.org/Interview/GenerateInterview/4906/engine>

Adult Name Change (You want to legally change your name):
<https://lawhelpinteractive.org/Interview/GenerateInterview/5247/engine>



HOW TO GET FREE LEGAL ASSISTANCE THROUGH THE MISSISSIPPI VOLUNTEER LAWYERS PROJECT

About MVLVLP

The Mississippi Volunteer Lawyers Project ("MVLVLP") is a statewide, legal nonprofit organization dedicated to providing free legal services to low-income Mississippians. Since 1982, we have relied on a large network of volunteer attorneys to represent our clients in various legal matters. In addition to representing clients, we also provide seminars for attorneys, legal clinics and public awareness workshops across the state.

Who Qualifies for MVLVLP's Services

Individuals qualify for our services if their combined household income is less than 200% of the federal poverty guidelines, if they meet our citizenship requirements, and if their legal matter is one that we normally handle. See the table below for the applicable income guidelines.

All prospective clients are screened for eligibility by MVLVLP. MVLVLP reserves the right to reject a prospective client's legal matter if the prospective client has an income which exceeds the program's guidelines and/or if the prospective client presents a legal matter which falls outside of the program's case priorities. Furthermore, even after an individual's matter is accepted by MVLVLP, the program may terminate its representation should the individual's financial situation or legal matter change such that he or she is no longer eligible for MVLVLP's services.

Federal Poverty Guidelines	
Annual Household Income	
Household Size	200%
1	\$23,540
2	\$31,860
3	\$40,180
4	\$48,500
5	\$56,820
6	\$65,140
7	\$73,460
8	\$81,780

**These income amounts are subject to change on March 1st of every year. Please contact MVLVLP for the newest income guidelines.*

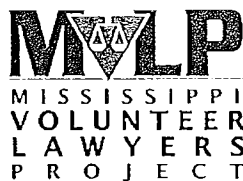
Legal Services Provided by MVLVLP

MVLVLP assists with the following legal matters: divorce, visitation, child support modification and contempt, guardianship, conservatorship, adoption, emancipation, birth certification correction, name change and wills. See the back page for short descriptions of each of these matters.

Contact Us for Help

You can call our office from 8:30am – 5:00pm on Monday through Thursday and from 8:30am – 12:30pm on Fridays at 601-960-9577 to find out if you qualify for our services. To learn more about MVLVLP, please visit www.mvlvp.org.

The information in this handout is not intended to be legal advice. Mere possession of this handout does not mean the Mississippi Volunteer Lawyers Project has agreed to assist you with your legal matter.



SNAPSHOTS OF THE LEGAL MATTERS HANDLED BY THE MISSISSIPPI VOLUNTEER LAWYERS PROJECT

- ❖ **Irreconcilable Differences Divorce:** Both parties must want to be divorced and agree to all terms of the divorce. The waiting period before the divorce can be final is sixty (60) days.
- ❖ **Desertion Divorce:** To obtain this type of divorce, a spouse must have left the marital home, been gone for one continuous year and not tried to return to the marriage. A witness is required to support claims of desertion.
- ❖ **Sentenced to Penitentiary Divorce:** To obtain this type of divorce, a spouse must be or have been incarcerated in a state or federal prison.
- ❖ **Visitation:** A noncustodial parent may seek visitation with a minor child if he/she is paying child support or has a desire to do so.
- ❖ **Child Support Modification:** Child support awards may be modified, either upwards or downwards, if there has been a substantial and material change in circumstances after a child support order has been entered that affects one's ability to pay.
- ❖ **Child Support Contempt:** When a person obligated to pay child support is not doing so, he/she may be sued for child support contempt. He/she may then be ordered to pay back child support, along with the regular child support obligation.
- ❖ **Guardianship:** A guardian other than the parents may be appointed over a minor child where either of the child's parents is deceased and/or the minor's parents or a surviving parent is unable to fulfill the obligations of a parent.
- ❖ **Conservatorship:** Conservatorships are granted when a person, by reason of advanced age, physical incapacity or mental weakness, is no longer able to properly care for his or herself.
- ❖ **Adoption:** A person may be adopted regardless of age. If the natural parents of the person to be adopted are still living, then the parents must either consent to the adoption or their parental rights must be terminated.
- ❖ **Emancipation:** The age of majority in Mississippi is twenty-one (21). To become emancipated before twenty-one (21), a minor must file a petition in writing and join a "next friend" – typically a biological parent or next of kin.
- ❖ **Birth Certificate Correction/Name Change:** For the procurement of benefits, identification documents or other needs, Mississippi allows changes/alterations to birth certificates at the discretion of courts and the state's vital records agency.
- ❖ **Wills:** A will is a legal document that states one's desires concerning what will happen to assets after death. A will also contains other specific directions concerning who is to follow the instructions of the will and who will care for minor children that may be left behind.