

ANNULMENT

What is Annulment?

An annulment is a legal procedure declaring that a valid marriage never existed. You must meet very specific requirements to get an annulment. Annulment actions are very rare compared to divorce actions.

The Difference between Annulment and Divorce: You can only have a marriage annulled if the marriage was never valid. There are very specific grounds for Annulment in Arkansas. A divorce is the termination of a valid marriage. In Arkansas there is no such thing as a “No Fault” divorce. In Arkansas there must be grounds for a divorce.

Grounds for Annulment (Arkansas §9-12-201)
When a party to the marriage (husband or wife) is incapable of consenting to the marriage because:

- One or both of the parties were too young to legally get married;
- One or both of the parties were mentally unable to understand and consent to the marriage;
- One or both the parties were incapable of entering into the marriage state due to physical causes;
- Consent to marry was obtained through fraud;
or
- Consent to marry was obtained through force

If any of the above grounds apply to your situation then you may petition the circuit court where you reside for an annulment of your marriage. A circuit judge may decide to hear such a case in chambers (the judge’s private office) if the judge decides it is in the best interests of the parties. §16-13-222. It is best to hire an attorney if you can afford to do so.

What if I do not have grounds for an Annulment? If you don't qualify under the statute for an annulment then you may decide to petition for a divorce. If both parties agree to the terms of the divorce then it is called an *uncontested divorce*. If you cannot afford an attorney then there are many resources available for simple divorces without expensive property or children available at www.arlegalservices.org.

The two free legal services providers in Arkansas accept cases involving divorce when court intervention is needed to protect the health and safety of families, spouses or children.

If you or your children have been the victim of recent physical abuse and you a low-income resident of Arkansas then you can **apply for free legal services by calling our HelpLine at 376-3423 or 1-800-952-9243 Monday through Friday.**

The ALSP Law Series is produced by the Arkansas Legal Services Partnership, a collaboration of the Center for Arkansas Legal Services and Legal Aid of Arkansas, Inc. These nonprofit organizations provide free legal services to eligible Arkansans who meet income, asset and other guidelines. Legal services may include advice and counsel, brief services, or full representation depending on the situation. Additional information can be found at: arlegalservices.org. To apply for services, call 1-800-9LAW AID.

The information and statements of law in this fact sheet should not be considered legal advice. This fact sheet is provided as a broad guide to help you understand how certain legal matters are handled in general. Courts may interpret the law differently. Before you take action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.