

# Annulments -- **READ this FIRST!**

**Few people who want an annulment actually qualify for one. Before filing the forms (and paying the fee), read the Texas laws about annulment.**

## SUBCHAPTER B. GROUNDS FOR ANNULMENT

Excerpt Source: Texas Family Code, 2008, chapter 6. Read the entire chapter at

<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.6.htm#6.102>

### § 6.102. ANNULMENT OF MARRIAGE OF PERSON UNDER AGE 18.

(a) The court may grant an annulment of a marriage of a person 16 years of age or older but under 18 years of age that occurred **without parental consent or without a court order** as provided by Subchapters B and E, Chapter 2.

(b) A petition for annulment under this section may be filed by:

- (1) a next friend for the benefit of the underage party;
- (2) a parent; or
- (3) the judicially designated managing conservator or guardian of the person of the underage party, whether an individual, authorized agency, or court.

(c) A suit filed under this subsection by a next friend is barred unless it is filed within 90 days after the date of the marriage.

### § 6.103. UNDERAGE ANNULMENT BARRED BY ADULTHOOD.

A suit to annul a marriage may not be filed under Section 6.102 by a parent, managing conservator, or guardian of a person after the 18th birthday of the person.

### § 6.104. DISCRETIONARY ANNULMENT OF UNDERAGE MARRIAGE.

(a) An annulment under Section 6.102 of a marriage may be granted at the discretion of the court sitting without a jury.

(b) In exercising its discretion, the court shall consider the pertinent facts concerning the welfare of the parties to the marriage, including whether the female is pregnant.

### § 6.105. UNDER INFLUENCE OF ALCOHOL OR NARCOTICS.

The court may grant an annulment of a marriage to a party to the marriage if:

- (1) at the time of the marriage the petitioner was under the influence of alcoholic beverages or narcotics and as a result did not have the capacity to consent to the marriage; and
- (2) **the petitioner has not voluntarily cohabited with the other party to the marriage since the effects of the alcoholic beverages or narcotics ended.**

### § 6.106. IMPOTENCY.

The court may grant an annulment of a marriage to a party to the marriage if:

- (1) either party, for physical or mental reasons, was permanently impotent at the time of the marriage;
- (2) the petitioner did not know of the impotency at the time of the marriage; and
- (3) **the petitioner has not voluntarily cohabited with the other party since learning of the impotency.**

### § 6.107. FRAUD, DURESS, OR FORCE.

The court may grant an annulment of a marriage to a party to the marriage if:

- (1) the other party used fraud, duress, or force to induce the petitioner to enter into the marriage; and

- (2) **the petitioner has not voluntarily cohabited with the other party since learning of the fraud or since being released from the duress or force.**

### § 6.108. MENTAL INCAPACITY.

(a) The court may grant an annulment of a marriage to a party to the marriage on the suit of the party or the party's guardian or next friend, if the court finds it to be in the party's best interest to be represented by a guardian or next friend, if:

- (1) **at the time of the marriage the petitioner did not have the mental capacity to consent to marriage or to understand the nature of the marriage ceremony because of a mental disease or defect; and**
- (2) **since the marriage ceremony, the petitioner has not voluntarily cohabited with the other party during a period when the petitioner possessed the mental capacity to recognize the marriage relationship.**

(b) The court may grant an annulment of a marriage to a party to the marriage if:

- (1) at the time of the marriage the other party did not have the mental capacity to consent to marriage or to understand the nature of the marriage ceremony because of a mental disease or defect;
- (2) at the time of the marriage the petitioner neither knew nor reasonably should have known of the mental disease or defect; and
- (3) since the date the petitioner discovered or reasonably should have discovered the mental disease or defect, the petitioner has not voluntarily cohabited with the other party.

### § 6.109. CONCEALED DIVORCE.

(a) The court may grant an annulment of a marriage to a party to the marriage if:

- (1) the other party was divorced from a third party within the 30-day period preceding the date of the marriage ceremony;
- (2) at the time of the marriage ceremony the petitioner did not know, and a reasonably prudent person would not have known, of the divorce; and
- (3) since the petitioner discovered or a reasonably prudent person would have discovered the fact of the divorce, the petitioner has not voluntarily cohabited with the other party.

**(b) A suit may not be brought under this section after the first anniversary of the date of the marriage.**

### § 6.110. MARRIAGE LESS THAN 72 HOURS AFTER ISSUANCE OF LICENSE.

(a) The court may grant an annulment of a marriage to a party to the marriage if the marriage ceremony took place in violation of Section 2.204 during the 72-hour period immediately following the issuance of the marriage license.

**(b) A suit may not be brought under this section after the 30th day after the date of the marriage.**