



## FORT SILL LEGAL ASSISTANCE

### ANNULMENTS IN OKLAHOMA



#### What is an annulment?

Like a divorce, an annulment is a legal procedure that dissolves a marriage. However, unlike a divorce, an annulment treats a marriage as though it never happened. Specific grounds **must** exist in order to obtain an annulment.

#### What are the grounds for an annulment?

Oklahoma has several grounds for annulments that fit into one of two categories: **void** or **voidable** marriages. To obtain an annulment, one of the following must be proven.

**Void marriages** are prohibited by law in Oklahoma. The conduct of spouses, such as cohabitation (living together), will not ratify the marriage or make it valid. Void marriages include:

- incestuous marriages (marriage with a close relative)
- bigamous or polygamous marriages (marriage to more than one person)

**Voidable marriages** are valid but can be declared void under certain circumstances. Specifically, grounds for voidable marriages can be waived by continued cohabitation after the condition is discovered. Voidable marriages include:

- one or both spouses are under the age of 18
- inability of a spouse to consent to marriage due to mental incapacity
- marriage consent of a spouse obtained by duress, coercion, or fraud
- remarriage within six months of divorce

#### How do I get an annulment?

In Oklahoma, it is required that an individual seeking an annulment to petition the court. In certain circumstances, an action for annulment can be brought by parents of a married couple if (1) their child was under the age of 18 and consent was not obtained for the marriage OR (2) their child lacks the mental capacity to bring the action. Once the action is brought, at least one of the annulment grounds above must be proven in court. This requires a court hearing which includes documents and/or witnesses that support a claim for annulment. If you would like to begin the annulment process, it is recommended that you seek legal advice from a legal assistance attorney or a civilian family law attorney.

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**This Information Paper provides only basic information and is not intended to serve as a substitute for personal consultation with a Legal Assistance Attorney. To schedule an appointment with a Legal Assistance Attorney, please contact the Legal Assistance Office at (580) 442-5058. The Fort Sill Legal Assistance Office is located on the 4th Floor of Building 4700 (Welcome Center) at 4700 Mow-Way Road, Fort Sill, Oklahoma 73503.**