

Annulment Proceedings in Idaho

Idaho Supreme Court Court Assistance Project

What is annulment?

Annulment is a legal proceeding where a person may nullify his/her marriage. Unlike a divorce, which merely ends the legal marriage, an annulment declares the marriage void.

Can I get an annulment?

You must file a lawsuit in the county where your spouse lives citing the grounds or reasons for your annulment. There are only six grounds for annulment in Idaho.

Who can file?

Generally, only the person in the marriage who actually has the legal reason can file for an annulment. In some cases, that person's legal guardian or relative may file for them.

What are the grounds?

1. The party filing was under the age of legal consent (18 years old in Idaho), and their parents or legal guardians did not consent.
2. The former wife or husband of either party is still living, and the prior marriage was not legally ended by divorce or annulment.
3. Either party is of unsound mind, unless that person freely lives with his or her spouse after coming to reason.
4. The consent of either party was obtained by fraud, unless the party continues to live as man and wife after discovering the fraud.
5. The consent of either party was obtained by force, unless that party continues to live as man and wife.
6. Either party was, at the time of the marriage, physically incapable of entering into the married state, and the physical incapacity is permanent.

Are there time limits to file for annulment?

Yes. For the first ground, the case must be filed within four years of the underage party reaching the age of 18. For the second and third grounds, there is no limitation. The action may be brought at any time during the life of the other party. The fourth cause of action must be brought within four years of discovering the fraud. The remaining causes of action must be filed within four years from the date of the marriage.

If you have any questions about annulment, please call the Ada County Court Assistance Office at (208) 287-6963.