

## **What is Annulment?**

Annulment is a legal proceeding where a person may nullify his/her marriage. Unlike a divorce, which merely ends the legal marriage, an annulment declares the marriage void.

## **Can I Get an Annulment?**

You must file a lawsuit in the county where your spouse lives citing the grounds or reasons for your annulment. There are only six grounds for annulment in Idaho.

## **Who Can File?**

Generally, only the person in the marriage who actually has the legal reason. In some cases, that person's legal guardian or relative may file for them.

## **What Are the Grounds?**

1. The party filing was under the age of legal consent (age 18 in Idaho), and their parents or legal guardians did not consent.
2. That the former wife or husband of either party is still living and the prior marriage was not legally ended by divorce or annulment.
3. That either party is of unsound mind, unless that person freely lives with his or her spouse after coming to reason.
4. That the consent of either party was obtained by fraud, unless the party continues to live as man and wife after discovering the fraud.
5. That the consent of either party was obtained by force, unless that party

continues to live as man and wife.

6. That either party was, at the time of the marriage, physically incapable of entering into the married state, and the physical incapacity is permanent.

## **Are There Time Limits to File?**

Yes. For the first ground the case must be filed within four years of the underage party reaching 18. For the second and third grounds, there is no limitation. The action may be brought at any time during the life of the other party. The fourth cause of action must be brought within four years of discovering the fraud. The remaining cause of action must be filed within four years from the date of the marriage.

## COURT ASSISTANCE OFFICES

Benewah County

245-3241

Bonner County

265-1449

Boundary

267-5504

Kootenai County

446-1186

Shoshone County

752-1266

Clearwater County

476-5596

Idaho County

983-2776

Latah County

883-7221

Lewis County

937-2251

Nez Perce County

799-3191

Adams County

253-4561

Canyon County

454-7455

Gem County

365-4221

Owyhee County

495-2806

Payette County

642-6000

Washington County

414-2092

Ada County

287-6963

Boise County

392-9593

Elmore County

587-2142 Ext. 218

Valley County

382-7178

Blaine County

788-5521

Cassia-Minidoka

878-4298

Gooding County

934-4261

Jerome County

644-2600

Lincoln County

886-2173

Twin Falls County

736-4137

Bannock County

236-7067

Bear Lake County

945-2208 Ext. 6

Caribou County

547-4342 Ext. 125

Franklin County

852-0877

Oneida County

766-4116 Ext. 114

Power County

226-7619

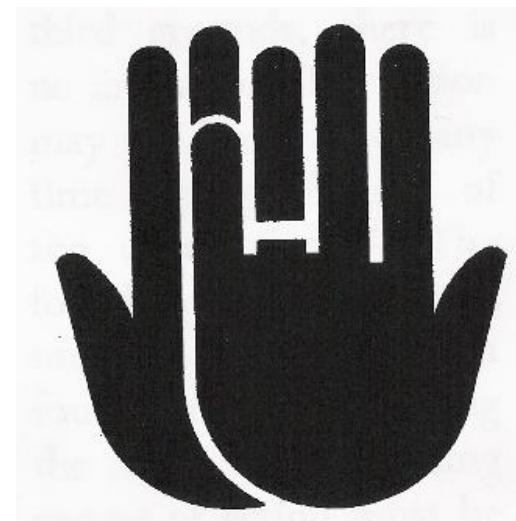
7<sup>th</sup> Judicial District

589-9872

(Bingham, Bonneville, Butte, Custer, Clark,  
Lemhi, Jefferson, Madison, Teton and  
Fremont Counties)

January 2010

# ANNULMENT PROCEEDINGS IN IDAHO



## IDAHO SUPREME COURT ASSISTANCE SERVICES