

Catholics and Marriage Annulment

In Illinois, an annulment is referred to as a Declaration of Invalidity of Marriage.¹ The court makes it as if the parties were never married. This can be important for a variety of reasons. For religious purposes, check with your clergy about what you need. The court can give you a civil annulment and your marriage will be wiped off the State's books. As far as the government is concerned, it will be as if you were never married. Religious records can also be cleaned, but the court can't do that for you. Talk with your clergy.

There are only a few situations that warrant a Declaration of Invalidity and they each have a fairly short time limit after the marriage ceremony within which a case must be filed.² If you let the deadline pass, you give up your right to a Declaration of Invalidity and you'll have to stay married or seek a legal separation or a divorce.

We get a lot of calls from folks who want an annulment. Almost none of them qualify because the requirements are so difficult to satisfy. In fact, our law firm has processed only two annulments since 1991. If you're thinking about an annulment, you really probably need to start thinking about a divorce.

The grounds declaring a marriage invalid specified under Illinois law (and the time limits by which a case must be filed) are:

Coercion or duress ³ (the classic "shotgun wedding").	Within 90 days of learning of the condition ⁴
Mental incapacity ⁵ (either due to mental deficiencies or the influence of alcohol or drugs). Dennis Rodman and Britney Spears have both used this defense.	Within 90 days of learning of the condition ⁶
Fraud. Under Illinois' annulment law, the term "fraud" refers to a fraud involving "the essentials of the marriage." ⁷ That generally means the ability to have kids B it has nothing to do with representations as to wealth or social standing. If you thought you were marrying a millionaire but really you married a bum; congratulations, you're married to a bum and there's no way out but divorce.	Within 90 days of learning of the condition ⁸
Physical incapacity to consummate the marriage by sexual intercourse ⁹ (and the condition must have existed at the time of the marriage the other spouse must not have been aware of this condition).	Within one year of learning of the condition ¹⁰
One party was 16 or 17 and did not have parental (or a guardian's) consent nor judicial approval. ¹¹	Prior to the minor's 18th birthday ¹²
The marriage is otherwise prohibited ¹³ (parents marrying children, aunts marrying nephews, same-sex marriages, etc.)	At any time or, by a child of either party within 3 years of the death of the first party to die. ¹⁴

This article was written by the law office of Cowell Taradash, P.C., whose attorneys are familiar with the latest court decisions, recent changes in the law and even the tendencies of many judges. We can help. Contact us at 866.987.6723 or info@illinoisdivorce.com.