

DOMESTIC RELATIONS & ANNULMENT/DIVORCE – REFERENCE SHEET --- TITLE 15 – CHAPTER 11

§ 512. Voidable civil marriages-Grounds for annulment generally - The civil marriage contract may be annulled when, at the time of marriage, either party had not attained the age of 16 years or was physically or mentally incapable of entering into the civil marriage state or when the consent of either party was obtained by force or fraud.

§ 513. Party under age of sixteen years - A complaint to annul a civil marriage on the ground that one of the parties was under the age of 16 years may be brought by the parent or guardian entitled to the custody of such minor or by a person admitted by the court to prosecute the same as the next friend of such minor. However, such marriage shall not be annulled on the complaint of a party of legal age at the time it was contracted nor when the parties, after they attained the age of consent, freely cohabited as husband and wife.

§ 514. Party is mentally incapable of entering into civil marriage - (a) When a civil marriage is sought to be annulled on the ground of one of the parties' mental incapability to enter into the civil marriage, it may be declared void on the complaint of a relative of such person at any time during the life of either of the parties.

(b) When a civil marriage is sought to be annulled on the ground of one of the parties' mental incapability to enter into the civil marriage, on the complaint of a relative of the person, such marriage may be declared void during the continuance of such mental incapacity, or after the death of the person who is mentally incapacitated in that condition and during the lifetime of the other party to the marriage.

(c) The civil marriage of a person who is mentally incapacitated may be declared void upon the complaint of the person after restoration to health, but a decree of nullity shall not be pronounced if the parties freely cohabited as spouses after the spouse who was mentally incapacitated had restored capacity.

(d) If an action is not prosecuted by a relative, the civil marriage of a person who is mentally incapacitated may be annulled during the lifetime of both the parties to the marriage, on the complaint of a person admitted by the court to prosecute as the next friend of such person who is mentally incapacitated.

(e) The phrases "mentally incapacitated," "incapacitated," "mental incapacity," "mentally incapable," "mental incapability," and other similar phrases as used in sections 511-514 of this title shall extend only to persons who have a severe psychiatric, cognitive, or other severe mental disability.

§ 515. Party physically incapacitated - A suit to annul a civil marriage on the ground of the physical incapacity of one of the parties shall be maintained only by the injured party against the party whose incapacity is alleged and shall be brought within two years from the solemnization of the marriage.

§ 516. Force or fraud - A civil marriage may be annulled during the lifetime of the parties, or one of them, on the ground that the consent of one of the parties was obtained by force or fraud, on the complaint of the party whose consent was so obtained or of the parent or guardian of such party or of some relative interested to contest the validity of the marriage. When such proceedings have been commenced and the party whose consent was so obtained dies before final decree, a parent or relative interested to contest the validity of the civil marriage may enter and prosecute such complaint. A civil marriage shall not be annulled on such ground if, before the commencement of the action, the parties voluntarily cohabited as husband and wife.