

Research Guide

ANNULMENT

- Florida does not have an annulment statute. Annulments are a matter of common law.
- The basic difference between a *divorce* and an *annulment* is that a divorce says *this marriage is broken*. An annulment says *there never was a marriage*.

See: Self-Help book, File For Divorce in Florida, Page 2, “*ANNULMENT*”.

- For an explanation of the differences between an annulment of a “void” marriage and a marriage that is “voidable”, see the *LEXIS* Florida Bar CLE title, Florida Dissolution of Marriage, Chapter 18, section 18-5.
- Grounds for Annulment:
A marriage may be annulled for a cause that has prevented the parties from contracting a valid marriage. For instance:
 1. The invalidity of a marriage may arise from legal or mental incapacity, because of physical incapacities or infirmities, or;
 2. Because of lack of consent to marriage, or;
 3. A marriage may also be invalid because consent was wrongfully procured by force, duress, fraud, or concealment.

See: 25A Fla.Jur.2d page 79, Family Law section 482, and also Sack v. Sack, 184 So. 2d. 434 (Fla. 3DCA 1966).

- An action for annulment seeks a final judgment holding that the marriage is invalid. The plaintiff denies the validity of the marriage and asks for a judgment of annulment, having a marriage declared void by the court. The *difference* between an annulment and a dissolution of marriage is that the grounds for an annulment exist at the time of the marriage, whereas, the grounds for dissolution of marriage arise after the marriage.
- The rights and responsibilities of the parties whose marriage is terminated by a final judgment of dissolution of marriage may differ substantially from those of parties whose marriage is declared invalid by an annulment
- For an explanation on Annulment see Florida Dissolution of Marriage, Chapter 18. It includes examples of the forms needed to file an action for annulment. This resource is available in all three branches of the VCLL in both print and electronic formats.

NOTICE: This research guide is based on information gathered from the resources cited above. For more information on this or other legal topics visit the nearest branch of the Volusia County Law Library.

IF YOU ARE ACTING AS YOUR OWN ATTORNEY YOU ARE RESPONSIBLE FOR EVERYTHING THAT INVOLVES YOUR CASE. Remember: Court and Clerk Filing & Service fees vary. Check with the Clerk of the Court for exact fees and court costs.