

## ANNULMENT

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### OVERVIEW

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*.

A marriage may be annulled for a cause that has prevented the parties from contracting a valid marriage. For instance:

- One party was already married to another person
- The invalidity of a marriage may arise from legal or mental incapacity because of physical incapacities or infirmities
- Lack of consent to marriage
- A marriage may be invalid because consent was wrongfully procured by force, duress, fraud, or concealment
- One party is too young to get married
- The marriage is incestuous

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 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.

**Ask your librarian for additional resources.**

### RESOURCES IN THE JAMES J. LUNSFORD LAW LIBRARY

1. Florida Dissolution of Marriage (The Florida Bar) LexisNexis. See Chapter 17 for an explanation on Annulment. It includes examples of the forms needed to file an action for annulment. Section 17.8
2. Florida Family Law, Brenda M. Abrams, LexisNexis. Volume 1, Chapter 2, Sections 2.30-2.33
3. Florida Jur2d, Thomson Reuters, Volume 25A, Family Law Sections 584-616

# Tampa-Hillsborough County Public Library

## Research Guide

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4. Florida Pleading and Practice Forms, Thomson Reuters, Volume 5A, Chapter 44, II. Action for Annulment Sections 44:344-44:364
5. GALE Legal Forms Database – has non-Florida specific examples to use as a template
6. Westlaw is available for customer use at the following branches: James J. Lunsford Law Library, John F. Germany and Robert W. Saunders, Sr. Public Library

**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 James J. Lunsford Law Library.

**IF YOU ARE ACTING AS YOUR OWN ATTORNEY, YOU ARE RESPONSIBLE FOR EVERYTHING THAT INVOLVES YOUR CASE.**

**Remember:** Check with the Clerk of the Court for filing fees/court costs.