

ANNULMENT

A petition must be filed in the Civil Division. The filing fee is \$94.00.

A marriage can be annulled because it is void under VA Code 20-38.1 and /or because it is voidable under VA code 20-89.1.

Grounds for Annulment:

- 1) No license/solemnization – the marriage was performed without the required license.
- 2) Bigamy – the marriage was entered into prior to the dissolution of an earlier marriage of one of the parties.
- 3) Incest – the marriage was between relatives forbidden to marry.
- 4) Lack of capacity-under age – one or both of the parties lacked capacity to marry because he or she is too young to marry.
- 5) Lack of capacity – mental infirmity – either of the parties lacked capacity to consent to the marriage at the time it was performed because of mental incapacity or infirmity.
- 6) Fraud or duress – fraud must be materially affecting the essentials of the marriage.
- 7) Impotence – natural or incurable impotence existing at the time of entering into the marriage contract.
- 8) Felony conviction – Either party, without knowledge of the other, had been convicted of a felony prior to the marriage.
- 9) Pregnancy by third party – At the time of the marriage, the wife, without the knowledge of the husband, was with child by a person other than the husband.
- 10) Pregnancy of a third party – the husband, without the knowledge of the wife, fathered a child born to a woman other than the wife within 10 months after the marriage was solemnized.
- 11) Prior prostitution – either party, without the knowledge of the other, had been a prostitute prior to the marriage.