



# Annulment Fact Sheet

## Introduction

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.

## Annulments vs. Divorces

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 must be grounds for a divorce because there is no such thing as a “no fault” divorce.

## Grounds for an Annulment

Grounds for an annulment are when a party (husband or wife) is incapable of lawfully consenting to the marriage for any the following reasons:

- one or both parties were too young to legally marry
- one or both parties were mentally unable to understand and consent to the marriage
- one or both parties were incapable of marrying due to physical causes
- consent to marry was obtained through fraud or force

You may petition the circuit court in the county 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. It is best to hire an attorney if you can afford to do so.

## Lacking Grounds for an Annulment

If you do not 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 [arlegalservices.org](http://arlegalservices.org).

The two free legal services providers in Arkansas, Legal Aid of Arkansas, Inc., and the Center for Arkansas Legal Services, 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 are a low-income resident of Arkansas, then you can apply for free legal services by calling our helpline at (501) 376-3423 or 1-800-952-9243 Monday through Friday.

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*This fact sheet is a collaboration of the Center for Arkansas Legal Services and Legal Aid of Arkansas, Inc. These nonprofit organizations provide free legal assistance to eligible Arkansans who meet income, asset, and other guidelines. Legal assistance may also include advice and counsel, brief services, or full representation depending on the situation. For more information about civil legal aid in Arkansas, please visit [arlegalservices.org](http://arlegalservices.org). For information specific to Legal Aid of Arkansas, Inc., visit [arlegalaid.org](http://arlegalaid.org). Apply for services online or by calling 1-800-9-LAW-AID (1-800-952-9243).*

*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.*

**Content provided by:  
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