

Annulments In Minnesota? Sometimes.



May I Present (for 55 hours) Mr. & Mrs. Brittany Spears

There is some confusion regarding what an annulment is in Minnesota Divorce cases. First let's be clear what an annulment is not.

An Annulment has nothing to do with the church. That pesky 1st amendment and separation of church and state make us a little different from our cousins in England. There is no ability for a MN court to interfere with a church marriage. To get an annulment in the **catholic church** you need to go through your parish priest who helps you obtain an church advocate (a person familiar with Canon or church law). A **Divorce Lawyer** can't help you with this. There are of course other churches with specific limitations and rules regarding divorce and it is up to you, the client, to know these. Remember, your divorce lawyer may very well be a good Catholic, Lutheran, LDS, Baptist, etc...but they are very rarely well versed in specific church law, it's always best to go to your clergy to discuss your situation if you are seeking a church based annulment.

Just as the State cannot interfere with a church annulment, the church cannot grant you a civil divorce/annulment. This has to go through the court system. An annulment differs from a divorce in that a divorce ends a marriage, an annulment treats the marriage like it never happened (see **Britney Spears** bad night in Vegas for an example.) The end result is not really that different, but people do sometimes wish to have an annulment as opposed to a divorce. In Minnesota we have a handy statute that helps us see what an annulment is and what is required and that is **Minn. Stat. 518.02-518.05**. To give you the highlights a marriage may be annulled when:

- One party was not able to give consent to marriage to due mental illness, insanity, capacity due to alcohol or drugs at the time of the ceremony.
- If consent was obtained through force or fraud.
- If one part was not able to consummate the marriage through sex **and** the other party didn't know about this at the time of the ceremony.
- One of the parties was not old enough to get married (Minnesota requires either age of 18 or 16 if the parent approves and a juvenile court judge approves).

You can see the ability to get a Minnesota marriage annulled is pretty limited, however the end result is the same as a divorce in that you are no longer married. If you are thinking of getting an annulment, the biggest obstacle is often delay. The longer you wait to get the marriage annulled, the more likely it is the

Court will deem you have waived your right to an annulment. If you think you qualify you'll need to get a MN divorce lawyer on the case immediately. There are no forms for a Minnesota annulment because it's fairly rare and can be difficult to prove.

Any questions, feel free to leave a comment or send me an email at Jkohlmeyer@rokolaw.com .

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