



OFFICE OF THE JUDGE ADVOCATE GENERAL **LEGAL ASSISTANCE POLICY DIVISION**



ANNULMENTS FACT SHEET

An annulment is a court procedure that dissolves a marriage. Although similar to a divorce, a key difference is that, in a divorce, there is still a legal recognition that two persons were married. In an annulment, the union is treated as if it never occurred. Two types of annulments are possible, civil, and religious annulments.

Marriages may be annulled on grounds of it being void or voidable. If a marriage is void, it was not legally enforceable at its inception. Void marriages are typically annulled on grounds prohibited by law. Alternatively, marriages might be voidable meaning the union violates a less stringent requirement to marriage, such as mental capacity to consent to marriage. The key difference in void versus voidable annulments is that voidable annulments have the potential to be valid through later action rectifying the mistake. An example of ratification might be obtaining a marriage license when both parties possess mental capacity following the ceremony where one, or both, parties lacked the capacity to consent to marriage. Alternatively, a void marriage cannot be rectified and lacks the potential to be valid because of its interference with established law. Typical reasons for annulment, and permissible grounds for the action, are one or both spouses' lack of mental competence, one or both spouses are underage and there was no parental consent, or either spouse consenting to the marriage through fraud or coercion.

Not so typical, yet equally permissible, grounds for annulment include bigamy and incestuous marriages (marriage to familial relatives). Although a party might argue that fraud induced a marriage and they consequently seek an annulment on those grounds, the fraud must be to the essentials of the marriage. What is essential may vary and may be up to the discretion of the court. This means that a person misrepresenting their status, such as wealth or income, may be, and usually is, insufficient to annul a marriage.

To get an annulment you must first establish that one of the aforementioned grounds exist. If a ground exists, you, or your spouse, may petition for, or request, an annulment; if the ground is age without parental consent, the parent of the underage person involved in the voidable union may file for an annulment on their child's behalf.

For more information on this topic, please contact your local legal assistance office to make an appointment to speak with an attorney.

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