

ANNULMENT

What is an annulment?

An annulment is a legal action you may take to end your marriage. In an annulment a court decides that your marriage was never legally valid. It is different than a divorce. In a divorce a court decides that your marriage was legally valid but it is now over. When you ask for an annulment you are asking the court to treat your marriage as if it never happened.

Can any married person seek an annulment?

Yes, but it will only be granted under certain circumstances. For a court to annul your marriage you must prove that certain factors exist. These factors are called the “grounds” for an annulment.

What are the “grounds” for an annulment?

In Ohio there are six grounds for an annulment. At least one of these grounds must exist at the time of your marriage for the court to grant your request for an annulment. The grounds for annulment are:

1. You or your spouse was “under age” at the time of your marriage and you did not live with your spouse after you got married.
 - » In Ohio, men must be 18 and women must be 16 years of age to marry.
 - » If a man wants to annul his marriage because he was under age he must ask the court for the annulment before he turns 20.
 - » If a woman wants to annul her marriage because she was under age, she must ask the court for the annulment before she turns 18.
2. You or your spouse was already legally married to someone else at the time of your marriage and that person is still alive.
3. You or your spouse was “incompetent” at the time of the marriage.
 - » “Incompetent” means you did not have the ability to make decisions for yourself because of a mental illness or brain injury at the time of the marriage.
4. You or your spouse committed fraud to “trick” the other person into agreeing to the marriage.
 - » “Fraud” is telling the other person that something is true when it is not. For example, if a man agrees to marry a woman because she tells him she is pregnant and that he is the father, and this is not true—this is fraud.
 - » If you later learn of the fraud but continue to live together as husband and wife you cannot use this ground. An annulment action based on fraud must be filed within two years after the fraud is found out.

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5. You or your spouse agreed to the marriage because you were forced to do so.
 - » Sometimes this is called a “shotgun wedding”.
 - » If you live together as husband and wife after the wedding, you cannot claim this ground. An annulment action based on force must be filed within two years of the date of the marriage.
 6. Your marriage was “never consummated”.
 - » “Never consummated” means you and your spouse did not have physical sexual relations at any time following the marriage ceremony. An annulment action based on failure to consummate the marriage must be filed within two years of the date of the marriage.

What if none of the “grounds” for an annulment apply to me?

If none of the grounds for annulment apply to you, you are not able to obtain an annulment. If you want to end your marriage, you will need to file for a divorce or dissolution.