

# ANNULMENT PROCEEDINGS IN IDAHO



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**WHAT IS AN ANNULMENT?** An annulment is a legal proceeding where a person may nullify his/her marriage. Unlike a divorce, which ends a legal marriage, an annulment declares the marriage void (as if it never existed).

**CAN I GET AN ANNULMENT?** An individual must file for an annulment in the county where his/her spouse lives, citing the grounds or reasons for the annulment. There are only six grounds for annulment in Idaho. Generally speaking, only the person in the marriage who actually has the legal ground can file for an annulment. In some situations, that person's parent/guardian may file for them.

**WHAT ARE THE GROUNDS?** The six grounds for annulment in Idaho are the following: (1) the party filing for the annulment was under the age of legal consent (18 years) and their parents/guardians did not consent to the marriage; (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/her spouse after coming to reason; (4) the consent of either party was obtained by fraud, unless the parties continue to live as husband and wife after the fraud is discovered; (5) the

consent of either party was obtained by force, unless that party continues to live as husband and wife; or (6) at the time of the marriage, either party was physically incapable of entering into the married state and the physical incapacity is permanent.

**ARE THERE TIME LIMITS TO FILE FOR AN 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 filed at any time during the life of the other party. For the fourth ground, the case must be filed within four years of discovering the fraud. The remaining causes of action must be filed within four years from the date of the marriage.

**WHAT CAN THE LEGAL OFFICE DO FOR ME?** Legal assistance is available to military members and their dependents. Such assistance, however, is limited to explaining the law and helping you understand how the law applies to your situation. Legal assistance attorneys cannot prepare your complaint or represent you or your spouse in court.

\*This handout is general in nature. It is not a substitute for legal advice from an attorney regarding individual situations.  
(August 2021)

For additional information on this and other legal topics, see the Air Force Legal Assistance Website:  
<https://aflegalassistance.law.af.mil>