

PETITION FOR ANNULMENT

An *Annulment* is a legal order stating that your marriage never existed.

A *Divorce* is a legal order ending a valid marriage.

These forms are to be used if you want to have your marriage annulled. In order to have your marriage annulled, you must be able to prove one of the grounds listed below.

1. You and your spouse are related as follows: brother/sister, parent/child, stepchild; grandparent/grandchild; aunt/nephew; uncle, niece;
2. You did not have the mental capacity to enter into a contract;
3. You were under the age of 16 when you entered into your marriage;
4. You were forced to enter into the marriage;
5. You were fraudulently induced to enter into the marriage;
6. Your spouse was married to another living spouse at the time you entered into the marriage.

The fact that you and your spouse have only been married for a very short time is not a proper ground for an annulment. If you do not satisfy one of the conditions listed above, then you must file a petition for divorce.

If there are children born or to be born from the purported marriage, then the general rule is that you cannot file a petition for annulment. If you and your spouse do have children, and you believe that you satisfy the requirements for an annulment, you should speak with an attorney.

It is advisable to have an attorney when filing legal papers to be sure that your rights are protected and that all the procedures are correctly followed. **Courthouse personnel are prohibited by state law O.C.G.A. § 15-19-51 from giving legal advice.** Different situations may require special procedures and courthouse personnel cannot advise you on how to proceed or what forms may be necessary in specific situations.