

Annulment FAQ

Here are some commonly asked questions about annulment that individuals often have.

These questions and their answers can vary based on state laws and individual circumstances. For specific advice tailored to your situation, consulting with a qualified family law attorney is recommended.

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What is annulment?

Annulment is a legal process that declares a marriage null and void, as though it never legally existed.

What are the grounds for annulment?

Grounds for annulment vary by state but commonly include issues like fraud, duress, underage marriage, bigamy, lack of mental capacity, or prohibited relationships (such as close blood relatives).

How is annulment different from divorce?

While divorce ends a valid marriage, annulment declares a marriage void from the beginning. Annulment treats the marriage as though it never legally existed, rather than ending it.

Do I need to prove fault to get an annulment?

Not in Wisconsin.

What happens to children in an annulment?

Children born during an annulled marriage are generally considered legitimate and retain their legal rights to inheritance and support. Custody, visitation, and support arrangements are determined based on the best interests of the child.

Can I get an annulment if I've been married for a long time?

The duration of the marriage does not necessarily impact eligibility for annulment, but the grounds for annulment must be proven regardless of the length of the marriage.

How long does an annulment take?

The time frame for an annulment varies depending on the complexity of the case, the court's schedule, and whether there are contested issues. It can range from several months to over a year.

Do I need a lawyer for an annulment?

While legal representation is not required, it is highly recommended to consult with a family law attorney who can provide guidance, assist with paperwork, and represent your interests in court if necessary.

What are the effects of an annulment on property and debts?

Upon annulment, property and debts acquired during the marriage are typically divided equitably between the parties, similar to divorce proceedings. The same statutes law that govern property division in a Divorce govern property division after Annulment. In the same way as, in Divorce, courts decide what property is part of the marital estate and should be divided, and what isn't, courts also decide this question after Annulment. Also similar to a Divorce, after an Annulment property that the court decides should be divided is divided equally between the parties unless the court decides to divide it unequally. The same things a court may

consider in a Divorce in order to depart from equal division, are the same things the court may consider after an Annulment.

Can I remarry after an annulment?

Yes, once an annulment is granted and the marriage is legally declared void, and after 6 months have passed since that court order, individuals are free to remarry.

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