

A Lawsuit to Declare a Marriage Void

(provided by Patricia D. Henderson, Esq.)

The Texas Courts look at each individual marriage as a valid marriage. This view of the Texas Courts would be considered a statutory presumption unless the marriage can be invalidated through a legal procedure called an annulment.

Annulment proceedings require that either the marriage took place in Texas or that one of the parties be domiciled in Texas. If either of the conditions is met, Texas will have jurisdiction to annul the marriage.

Texas courts give great weight to the validity of marriages, unless there are circumstances that exist that allow the courts to hold that a marriage is void or voidable. Grounds for an annulment vary from underage to a concealed divorce. Other annulment grounds include: a party to the marriage was under the influence of alcohol at the time of the marriage; impotency; fraud; duress; mental incompetence; or possibly a marriage less than seventy-two hours after the license is issued. Some of the grounds have a statute of limitations, so I always recommend obtaining competent, legal advice from a licensed practicing attorney in Texas to explore all the grounds and avenues before filing for an annulment.

Annulment proceedings can mirror divorce proceedings in many ways. For example, in both proceedings, the court can grant temporary orders, such as temporary restraining orders ("TRO"), exclude one party from the residence, prohibit a party from spending money as well as issue a protective order. Texas courts prior to finalizing the annulment may order spousal maintenance. On final, the courts will divide the parties' property, allow a party to change their name and address and any other issues that the parties may plead in their original petition.

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<http://www.divorcesource.com/TX/DS/henderson.html>