

## **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

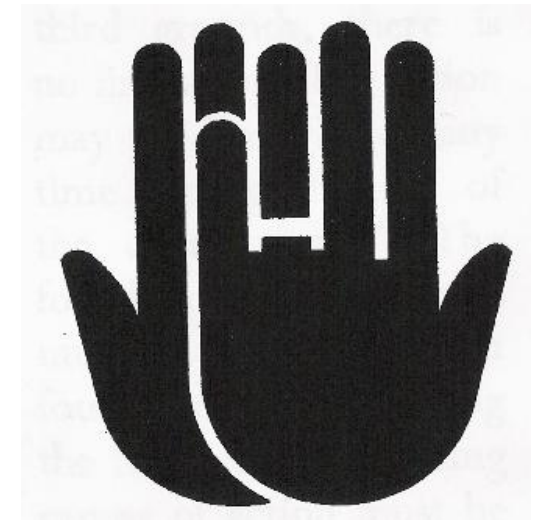
Benewah County  
245-3241  
Bonner County  
265-1449  
Boundary  
267-5504  
Kootenai County  
446-1186  
Shoshone County  
752-1266  
Clearwater County  
476-5596  
Idaho County  
983-2776  
Latah County  
883-7221  
Lewis County  
937-2251  
Nez Perce County  
799-3191  
Adams County  
253-4561  
Canyon 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  
392-4452  
Elmore County  
587-2133  
Valley County  
382-7100  
Blaine County  
788-5521  
Cassia-Minidoka  
878-4298  
Gooding County  
934-4261  
Jerome County  
644-2600  
Lincoln County  
886-2173  
Minidoka County  
436-7186  
Twin Falls County  
736-4137  
Bannock County  
236-7067  
Bear Lake County  
945-2208 Ext. 6  
Caribou County  
547-4342 Ext. 31  
Franklin County  
852-0877  
Oneida County  
766-4116 Ext. 114  
Power County  
226-7611  
7<sup>th</sup> Judicial District  
589-9872

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

July 2012

# ANNULMENT PROCEEDINGS IN IDAHO



## IDAHO SUPREME COURT ASSISTANCE SERVICES