

ANNULMENT PACKET
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Frequently Asked Questions

1. **What is an Annulment?** An annulment is a legal order declaring that a marriage never existed. Annulments are rare and only granted in unusual circumstances.
2. **On What grounds can I receive an annulment?** You may receive an annulment if:
 - You and your spouse are related as follows: parent/child, parent/stepchild, grandparent/grandchild, aunt/nephew, uncle/niece.
 - You did not have the mental capacity to enter into a contract.
 - You were under the age of 16 when you entered into your marriage.
 - You were forced to enter into the marriage.
 - You were fraudulently induced to enter into the marriage.
 - Your spouse was married to another living spouse at the time you entered into the marriage.
3. **May I be granted an annulment if I have only been married a short time?**
No. The fact that you and your spouse have only been married a 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 to dissolve your marriage.
4. **May I obtain an annulment if I have had or will have children with my current spouse?** Generally no. O.C.G.A. § 19-4-1 states that “annulments may not be granted in instances where children are born or are to be born as a result of the marriage.” If you and your spouse have children together and believe that you satisfy the requirements for an annulment, you should speak with an attorney.
5. **How long does an annulment take?** An order granting an annulment can be issued by a judge 30 days after the other person has been served with a copy of your Petition for Annulment.
6. **May I receive alimony if my marriage is annulled?** You may request an award of *temporary* alimony. However, you cannot request an award of permanent alimony. Alimony can be awarded only in the dissolution of a valid marriage.
7. **How long do I have to wait before I can get married again?** You can remarry anytime after the Court issues a final order granting an annulment.
8. **Why would I ever need to file for an annulment?**
 - If you die prior to having your invalid marriage annulled, then your purported spouse may make a claim against your estate that he/she would otherwise not be eligible to make.
 - You can have a judge divide any joint property or joint debts.
 - You can have your former name restored.

**IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA**

_____,)
)
Plaintiff,)
)
v.) Civil Action No. _____
)
)
)
_____,)
Defendant.)

PETITION FOR ANNULMENT OF MARRIAGE

I, _____ representing myself,
state that:

1. Subject Matter Jurisdiction: I am the Petitioner in this action, and *(Check (a) or (b)).*

- a) I have been a resident of the State of Georgia for more than six (6) months prior to filing this action.
- b) I am not a resident of the State of Georgia, but the Respondent has been a resident of the State of Georgia and a resident of the county in which I am filing (_____ County) for at least six (6) months prior to my filing of this action.

2. Venue and Service:

The Respondent's name is _____.
(Check (a), (b), (c), or (d))

a) The Respondent is a resident of _____ County and is subject to the jurisdiction of this Court. *(Check (1), (2), or (3))*

1) The Respondent has consented to the jurisdiction of this Court and has acknowledged service of process and jurisdiction of this Court.

2) The Respondent may be served at Respondent's residence address of _____.

3) The Respondent may be served at Respondent's work address of _____ The

Respondent works in _____ County and shall be served by second original.

b) The Respondent is a resident of _____ County, State of Georgia, but Respondent and I lived together in _____ County at the time we separated, Respondent has only moved from _____ County within the past six months from the date of this filing, and I am a resident of _____ County. The Respondent shall be served by second original at his home/work address of _____.

c) The Respondent is a resident of _____ County, State of Georgia, and I live in _____ County. The Respondent has consented to the jurisdiction of this Court and has acknowledged service of process and jurisdiction of this Court.

d) The Respondent is not a resident of the State of Georgia, but I am resident of _____ County **and** (*Check (1), (2), (3), or (4)*),

1) The Respondent was formerly a resident of the State of Georgia and presently is a resident of the State of _____. Respondent may be served by second original pursuant to the Long Arm Statute, O.C.G.A. 9-10-91(5). (*Check a or b*)

a) The Respondent may be served at Respondent's residence address of _____.

b) The Respondent may be served at Respondent's work address of _____.
The Respondent works in _____ County and shall be served by second original.

2) The Respondent's whereabouts are unknown to me as shown by my Affidavit of Due Diligence attached hereto and incorporated by reference, marked Exhibit A. The Respondent shall be served by publication as is provided by law in the case of those who cannot be found within the State pursuant to O.C.G.A. 9-11-4(e).

3) The Respondent has never resided in the State of Georgia and currently resides in the State of _____. The Respondent shall be served by publication as is provided by law in the case of those who cannot be found within the State pursuant to O.C.G.A. 9-11-4(e).

4) The Respondent has consented to the jurisdiction of this Court and has acknowledged service of process and jurisdiction of this Court.

3. Date of Purported Marriage (*Check (a) or (b)*)

- a) The Respondent and I entered into a purported marriage on _____.
- b) The Respondent and I have lived together in a purported common law marriage before January 1, 1997 as of _____.

4. Date of Separation

The Respondent and I separated on _____ and have since that date continuously lived in a state of separation.

5. There are no children of this marriage.

6. Jointly Owned Property: (*Check (a), (b), (c), or (d)*)

- a) Respondent and I have no jointly owned property.
- b) Respondent and I have already divided our jointly owned property to our mutual satisfaction.
- c) Respondent and I have the following jointly owned property that I have checked, and I am asking this Court to equitably divided this property:
 - house located at _____
 - pension (mine _____, spouse's _____)
 - motor vehicle (model/year _____)
 - furniture (_____)
 - bank accounts and investments (_____)
 - other (_____)
- d) The issue of the division of jointly owned property cannot be decided in this action because Georgia does not have personal jurisdiction over spouse.

7. Joint Debts: *Check (a) or (b)*

- a) Respondent and I have no outstanding joint debts
- b) Respondent and I have the following outstanding joint debts and he/she should be (solely liable for payment of these debts/ jointly liable for payment of these debts/responsible for payment of the debts that I checked.)

Creditor	Balance
_____	_____
_____	_____
_____	_____

c) The issue of the division of joint debts cannot be decided in this action because Georgia does not have personal jurisdiction over the Respondent.

8. Temporary Alimony: *(Check a, b or c)*

- a) I am seeking an award of temporary alimony.
- b) I am not seeking an award of temporary alimony.
- c) The issue of temporary alimony cannot be decided in this action because Georgia does not have personal jurisdiction over my spouse.

9. Restore Former Name.

My former name is _____ and I request that it be restored to me.

10. Grounds for Annulment.

The grounds for annulment are as follows: *(Check all that apply)*

All of the following grounds require proof:

a) Intermarriage. The Respondent and I are related as follows: (circle)

- father/daughter
- father/stepdaughter
- mother/son
- mother/stepson
- grandparent/grandchild
- aunt/nephew
- uncle/niece
- brother/sister

b) Mental incapacity. I did not have the mental capacity to enter into a marriage when we married because

_____.

c) Under age. I was under the age of 16 when I entered into the purported marriage with the Respondent. The Respondent and I entered into the purported marriage on _____. I am _____ years old and my date of birth is _____.

d) Bigamy. The Respondent has a living spouse of an undissolved marriage as follows:_____.

e) Force, menace, duress, in obtaining the purported marriage. I entered into this marriage against my will as a result of _____
_____.

f) Fraud. I was fraudulently induced to enter into the purported marriage as follows: _____
_____.

FOR THESE REASONS, I request (*check all that apply*)

- a) That a Rule Nisi be issued directing the Respondent to show cause why my prayers should not be granted;
- b) An award of the jointly owned property listed in paragraph 6;
- c) Respondent to pay the joint debts listed in paragraph 7;
- d) That all issues of division of property and debts be held in abeyance until such time as this court has personal jurisdiction over the Respondent;
- e) A change back to my former name _____;
- f) That the purported marriage between the parties be annulled ab initio;
- g) Respondent be served with a copy of my Petition for Annulment; and
- h) Any other appropriate relief.

This _____ day of _____, _____.

Signature
Pro Se
Name (*Print or type*): _____
Address: _____

Phone Number: (____) _____

**IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA**

_____,)
Plaintiff,)
)
)
v.) Civil Action No. _____
)
)
_____,)
Defendant.)

FINAL JUDGMENT AND DECREE

This action for annulment of the marriage of the parties and other relief, was filed on the ____ day of _____, 20___. The matter was heard by the court on the ____ day of _____, 20___. The defendant appeared / did not appear at the hearing.

The court, having heard the evidence, finds the following:

1. The purported marriage between _____ and _____ took place on the ____ day of _____, 20_____.

2. The Plaintiff seeks annulment of marriage because:
- Intermarriage
 - Mental incapacity
 - Under age
 - Bigamy
 - Force and/or mental duress
 - Fraud (*Set forth reason for annulment*)

3. There are no children born to the parties OR
 Only the following minor child or children have been born to the woman since the date of the marriage, all of whom are the issues of the parties hereto: _____

IT IS ORDERED that the marriage of the parties to this action be and it is hereby declared to be null, void ab initio and of no effect. The status of the parties is decreed to be as if said purported marriage had never been contracted and entered into by them.

The name of the plaintiff (or *defendant*) is hereby changed to _____, by which name s/he shall hereafter be known and called.

This the _____ day of _____, 20__.

Judge, Superior Court

_____ County, Georgia