

What Are the Advantages and Disadvantages of Annulment?

If you are considering an annulment of your marriage it is important to understand the process and the advantages and disadvantages it can have. Below you will find information about the pros and cons of an annulment also known as a nullity.

Advantages of an Annulment

- There is no minimum residence requirement. Unlike divorce, which typically requires a six-month residency before a party can bring forward a petition for dissolution, there is no such requirement in order to be granted an annulment.
- There is no required waiting period before being granted an annulment. Divorce requires parties to wait six months after filing before a final judgment will be entered. A judgment of annulment will terminate the marriage immediately.
- If an annulment of marriage is granted under the theory of fraud then grounds may be established to ignore interspousal property transactions that took place during the invalid marriage.
- Spousal support and attorney fees are awarded to a party who is a *putative spouse* i.e., a spouse who has a good faith belief that his or her marriage was actually valid but where in fact, the marriage was not valid. If a party lacks this status they will not be awarded spousal support or attorney fees.

Disadvantages of an Annulment

- Establishing the grounds for an annulment is more difficult than the grounds for divorce.
- Issues of fault are highly probative in an annulment proceeding. Unlike divorce, where fault is not an issue, in an annulment proceeding fault can have a huge impact on how property is split, whether support is issued and how attorney fees are paid.
- There is no per se community property.
 - If either or both parties to the invalid marriage believed in good faith that the marriage was legitimate, the court will classify the property as quasi-marital property. This has the same effect as if the property were community property.
- In order to be granted an annulment, the parties must appear in court and give testimony. Many divorces can be granted without either party ever coming to court.