SYNDICATE LEGAL ADVISORY SERVICES

ANNULMENT

Syndicate Legal Advisory Services – *Annulment*

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An **Annulment** is a legal procedure for declaring a marriage null and void. Legally an ***Annulment,*** or ***Nullity of Marriage***, is when a court says your marriage (or domestic partnership) is not legally valid. After an Annulment, it is like your marriage or domestic partnership never happened because it was never legal.

Generally, there are two different types of marriage Annulments, a **Civil Annulment** and a **Religious Annulment**. Courts issue Civil Annulments. A Civil Annulment may not be required to obtain a Religious Annulment. If you were married in a religious ceremony, you should consult with your clergymen concerning the requirements of obtaining a religious annulment.

There are a number of possible "grounds," or reasons, that a judge might grant a request to annul a marriage:

- The couple is related by blood.
- Bigamy – one spouse was already married before entering into the second marriage.
- The person requesting the annulment was not eighteen years old at the time of the marriage.
- Either spouse perpetrated a fraud to obtain the other party's consent to marriage. The fraud has to go to the heart, or essence, of the marriage. The fraud must have been about something vital to the relationship that directly affected why the party who was deceived agreed to the marriage or domestic partnership. Some examples may include: marrying only to get a green card or hiding the inability to have children.
- One of the spouses has an "incurable physical incapacity." This typically refers to male impotence that prevents the couple from having sexual relations.
- One or both spouses is of "unsound mind" (meaning, a mental condition that prevents them from understanding and appreciating the nature and duties of marriage – including intoxication).
- Either party consented to getting married or filing a domestic partnership as a result of force.

When asking for an Annulment, the party requesting the Annulment has the burden of proof to show the Court that one or more of the above reasons existed at the time of the marriage.

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