CENTRAL VIRGINIA LEGAL AID SOCIETY
www.cvlas.org

115 S. 15th St., Suite 400
Richmond, Virginia 23219
804-648-1012 or 800-868-1012
Fax: 804-649-8794

229 North Sycamore Street
Petersburg, Virginia 23803
804-862-1100 or 800-868-1012
Fax: 804-861-4311

103 E Water St, Suite 201/202
Charlottesville, Virginia 22902
434-296-8851 or 800-390-9983
Fax: 434-296-573

Annulment – 11 Reasons for Annulment in Virginia

An annulment in Virginia is different from a divorce. A divorce is the end to a valid marriage. An annulment is the end to an invalid marriage. There are 11 reasons for annulment.

(1) No marriage license - Code of Virginia §20-13. This is voidable - Code of Virginia §20-89.1.

(2) Bigamy - Code of Virginia §20-38.1 (1). This is void without decree - Code of Virginia §§20-43 & 20-45.1(a).

(3) Incest - Code of Virginia §§20-38.1(2) & (3). This is void without decree - Code of Virginia §20-45.1(a).

(4) Underage (*i.e.,* marriages on or after July 1, 2016 and one or both parties were under the age of 18 and were not emancipated, or marriages on or after July 1, 2024, when either or both of the parties were under the age of 18) are voidable - Code of Virginia §20-45.1(C).

(5) Lacked capacity to consent due to mental incapacity or infirmity - Code of Virginia §20-45.1(b). This is void with decree - Code of Virginia §20-45.1(B).

(6) Fraud or duress - Code of Virginia §20-89.1(a). This is void by decree - Code of Virginia §20-89.1(A).

(7) Impotency at marriage - Code of Virginia §20-89.1(B).

(8) Prior felony conviction unknown to spouse - Code of Virginia §20-89.1(B).

(9) Wife pregnant at marriage, not by husband & unknown by husband - Code of Virginia §20-89.1(B).

(10) Husband fathered a child at marriage, not by wife & unknown by wife - Code of Virginia §20-89.1(B).

(11) Prior prostitution unknown to spouse - Code of Virginia §20-89.1(B).

What if I do not have one of these 11 reasons?

If you do not have one of these 11 reasons, you cannot get an annulment in Virginia. You would have to get a divorce instead.

What is the difference between an annulment and a divorce?

An annulment in Virginia is different from a divorce. A divorce is the end to a valid marriage, while an annulment is the end of an invalid marriage. A court may grant an annulment when there is a legal reason the marriage shouldn't have ever existed. If there is a reason your marriage should have been invalid from the beginning, you may be eligible to have your marriage annulled.

What type of fraud would allow a marriage to be annulled?

For fraud to be a legal ground to annul a marriage, the fraud must be bad enough that there would not have been a marriage without it. Fraud such as lies about age, health, wealth, and prior marriages aren't enough to have a marriage annulled. Annulments have been granted for the following frauds in Virginia: lying about a venereal disease, lying about religious beliefs, and hiding pregnancy by another person.

What type of duress would allow a marriage to be annulled?

For an annulment to be granted because of duress, a spouse must have been coerced or threatened at the time of the marriage.

What type of underage marriages can be annulled?

The legal age for marriage in Virginia is 18, without exception.

What is the effect of an annulment?

An annulment of your marriage means that you and your former spouse were never legally married. Unlike many other states, in Virginia, a judge can't order spousal support (alimony) or property division after an annulment like a judge can in a divorce. The judge can, however, still decide child custody, child visitation and child support. Children of annulled marriages are considered legitimate, meaning they can inherit from either parent, and they have the right to be financially supported by both parents.

Authorized by Steve Dickinson, Esq., Executive Director, Central Virginia Legal Aid Society
115 S. 15th Street, Suite 400, Richmond, VA 23219