



Help Yourself

Annulment in D.C.

A *legal annulment* is a way to end a marriage. It is different from a divorce. A divorce ends a valid marriage. An annulment cancels the marriage—the legal effect is as if the marriage had not taken place at all. A *religious annulment* is different from a legal annulment. Check with your clergy if you want to learn more about religious annulments.

■ Can I get my marriage annulled?

In D.C., annulments are very unusual. Marriages can be annulled only in limited circumstances, which do not occur very often. The law in D.C. allows you to ask the court to annul your marriage only if:

- ▲ At the time you married your spouse, one of you was already legally married to someone else;
- ▲ At the time you married your spouse, one of you was insane, and you did not voluntarily continue to live together as husband and wife after you learned of the insanity;
- ▲ You married your spouse as a result of your spouse's force or fraud;
- ▲ At the time you married your spouse, you did not know that one of you was unable to perform sexually, and that person has remained unable to perform sexually in the marriage; or
- ▲ At the time you married your spouse, you were under 16 years old, and you did not voluntarily continue to live together as husband and wife after you turned 16 years old.

If you meet one or more of these requirements, the court can enter a decree annulling your marriage. The marriage will be considered *void* as of the date of the decree.

■ What if I was married by common law?

The rules are the same for any legal marriage, whether by civil ceremony, religious ceremony, or common law.

■ Are there any other types of illegal or void marriages?

Certain marriages are prohibited, usually because one person is married to someone else, or because the two people are closely related. Such marriages are legally *void* from day one (that is, the people were never legally married at all). The law in D.C. does not recognize the following types of marriages:

- ▲ The marriage of a man with his grandmother, grandfather's wife, wife's grandmother, father's sister, mother's sister, mother, stepmother, wife's mother, daughter, wife's daughter, son's wife, sister, son's daughter, daughter's daughter, son's son's wife, daughter's son's wife, wife's son's daughter, wife's daughter's daughter, brother's daughter, sister's daughter;
- ▲ The marriage of a woman with her grandfather, grandmother's husband, husband's grandfather, father's brother, mother's brother, father, stepfather, husband's father, son, husband's son, daughter's husband, brother, son's son, daughter's son, son's daughter's husband, daughter's daughter's husband, husband's son's son, husband's daughter's son, brother's son, sister's son;
- ▲ The marriage of any persons either of whom has been previously married and whose previous marriage has not been terminated by death or a decree of divorce (that is, one of the people is still married to someone else).

If any of these circumstances apply to you, you do not need to get an annulment or a divorce because you were never legally married. You may still ask the court to declare your "marriage" void, and then the court can legally divide your property, address custody of your children, and award child support.

■ Does it matter where we were married?

No. It does not matter whether you were married in D.C. or somewhere else. However, if you were not married in D.C., you must be a current D.C. resident.

■ Who can ask for an annulment?

If the annulment is sought because the person was under the age of consent and that person is still legally a minor (under age 18), the minor's parent or guardian can ask the court for an annulment on

behalf of the minor. If the annulment is sought because the person has been declared insane by a judge, the insane person's guardian can ask for the annulment.

Except in the case of a minor or an insane person, the person who is "at fault" cannot seek the annulment. For example, the person who committed fraud cannot be granted an annulment on the grounds of his or her own fraud. Also, the person who entered the marriage knowing he or she could not consummate it cannot be granted an annulment for that reason. If the person who is at fault wants to end the marriage, he or she would be required to ask for a divorce. Only the person who is not at fault can be granted an annulment.

■ **How can I file for an annulment?**

You can consult an attorney about your case, or you can file your case yourself. You can get the necessary court *pleadings* (legal documents) at www.dcbbar.org/pleadings, or at the D.C. Superior Court Family Court Self-Help Center (500 Indiana Avenue NW, room JM-570), open Monday through Friday, 8:30 a.m. to 5 p.m. (202-879-1471). The Self-Help Center staff can explain the process and help you fill out the pleadings.

■ **What if my spouse files for an annulment but I disagree?**

You can file a Contested Answer telling the court the reasons you disagree and asking the court not to grant the annulment.

■ **What happens if we get an annulment?**

If you and your spouse own property or have children together, the court will need to address those issues just as if you were getting a

divorce. If you and your spouse agree how to resolve those issues, the court would divide the property, enter a custody order for the children, and establish child support according to your agreement. If you disagree, you would have a hearing and then the judge would decide.

■ **Can I get alimony?**

The court could award temporary alimony while you are waiting for the annulment to be finalized, but you cannot get alimony after the annulment is final. For more information, see "Help Yourself: Alimony in D.C."

■ **When is the annulment final?**

After the hearing, if the judge grants an annulment, you will get a copy of the order. Your annulment will be final 30 days after the "docketing date," which could be a few days after the hearing. Either party may file an appeal within those 30 days and also ask the court to stay the annulment order (that is, hold it without making it final). If the stay is granted, the order becomes final once the appeal is resolved. If the stay is denied, the order is still final after the 30 days. If you both agree that you do not want to appeal the judge's order, you can file a Joint Waiver of Appeal; there will not be a 30-day waiting period and the order will be final immediately.

For more information, you can go to www.lawhelp.org/dc or see "Help Yourself: Divorce in D.C." and "Child Custody in D.C."

The D.C. Bar Pro Bono Program provides general information only. This is not legal advice. You can only obtain legal advice from a lawyer. If you need legal advice for a specific situation, contact an attorney. We make every effort to keep the legal education materials up-to-date, but laws change frequently. Therefore the D.C. Bar Pro Bono Program does not guarantee the accuracy of this information.