

◆ Annulment

A court may annul a marriage upon any of the following grounds:

(1) A party lacked capacity to consent to the marriage at the time the marriage was solemnized, due to any of the following reasons, and no more than one year has passed since the Petitioner obtained knowledge of the described condition:

- a. Age;
- b. Mental incapacity or infirmity;
- c. The influence of alcohol, drugs, or other incapacitating substances;
- d. The party was induced to enter into the marriage by force or duress; and
- e. The party was induced to enter into the marriage by fraud involving the essentials of marriage.

(2) A party lacks the physical capacity to consummate the marriage by sexual intercourse, and at the time the marriage was solemnized the other party did not know of the incapacity, and no more than one year has passed since the Petitioner obtained knowledge of the incapacity;

(3) A party was 16 or 17 years of age and did not have the consent of his/her parent or guardian, or judicial approval, and the underage party brings the suit prior to attaining the age of 18 years, or the parent or guardian brings the suit within one year of obtaining knowledge of the marriage and before the underage party reaches the age of 18 years;

(4) A party was under 16 years of age, and the underage party brings the suit prior to attaining the age of 18 years, or the parent or guardian brings the suit within one year of obtaining knowledge of the marriage and before the underage party reaches the age of 18 years; or

(5) The marriage is prohibited by the laws of the state, and no more than 10 years have passed since the marriage was solemnized, with the exception of bigamy, where the 10 year limitation does not apply.