



# Help Yourself

## Annulment in D.C.

A *legal annulment* is a judgement of the court that a marriage is invalid. A legal 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. A legal annulment is also different from a divorce. A divorce ends a valid marriage.

■ **Can I get my marriage annulled?** In D.C., annulments are very rare. 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 unable consent to the marriage because of mental incapacity;
- You married your spouse as a result of your spouse's force or fraud;
- 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;
- At the time you married your spouse, one of you was already legally married to someone else; or
- You married a close relative.

If the court finds that you meet one or more of these requirements, it can enter a decree annulling your marriage.

■ **Do I have to get a court order for my marriage to be annulled?** If you are seeking a legal (not religious) annulment, you must get a court order if you are seeking an annulment because:

- At the time you married your spouse, one of you was unable consent to the marriage because of mental incapacity;
- You married your spouse as a result of your spouse's force or fraud;
- 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;

These are called *voidable* marriages.

However, some 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 close relatives or
- 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 either of these circumstances applies to you, you do not need to get an annulment or a divorce because you were never legally married. However, you may still want to file for an annulment in order to have clear proof that your marriage was void.

■ **What if I was married by common law?** The requirements for an annulment are the same for any marriage, whether by ceremony or common law.

■ **Is D.C. the right place to for me to seek an annulment?** You can ask for an annulment in D.C. if you were married in D.C. or if you are 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 to lack mental capacity to consent to marriage by a judge, that person's guardian can ask for the annulment.

Except in the case of a minor or person without mental capacity, 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. If the person who is at fault wants to end the marriage, he or she must file for a divorce. Only the person who is not at fault can be granted an annulment.

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■ **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](http://www.dcbbar.org/pleadings), or at the D.C. Superior Court Family Court Central Intake Center (500 Indiana Avenue NW, room JM-540), open Monday through Friday, 8:30 a.m. to 5:00 p.m.

■ **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 other issues can the court address when an annulment is granted?** If you and your spouse own property or have children together, you can ask the court to address those issues. If you and your spouse reach an agreement about any of these issues, the court can enter an order that reflects 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 the information sheet “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 visit the Family Court Self-Help Center, a free walk-in clinic located in the DC Superior Court, 500 Indiana Avenue, NW, in Room JM-570. The Center is open Monday through Friday, from 8:30 a.m. to 5:00 p.m. The Center can explain the process to you, help you complete the proper legal papers, and direct you to other free legal resources. Visit [www.lawhelp.org/dc](http://www.lawhelp.org/dc) for more information, including how to contact free legal assistance organizations, or call the D. C. Bar Legal Information Helpline at 202-626-3499 to listen to recorded messages about this issue.

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