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2023 Edition

Annulment of Marriages in Connecticut

A Guide to Resources in the Law Library

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Judge Support Services, Law Library Services Unit*

lawlibrarians@jud.ct.gov

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This guide links to advance release opinions on the Connecticut Judicial Branch website **and to case law hosted on Google Scholar and Harvard's Case Law Access Project.** The online versions are for informational purposes only.

References to online legal research databases refer to in-library use of these databases. Remote access is not available.

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Introduction

A Guide to Resources in the Law Library

- "An annulment shall be granted if the marriage is void or voidable under the laws of this state or of the state in which the marriage was performed." **Conn. Gen. Stat. § [46b-40](#)**(b) (2023).
- "A decree of annulment . . . shall give the parties the status of unmarried persons and they may marry again." **Conn. Gen. Stat. § [46b-67](#)**(d) (2023).
- "Annulment may be decreed by the court when the marriage was a void or voidable marriage but annulment may not be decreed when the marriage was a legal marriage . . . In determining the legality or voidability of a marriage the court is concerned with those incidents leading up to the celebration of the marriage ceremony and the incidents immediately surrounding that ceremony in order to determine the state of mind and the intention of the parties when entering into the ceremony of marriage, and hence, the validity of the marriage." [Trotta v. Trotta](#), 5 Conn. Supp. 218, 218 (1937).

Section 1: Effect, History and Definition

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the legal effect and history of an annulment in Connecticut. Includes how an annulment differs from a dissolution or a legal separation.

DEFINITIONS:

- **“Divorce and annulment differ fundamentally. The former is based upon a valid marriage and a cause for terminating it which arises subsequently. [Davis v. Davis](#), 119 Conn. 194, 196, 175 A. 574. The latter proceeds upon the theory that the marriage is void ab initio [from the beginning].” [Mazzei v. Cantales](#), 142 Conn. 173, 178, 112 A.2d 205, 208 (1955).**

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023) [Chapter 815j](#). Dissolution of Marriage, Legal Separation and Annulment
§ [46b-67](#)(d). Waiting period. Filing of motion to waive waiting period. Effect of decree.

ONLINE PUBLICATIONS & PAMPHLETS:

- *What’s the difference between a divorce, a dissolution of marriage, a legal separation, and an annulment?*

“Many people think they can ask for an annulment because they have been married for a very short time. An annulment is usually only possible when the marriage was not legal in the first place (for example, if one of the people was underage or already married).”

Source: CTLawHelp.org
<https://ctlawhelp.org/en/divorce-separation-annulment>

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Davis v. Davis](#), 119 Conn. 194, 203, 175 A. 574, 577 (1934). “. . . it clearly appears that two young people by their foolish and unconsidered conduct have gotten themselves into such a situation as arises out of the performance of a marriage ceremony between them without the intent on the part of either to enter into the marriage relationship, and cohabitation has not followed, we have no doubt that it is in the public interest legally to declare them to be unmarried rather than leave them under the shadow of a relationship which is but an empty form.”

WEST KEY
NUMBERS:

- *Marriage and Cohabitation*
 - III. Creation, Existence, and Validity of Marital Relationship
 - F. Annulment and Annulment Proceedings
 - 311. In general.
 - 312. Nature and form of remedy.
 - 333. Scope and extent of relief.

ENCYCLOPEDIAS:

- 4 *Am Jur 2d* Annulment of Marriage, Thomson West, 2018 (Also available on Westlaw).
 - § 1. Annulment of marriage, generally
 - § 2. Effect of no-fault divorce on annulments
- 1D *Am Jur Pleading & Practice Forms* Annulment of Marriage, Thomson West, 2014 (Also available on Westlaw).
 - § 1. Introductory comments
- 55 *CJS* Marriage, Thomson West, 2021 (Also available on Westlaw).
 - IV. Annulment
 - § 83. Annulment of marriage relationship, generally
 - § 84. Nature and form of action to annul marriage
 - § 104. Operation and effect of successful annulment action
- 65 *COA2d* 617, Cause of Action to Annul Marriage, Thomson West, 2014 (Also available on Westlaw).
 - § 2. Background
 - § 3. Void and voidable marriages
- 42 *POF2d* 665, Annulment of Marriage, Thomson West, 1985 (Also available on Westlaw).
 - § 1. In general; scope of article
 - § 1.5. Void and voidable marriages

TEXTS &
TREATISES:

- 7 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
 - Chapter 12. Annulment in General
 - § 12.1. Definition
 - § 12.2. Annulment distinguished from divorce
- 1 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2022 (also available on Lexis).
 - Chapter 5. Annulment
 - § 5.01. Introduction
 - [1] Annulment and Divorce
 - [2] Direction of the Law on Annulment
 - [3] Statistics on Annulment
 - [4] Complexity of Annulment

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis.
Chapter 1. Marriage
Part III: Analyzing Annulments
§ 1.12. Differentiating Between an Annulment and Dissolution of Marriage Actions
- 2 *Stephenson's Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 2002, with 2003 supplement.
Section 263. Annulment
 - a. Generally
 - b. History in Connecticut
- Harriet S. Daggett, *Annulment of a Marriage in Connecticut*, 25 Connecticut Bar Journal 1 (1951).
- C.E.P. Davies, *Annulment of Marriage*, 27 Connecticut Bar Journal 41 (1953).

Section 2: Grounds for Annulment

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the grounds for granting an annulment in Connecticut.

DEFINITIONS:

- "It is the well-established law of this state that no marriage performed in this state is to be held void or voidable except for some ground recognized at common law or for some ground which a statute expressly provides shall be ground for annulment." [Manning v. Manning](#), 16 Conn. Supp. 461, 461 (1950).
- "Grounds for annulment of a marriage fall into two general categories: those specifically set forth by statute, and those recognized pursuant to common law . . . Unlike the statutory provisions regarding the grounds for dissolution of a marriage, there is no single statute itemizing the grounds for annulment. The Court must, **therefore, look to the statutes and case law.**" [Phillips v. Dame](#), Superior Court, Judicial District of New London at New London, No. 518815 (July 11, 1991) (4 Conn. L. Rptr. 650) (1991 Conn. Super. LEXIS 1623) (1991 WL 131732).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023)
 - [Chapter 815e](#). Marriage
 - § [46b-20a](#). Eligibility to marry. Issuance of license to minor who is sixteen or seventeen, when permitted. (Amended by [P.A. 23-44](#), sec. 1)
 - § [46b-21](#). Marriage of persons related by consanguinity or affinity prohibited.
 - § [46b-22](#). Who may join persons in marriage. Penalty for unauthorized performance.
 - § [46b-24](#). License. Period of validity. Penalty for solemnization without license. Validity of marriage ceremony.
 - § [46b-29](#). Marriage of persons under conservatorship.
 - [Chapter 815j](#). Dissolution of Marriage, Legal Separation and Annulment
 - § [46b-40](#)(b). Grounds for dissolution of marriage; legal separation; annulment.
 - § [46b-48](#). Dissolution of marriage or annulment upon conviction of crime against chastity; procedure.

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each **report's** publication.

ONLINE PUBLICATIONS & PAMPHLETS:

- *Grounds for a Legal Annulment*, Lawrence K. Furbish, Connecticut General Assembly, Office of Legislative Research Report, [2000-R-0736](#) (July 13, 2000).

- *What's the difference between a divorce, a dissolution of marriage, a legal separation, and an annulment?*

"Many people think they can ask for an annulment because they have been married for a very short time. An annulment is usually only possible when the marriage was not legal in the first place (for example, if one of the people was underage or already married)."

Source: CTLawHelp.org

<https://ctlawhelp.org/en/divorce-separation-annulment>

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- *Emerick v. Emerick*, Superior Court, Judicial District of Hartford at Hartford, No. FA144073480S (June 25, 2015) (2015 Conn. Super. LEXIS 1681) (2015 WL 4496883). **"The moving party for an annulment has the burden of proving grounds for annulment. *Fattibene v. Fattibene*, 183 Conn. 433, 441 A.2d 3 (1981). 'A petition for the annulment of a marriage ... requires of the court hearing it great caution and demands clear proof.' *Davis v. Davis*, 119 Conn 194, 175 A. 574 (1934). 'To decree annulment the evidence must be clear and convincing.' *Trotta v. Trotta*, 5 Conn.Sup. 218 (1937). The presumption of the validity of a marriage is very strong. *Carabetta v. Carabetta*, 182 Conn. 344, 438 A.2d 109 (1980)."**
- *Ross v. Ross*, Superior Court, Judicial District of Stamford/Norwalk at Stamford, No. FA970162587S (August 10, 1998) (22 Conn. L. Rptr. 637) (1998 WL 516159). **"An annulment can be granted on common law grounds or statutory grounds. In general, common law grounds have been incorporated in our statutes . . . There are statutory grounds for annulment. General Statutes § 46b-21 (Marriage of certain kindred); § 46b-22 (Marriage attempted to be celebrated by person other than those listed); § 46b-24 (Marriage performed in Connecticut without a marriage license); § 46b-29 (Marriage of persons under conservatorship or guardianship); § 46b-30 (Marriages of minors); § 45b-48[46b-48] (Conviction of an offense against chastity)."**

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

Age of Parties (CGS 46b-20a(b)) (Amended by PA [23-44](#))

- [Manning v. Manning](#), 16 Conn. Supp. 461, 461-462 (1950). “This is an uncontested action to annul the marriage of the parties on the ground that at the time of the marriage the plaintiff was only seventeen years of age and had not received the consent of her parents to the marriage . . . The statute invoked in this case does not expressly provide that failure to comply with it shall render the marriage either void or voidable . . . It is concluded that lack of parental consent does not render a marriage performed in this state **either void or voidable.**”
- [Fantasia v. Fantasia](#), 8 Conn. Supp. 25, 25-26 (1940). “In this action the plaintiff prays the annulment of the marriage which she entered into with the defendant . . . **without her parents’ consent, on the ground that at the time she was a minor of the age of nineteen years . . . The plaintiff’s contention . . . is that she, having been domiciled in Connecticut, the Connecticut law which required the written consent of her parents to the marriage, would apply . . . The statute in question imposes penalties for its violation, but does not either expressly or by clear inference, indicate that the Legislature intended that as a result of the violation of the statute, the marriage itself should be either void or voidable . . . Accordingly, it cannot well be held that the marriage involved in the case is rendered either void or voidable . . .**”

Consanguinity or Affinity (CGS 46b-21)

- [Kubanek v. Star](#), Superior Court, Judicial District of New Britain at New Britain, No. HHBCV166032449S (December 23, 2016) (2016 Conn. Super. LEXIS 3441) (2016 WL 8135424). “**In her complaint dated February 23, 2016,** the plaintiff . . . seeks a declaratory judgment pursuant to Practice Book § 17-54 that the marriage between the defendant . . . and the decedent . . . is void because of consanguinity.”
- [Singh v. Singh](#), 213 Conn. 637, 656, 569 A.2d 1112, 1121 (1990). “. . . a marriage between persons related to one another as half-uncle and half-niece is void under General Statutes §§ 46b-21 and 53a-191 **as incestuous.**”
- [Catalano v. Catalano](#), 148 Conn. 288, 291, 170 A.2d 726, 728 (1961). “It is the generally accepted rule that a marriage valid where the ceremony is performed is valid

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everywhere. [Davis v. Davis](#), 119 Conn. 194, 197, 175 A. 574. There are, however, certain exceptions to that rule, including one which regards as invalid incestuous marriages between persons so closely related that their marriage is contrary to the strong public policy of the **domicil though valid where celebrated."**

Defects in Marriage Ceremony or License (CGS 46b-22a)

- [Carabetta v. Carabetta](#), 182 Conn. 344, 345, 438 A.2d 109, 110 (1980). "The issue before us is whether, under Connecticut law, despite solemnization according to an appropriate religious ceremony, a marriage is void where there has been noncompliance with the statutory requirement of a marriage license."
- [Ross v. Ross](#), Superior Court, Judicial District of Stamford/Norwalk at Stamford, No. FA970162587S (August 10, 1998) (22 Conn. L. Rptr. 637) (1998 WL 516159). "This case involves the issue of lack of solemnization . . . this court concludes that it is civil law, not canon law, that determines the solemnization of the marriage ceremony under General Statutes § 46b-22."

Bigamy

- [Anderson v. Anderson](#), 27 Conn. Supp. 342, 343, 238 A.2d 45, 45 (1967). "This action raises the question: Is the plaintiff, a Connecticut resident, a 'guilty' party to a bigamous marriage entered into in the state of New York, entitled to a decree declaring that marriage null and void?"
- [Perlstein v. Perlstein](#), 26 Conn. Supp. 257, 259, 217 A.2d 481, 483 (1966). "A bigamous marriage is not merely voidable; it is void."

Concealment or Misrepresentation of Facts

- [LaBranche v. LaBranche](#), Superior Court, Judicial District of Windham at Putnam, No. FA054003420 (March 27, 2006) (41 Conn. L. Rptr. 171) (2006 Conn. Super. LEXIS 1043) (2006 WL 1102720). "In the present case, the plaintiff is claiming that the defendant represented to her before the marriage that he would be able to secure full-time work to help support her and her three children (from her previous marriage), and that such fraudulent representation was the inducing cause of the marriage . . .

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. The misrepresentations claimed by the plaintiff do not fall within the ambit of statutory or common-law exceptions that would allow the annulment of her **marriage.**"

- [Bernstein v. Bernstein](#), 25 Conn. Supp. 239, 240-241, 201 A.2d 660, 661 (1964). "To warrant the annulment of a marriage, the cause must be such as goes to the essence of the marriage contract. Consent of the participants is a necessary condition to the creation of a valid marriage relationship, and there must be an intention of the parties to enter into the marriage status. [Davis v. Davis](#), 119 Conn. 194. The concealed intent not to assume the duties of the marital relationship is **sufficient cause for an annulment.**"
- [Nerini v. Nerini](#), 11 Conn. Supp. 361, 367 (1943). "My conclusion on the law, then, is this: all misrepresentations **concerning one's health and fitness are immaterial unless** they involve the essentialia to the marital relation such as a physical impediment making impossible the performance of the duties and obligations of the relation or rendering its assumption and continuance dangerous to the health or the other spouse or capable of affecting the health of their **offspring.**"
- [Lyman v. Lyman](#), 90 Conn. 399, 403, 97 A. 312, 313 (1916). ". . . the courts are practically agreed in holding that antenuptial pregnancy by another man, if concealed by the wife from the husband, who was himself innocent of improper relations with her, is a fraud upon him justifying a divorce or annulment of the marriage, as the **appropriate remedy in the jurisdiction may be.**"

Fraud, Force or Duress

- [Corbin-Camara v. Camara](#), Superior Court, Judicial District of New London at Norwich, No. KNOFA196104588S (September 3, 2019) (69 Conn. L. Rptr. 251) (2019 Conn. Super. LEXIS 2470) (2019 WL 4898711). "Defendant declared to plaintiff that he had converted to Christianity, but he had not. Defendant knew his declaration to be untrue. He stated this falsehood to induce plaintiff into marriage. Plaintiff married defendant relying on his statement. To her detriment and contrary to her clearly articulated condition at the beginning of the relationship, she found herself married to a non-Christian man.

The court finds that defendant fraudulently induced plaintiff to marry him by clear and convincing evidence."

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Martinez v. Santiago](#), Superior Court, Judicial District of New London at Norwich, No. FA185106176 (September 18, 2018) (67 Conn. L. Rptr. 120) (2018 Conn. Super. LEXIS 2602) (2018 WL 4865984). “The concealed intent not to assume the duties of the marital relationship is sufficient cause for an annulment. Intention at the time of the marriage is most important.’ Neither party testified as to their intentions.

Since failure to consummate the marriage does not in and of itself constitute grounds for the granting of an annulment, and since there was no testimony as to the intentions and circumstances of the parties in entering this union, nor as to their willingness to seek counseling to reconcile their differences, the court is unable to **conclude that an annulment is proper.”**

- [Barra v. Barra](#), Superior Court, Judicial District of Hartford at Hartford, No. HHDFA155039866S (January 27, 2016) (61 Conn. L. Rptr. 582) (2016 Conn. Super. LEXIS 188) (2016 WL 624449). “He laid out to the defendant certain conditions for him to marry her, which related directly to **the issue of the defendant’s ex-husband**. He demanded that the defendant recognize that it was more harmful to allow her ex-husband to continue withholding support and undermining her relationships with her children than it would be to stand up to him. Further, he demanded that the defendant declare her willingness, if the parties **married, to allow the plaintiff ‘the full authority to lead and protect our family’ in matters of conflict with the ex-husband**. The defendant agreed to the plaintiff’s requests . . . She conceded that she had not been honest during their premarital discussion when she assured him that she would be able to stand up to her ex-husband and allow the plaintiff also to do so on her behalf . . . The plaintiff’s action for annulment rests upon his claim that the defendant committed a fraud upon him when she agreed to **his conditions for marriage.”**
- [Schibi v. Schibi](#), 136 Conn. 196, 198, 69 A.2d 831, 833 (1949). “The sole question presented to the court for determination was whether the marriage was void because there was **no mutual consent of the parties.”**
- [Avery v. Avery](#), 16 Conn. Supp. 418, 419 (1949). “. . . if a fraudulent representation is to be one which makes the marriage voidable it must be at least as serious as those which give ground for divorce for fraudulent contract. That is, it must be one which goes to the very essence of **the marriage relationship.”**

WEST KEY
NUMBERS:

- *Marriage and Cohabitation*
 - III. Creation, Existence, and Validity of Marital Relationship
 - F. Annulment and Annulment Proceedings
 - 313. Grounds.
 - 314. —In general
 - 315. —Age
 - 316. —Physical capacity
 - 317. —Mental capacity
 - 318. —Prior existing marriage; bigamy and polygamy
 - 319. —Consummation
 - 320. —Mistake
 - 321. —Fraud or misrepresentation
 - 322. —Duress or coercion

DIGESTS:

- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2023.
 - Chapter 3 – Annulment
 - § 3.01. Grounds
 - § 3.02. Void and voidable marriages

ENCYCLOPEDIAS:

- *4 Am Jur 2d Annulment of Marriage*, Thomson West, 2018 (Also available on Westlaw).
 - II. Grounds
 - § 3. Grounds for annulment of marriage, generally
 - § 4. Lack of intent to enter into binding marriage as ground for annulment
 - § 5. Failure to consummate marriage; refusal of intercourse as ground for annulment
 - § 6. Under age of consent as ground for annulment
 - § 7. Incestuous marriage
 - § 8. Bigamous marriage
 - §§ 9-23. Fraud.
 - §§ 24-25. Duress; Undue Influence.
 - §§ 26-32. Physical or Mental Incapacity.
- *52 Am Jur 2d Marriage*, Thomson West, 2021 (Also available on Westlaw).
 - II. Creation and Validity
 - A. Ceremonial Marriage; Proxy Marriage
 - §§ 17-25. Capacity to Marry.
 - §§ 26-28. Consent.
 - §§ 29-34. Formal Requirements.
 - C. Particular Impediments to Lawful Marriage
 - §§ 48-50. Relationship of Parties; Incest.
 - §§ 51-57. Prior Existing Marriage.
- *1D Am Jur Pleading & Practice Forms Annulment of Marriage*, Thomson West, 2014 (Also available on Westlaw).
 - II. Grounds for Annulment

§ 11. In General
 §§ 17-20. Undissolved Prior Marriage; Bigamy.
 §§ 27-29. Under Age of Consent.
 §§ 35-37. Incestuous Marriage.
 §§ 40-42. Fraud; Unchastity; Pregnancy.
 §§ 53-55. Duress.
 §§ 58-61. Mental Incapacity.
 §§ 68-70. Physical Incapacity, Defect, or Infirmity;
 Disease.

- 55 *CJS Marriage*, Thomson West, 2021 (Also available on Westlaw).

IV. Annulment

§ 85. Grounds for annulment of marriage

- 65 *COA2d 617*, Cause of Action to Annul Marriage, Thomson West, 2014 (Also available on Westlaw).
 §§ 6-22. Grounds for Annulment. ([see Table 1](#))

- 42 *POF2d 665*, Annulment of Marriage, Thomson West, 1985 (Also available on Westlaw).

§ 2. Fraud as ground for annulment—In general

§ 3. —Fraudulent concealment of intent not to cohabit, copulate, or have children

§ 4. —Fraudulent concealment of or misrepresentations as to physical or mental condition

§ 5. Physical incapacity as ground for annulment

§ 6. Mental incapacity as ground for annulment

§ 7. Duress as ground for annulment

- 7 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).

Chapter 12. Annulment in General

§ 12.3. Grounds for annulment—In general

§ 12.4. —Consanguinity or affinity

§ 12.5. Bigamous marriage

§ 12.6. Incompetence

§ 12.7. Age of parties

§ 12.8. Defects in marriage ceremony or license

§ 12.9. Intentions of the parties—Fraud, force or duress

§ 12.10. Concealment or misrepresentation of facts or circumstances

- 1 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2022 (also available on Lexis).

Chapter 5. Annulment

§ 5.02. Grounds

[1] Fraud

[2] Physical Incapacity

[3] Nonage

TEXTS &
TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- [4] Force or Duress
- [5] Mental Incapacity
- [6] Bigamy
- [7] Consanguinity

- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis.

Chapter 1. Marriage

Part III: Analyzing Annulments

§ 1.09. CHECKLIST: Analyzing Annulments

§ 1.10. Establishing the Availability and Necessity of an Annulment

[1] Determining the Availability of Annulments—In General

[2] Determining Bigamy as a Basis for an Annulment

[3] Determining Incompetence as a Basis for and Annulment

[4] Determining the Status of Minors as a Basis for an Annulment

[5] Assessing Licensing Defects

[6] Assessing Contractual Defenses to a Valid Marriage

[a] Discussing Contractual Defenses—In General

[b] Determining Duress and Force as a Contractual Defense

[c] Determining Fraud as a Contractual Defense

[7] Determining Misrepresentation as a Basis for Annulment

Table 1: Grounds for Annulment

Grounds	Rutkin*	COA**
Bigamous marriage	§ 12.5	§§ 7-8
Consanguinity or affinity	§ 12.4	§ 9
Defects in marriage ceremony	§ 12.8	§ 22
Duress or undue influence	§ 12.9	§ 13
Fraud	§ 12.9	§§ 14-21
Incompetence—mental	§ 12.6	§ 11
Incompetence—physical	§ 12.10	§ 12
Misrepresentation, concealment	§ 12.10	§§ 16-21
Nonage	§ 12.7	§ 10

* 7 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).

** 65 *COA2d* 617, *Cause of Action to Annul Marriage*, Thomson West, 2014 (Also available on Westlaw).

Table 2: Proof of Grounds for Annulment

Annulment of Marriage 42 POF2d 665 (1985)	
Concealed intent not to consummate marriage	§§ 23-24
Fraudulent failure to disclose prior undissolved marriage	§§ 18-22
Fraudulent misrepresentation of paternity	§§ 13-16
Marriage entered into under duress	§§ 38-40
Marriage fraudulently induced to obtain permanent resident visa or "green card"	§§ 34-37
Marriage induced by concealment of impotency	§§ 31-33
Mental incapacity to marry due to excessive intoxication	§§ 41-45
Wife's concealment of sterility	§§ 25-30

Table 3: Unreported Decisions — Concealment or Misrepresentation

Concealment or Misrepresentation as Grounds for Annulment of Marriage	
<p><u>Emerick v. Emerick</u>, Superior Court, Judicial District of Hartford at Hartford, No. FA144073480S (June 25, 2015) (2015 Conn. Super. LEXIS 1681) (2015 WL 4496883).</p>	<p>“The defendant’s claim is of plaintiff’s fraudulent representations at the time of the marriage and subsequent alleged financial improprieties during the marriage. Aside from the fact that the court finds the claims without merit, such allegations do not give rise to a basis for an annulment. A party is entitled to an annulment on the grounds of fraud only when it is proven that the fraud relates to the ‘essentialia of the marriage relation.’ <u>Lyman v. Lyman</u>, 90 Conn. 399, 402, 97 A. 312 (1916); <u>Fattibene</u>, supra at 439. Such a fraud is accomplished whenever a person enters into that contract knowing that he is incapable of sexual intercourse, and yet, in order to induce the marriage, designedly and deceitfully concealing the fact from the other party, who is ignorant of it and has no reason to suppose it to exist. <u>Gould v. Gould</u>, 78 Conn 242, 250, 61 A. 604 (1905).”</p>
<p><u>Sampson v. Wesoloski</u>, Superior Court, Judicial District of Hartford at Hartford, No. HH DFA134071069 S (February 25, 2014) (57 Conn. L. Rptr. 688) (2014 Conn. Super. LEXIS 402) (2014 WL 1193333).</p>	<p>“The gist of the plaintiff’s evidence is that, in her words, the defendant ‘intentionally misled me by creating an appealing male persona in order to get close to me and form a relationship with me’ . . . the complaint rests on the common-law grounds of fraud. The plaintiff alleges that the defendant’s misrepresentations rise to the level of fraud rendering the marriage void or voidable . . . In the present case, the defendant clearly engaged in a persistent pattern of untruthfulness in an attempt to make himself more attractive to the plaintiff. Much of the alleged misrepresentation occurred after the time of the marriage, and for that reason cannot be considered as ‘fraud in the inducement’ which might warrant an annulment.”</p>
<p><u>Vascianna v. Vascianna</u>, Superior Court, Judicial District of Hartford at Hartford, No. FA114057012S (March 19, 2012) (53 Conn. L. Rptr. 619) (2012 Conn. Super. LEXIS 748) (2012 WL 1139138).</p>	<p>“The defendant’s immigration status, refusal to cohabit with the plaintiff and offer of money to remain married lead to the inevitable conclusion that Mr. Vascianna married the plaintiff for the sole purpose of obtaining a green card and legal residence in this country. The court finds Mrs. Vascianna was completely unaware of her husband’s intention not to cohabit or assume the duties and responsibilities of husband and wife.”</p>

<p><u>Rice v. Monteleone</u>, Superior Court, Judicial District of New London at New London, No. FA020563144S (February 25, 2004) (2004 Conn. Super. LEXIS 443) (2004 WL 503689).</p>	<p>"In essence, the plaintiff's claims, which form the bases of her request for an annulment, are that the defendant lied to her in his assertions of love and affection and married her for her money. Even if one assumes for the sake of argument that those claims were proven, they are not sufficient for the entry of an order of annulment."</p>
<p><u>DaSilva v. DaSilva</u>, Superior Court, Judicial District of New Haven at New Haven, No. FA020470290 (April 21, 2003) (2003 Conn. Super. LEXIS 1229) (2003 WL 21037549).</p>	<p>"The Wife alleged that the Husband had married her for a green card, that he did not contribute to the household financially, that he was not supportive of her, that he was insulting to her, that he did not spend time with her, and that he referred to his family in Brazil as his real family . . . The Wife did not sustain her burden of proving, by clear and convincing evidence, that the conditions leading up to and surrounding the marriage render the marriage void or voidable."</p>
<p><u>Brennauer v. Brennauer</u>, Superior Court, Judicial District of New London at Norwich, No. FA020124680S (November 15, 2002) (2002 Conn. Super. LEXIS 3622) (2002 WL 31687423).</p>	<p>"Counts one, three, four and five seek an annulment of the marriage on the following grounds, respectively: that the defendant had determined prior to the marriage never to cohabit or consummate the marriage and that if the plaintiff had known this, he never would have entered into the marriage; that the defendant created fraud upon the deceived plaintiff in that she concealed facts which would have affected the plaintiffs decision to enter into the marriage; that the defendant lacked the requisite intent to be married and misrepresented her intentions regarding the ceremony; and that the marriage ceremony itself was defective."</p>
<p><u>Hardy v. Hardy</u>, Superior Court, Judicial District of Tolland at Rockville, No. FA9557392S (November 7, 1995) (1995 Conn. Super. LEXIS 3071) (1995 WL 669153).</p>	<p>"The plaintiff claims that this marriage is voidable because the defendant fraudulently led her to believe he earned \$22,000 per year when he only earned \$16,000; that he had no outstanding bills when he did; that he failed to pay her for the cost of being added to her medical plan as he promised and that the marriage was not consummated."</p>

Section 3: Procedures in Annulment

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the procedures for obtaining an annulment in Connecticut.

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023).
 - [Chapter 815](#). Court Proceedings in Family Relations Matters
 - § [46b-1](#). Family relations matters and domestic violence defined.
 - § [46b-6](#). Investigations.
 - § [46b-9](#). Hearing by referee in action for . . . annulment.
 - § [46b-10](#). Attempt at reconciliation in action for . . . annulment.
 - § [46b-11](#). Closed hearings and records.
 - [Chapter 815j](#). Dissolution of Marriage, Legal Separation and Annulment
 - § [46b-42](#). Jurisdiction.
 - § [46b-43](#). Capacity of minor to prosecute or defend.
 - § [46b-44](#). Residency requirement.
 - § [46b-45](#). Service and filing of complaint and appearance.
 - § [46b-46](#). Notice to nonresident party. Jurisdiction over nonresident for alimony and support.
 - § [46b-47](#). Complaint for dissolution of marriage on ground of confinement for mental illness; procedure.
 - § [46b-48](#). Dissolution of marriage or annulment upon conviction of crime against chastity; procedure.
 - § [46b-49](#). Private hearing.
 - § [46b-53](#). Conciliation procedures; privileged communications.
 - § [46b-55](#). Attorney General as party.
 - § [46b-56c](#). Educational support orders.
 - § [46b-60](#). Orders re children and alimony in annulment cases.
 - § [46b-62](#). **Orders for payment of attorney's fees** and fees of guardian ad litem in certain actions. Limitations on orders for payment of fees to counsel or guardian ad litem for a minor child. Methodology for calculating fees on sliding-scale basis.
 - § [46b-67](#)(d). Waiting period. Filing of motion to waive waiting period; nonappearing defendant. Effect of decree.
 - § [46b-69](#). Statutes applicable to matrimonial actions.

§ [46b-69a](#). Wage executions and earning assignments.

§ [46b-82](#). Alimony.

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the treatises cited.

References to online databases refer to in-library use of these databases.

- Conn. Practice Book (2023).
[Chapter 25](#). Procedure in Family Matters
§ 25-2. Complaints for dissolution of marriage or civil union, legal separation, or annulment
- Superior Court
[JD-FM-240](#). Annulment Complaint (rev. 1/20)
[JD-FM-003](#). Summons – Family Action (rev. 12/21)
[JD-FM-158](#). Notice of Automatic Court Orders (rev. 10/21)
[JD-FM-249](#). Certification of Waiver of Service of Process – Divorce, Legal Separation, Annulment (rev. 10/17)
- 3 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 4th ed., by Joel M. Kaye et al., Thomson West, 2004, with 2022 supplement (also available on Westlaw).
Form 504.5. Complaint for Annulment
- 1D *Am Jur Pleading & Practice Forms* Annulment of Marriage, Thomson West, 2014 (Also available on Westlaw).
§§ 4-8. Complaint, petition, or declaration—To annul marriage—No children or property.
§§ 12-16. Complaint, petition, or declaration—To annul marriage—Mock marriage—Lack of intent.
§§ 21-24. Complaint, petition, or declaration—To annul marriage on ground of prior existing marriage.
§§ 30-33. Complaint, petition, or declaration—To annul marriage where party under age—On attaining majority.
§§ 38-39. Complaint, petition, or declaration—To annul incestuous marriage.
§§ 43-51. Complaint, petition, or declaration—To annul marriage on ground of fraud—Undisclosed intent not to cohabit.
§§ 62-67. Complaint, petition, or declaration—To annul marriage—Plaintiff of unsound mind at time of marriage—Restored to mental capacity.
§§ 71-76. Complaint, petition, or declaration—To annul marriage on ground of physical incapacity.
- 65 *COA2d* 617, Cause of Action to Annul Marriage, Thomson West, 2014 (Also available on Westlaw).
§ 47. Sample complaint

§ 48. Sample complaint to annul marriage where there are no children or property

§ 49. Sample complaint to annul “mock” marriage

WEST KEY
NUMBERS:

- *Marriage and Cohabitation*
 - III. Creation, Existence, and Validity of Marital Relationship
 - F. Annulment and Annulment Proceedings
324-332. Proceedings.

ENCYCLOPEDIAS:

- 4 *Am Jur 2d* Annulment of Marriage, Thomson West, 2018 (Also available on Westlaw).
 - §§ 45-75. Action for Annulment.
- 55 *CJS* Marriage, Thomson West, 2021 (Also available on Westlaw).
 - IV. Annulment
 - §§ 88-93. Procedural Matters.
 - §§ 94-98. Trial; Evidence and Proof.
- 65 *COA2d* 617, Cause of Action to Annul Marriage, Thomson West, 2014 (Also available on Westlaw).
 - §§ 32-37. Practice and Procedure.
- 42 *POF2d* 665, Annulment of Marriage, Thomson West, 1985 (Also available on Westlaw).
 - § 11. Elements of proof checklist—Annulment proceedings based on fraud
 - § 12. —Annulment proceedings based on other grounds
- 7 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
 - Chapter 14. Procedure in Annulment Actions
 - § 14.1. In general
 - § 14.2. Jurisdiction
 - § 14.3. Commencement of action; service of process
 - § 14.4. Parties
 - § 14.5. Pleadings in annulment actions
 - § 14.6. Presumptions and burden of proof
 - § 14.7. Judgment and orders in annulment actions
 - § 14.9. Resumption of former name
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis.
 - Chapter 1. Marriage
 - Part III: Analyzing Annulments
 - § 1.11. Filing for an Annulment
 - [1] Filing for an Annulment—In General
 - [2] Preparing the Complaint

TEXTS &
TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- 2 *Stephenson's Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 2002, with 2003 supplement.

Section 263. Annulment

c. Jurisdiction Required

d. Procedure

Figure 1: Complaint for Annulment (Form)

Form 504.5, Complaint for Annulment, 2 Conn. Practice Book (1997)

See also: Official Court Form [JD-FM-240](#), Annulment Complaint

Complaint for Annulment

1. The plaintiff [*or* defendant] whose maiden name was and the defendant [*or* plaintiff] intermarried on [*date*] at _____.

2. [*Set forth reasons why marriage was invalid or should be annulled.*]

3. [*Set forth names and birthdate of any minor child born to the wife since the marriage, if any, and other information required by § 25-2(b).*]

The plaintiff claims

1. An annulment of said marriage
2. Restoration of her maiden name
3. Lying-in expenses incurred in the future birth of any child issue of this marriage.
4. Custody and support for the minor children
5. Alimony
6. Counsel fees

Section 3a: Jurisdiction

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to jurisdiction in an action for annulment of marriage in Connecticut.

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023).
[Chapter 815](#). Court Proceedings in Family Relations Matters
 § [46b-1](#). Family relations matters defined.
[Chapter 815j](#). Dissolution of Marriage, Legal Separation and Annulment
 § [46b-42](#). Jurisdiction.
 § [46b-43](#). Capacity of minor to prosecute or defend.
 § [46b-44](#). Residency requirement.
 § [46b-46](#). Notice to nonresident party. Jurisdiction over nonresident for alimony and support.

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Manndorff v. Dax](#), 13 Conn. App. 282, 284-285, 535 A.2d 1324, 1325 (1988). **"Although the annulment statutes do not specifically say so, the parties agree, as do we, that there is an additional requirement with respect to subject matter jurisdiction over annulment actions. At least one party must be domiciled in Connecticut."**
- [Perlstein v. Perlstein](#), 152 Conn. 152, 160, 204 A.2d 909, 913 (1964). **"It follows that the statute (§ 52-68) generally governing service by publication on a nonresident defendant properly applies to an annulment action, where, as here, the plaintiff is domiciled in Connecticut."**
- [Mazzei v. Cantales](#), 142 Conn. 173, 179, 112 A.2d 205, 208 (1955). **"Where both parties to an action for annulment of a void marriage are non-residents and the defendant is not served with process within this state or does not appear and submit to the jurisdiction of the Superior Court, the fact that the marriage was performed within this state does not empower the court to obtain jurisdiction over the defendant by constructive service and to render a judgment annulling the marriage."**

WEST KEY NUMBERS:

- *Marriage and Cohabitation*
 III. Creation, Existence, and Validity of Marital Relationship
 F. Annulment and Annulment Proceedings
 328. Proceedings—Jurisdiction and venue.

ENCYCLOPEDIAS:

- 4 *Am Jur 2d* Annulment of Marriage, Thomson West, 2018 (Also available on Westlaw).
 - IV. Action for Annulment
 - § 47. Jurisdiction and venue; state of domicile
 - § 48. —State of celebration of marriage
 - § 49. What law governs
 - § 50. Residential requirements
- 55 *CJS* Marriage, Thomson West, 2021 (Also available on Westlaw).
 - IV. Annulment
 - § 88. Jurisdiction and venue in actions to annul marriage
- 65 *COA2d* 617, Cause of Action to Annul Marriage, Thomson West, 2014 (Also available on Westlaw).
 - § 32. Jurisdiction and venue

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- 7 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
 - Chapter 14. Procedure in Annulment Actions
 - § 14.2. Jurisdiction
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis.
 - Chapter 1. Marriage
 - Part III. Analyzing Annulments
 - § 1.10. Establishing the Availability and Necessity of an Annulment
 - [1] Determining the Availability of Annulments
 - In General
 - § 1.11. Filing for an Annulment
 - [2] Preparing the Complaint
- 2 *Stephenson's Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 2002, with 2003 supplement.
 - Section 263. Annulment
 - c. Jurisdiction Required

Section 3b: Pleading

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the pleadings in an annulment action in Connecticut.

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2023).
[Chapter 815j](#). Dissolution of Marriage, Legal Separation and Annulment
§ [46b-45](#). Service and filing of complaint.

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2023).
[Chapter 25](#). Procedure in Family Matters
§ 25-1. Definitions applicable to proceedings on family matters
§ 25-2. Complaints for . . . annulment
§ 25-5. Automatic orders upon service of complaint or application
§ 25-7. Pleadings in general; Amendments to complaint or application
§ 25-11. —Order of pleadings

FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

- Superior Court
[JD-FM-240](#). Annulment Complaint (rev. 1/20)
[JD-FM-003](#). Summons – Family Action (rev. 12/21)
[JD-FM-158](#). Notice of Automatic Court Orders (rev. 10/21)
[JD-FM-249](#). Certification of Waiver of Service of Process – Divorce, Legal Separation, Annulment (rev. 10/17)

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- 1D *Am Jur Pleading & Practice Forms* Annulment of Marriage, Thomson West, 2014 (Also available on Westlaw).
§§ 4-8. Complaint, petition, or declaration—To annul marriage—No children or property.
§§ 12-16. Complaint, petition, or declaration—To annul marriage—Mock marriage—Lack of intent.
§§ 21-24. Complaint, petition, or declaration—To annul marriage on ground of prior existing marriage.
§§ 30-33. Complaint, petition, or declaration—To annul marriage where party under age—On attaining majority.
§§ 38-39. Complaint, petition, or declaration—To annul incestuous marriage.
§§ 43-51. Complaint, petition, or declaration—To annul marriage on ground of fraud—Undisclosed intent not to cohabit.

§§ 62-67. Complaint, petition, or declaration—To annul marriage—Plaintiff of unsound mind at time of marriage—Restored to mental capacity.

§§ 71-76. Complaint, petition, or declaration—To annul marriage on ground of physical incapacity.

- 3 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 4th ed., by Joel M. Kaye et al., Thomson West, 2004, with 2022 supplement (also available on Westlaw).
Form 504.5. Complaint for Annulment
- 65 *COA2d* 617, Cause of Action to Annul Marriage, Thomson West, 2014 (Also available on Westlaw).
§ 47. Sample complaint
§ 48. Sample complaint to annul marriage where there are no children or property
§ 49. Sample complaint to annul “mock” marriage

CASES:

Once you have identified useful cases, it is important to update them to ensure they are still good law. You can [contact your local law librarian](#) to learn about updating cases.

- [Durham v. Miceli](#), 15 Conn. App. 96, 97, 543 A.2d 286, **287 (1988)**. **“In order to be entitled to an annulment of marriage, the plaintiff must allege and prove that ‘the marriage is void or voidable under the laws of this state or, the state in which the marriage was performed.’ General Statutes § 46b-40(b). The plaintiff’s complaint is devoid of such allegations.”**

WEST KEY NUMBERS:

- *Marriage and Cohabitation*
III. Creation, Existence, and Validity of Marital Relationship
F. Annulment and Annulment Proceedings
331. Proceedings—Pleading.

ENCYCLOPEDIAS:

- 4 *Am Jur 2d* Annulment of Marriage, Thomson West, 2018 (Also available on Westlaw).
IV. Action for Annulment
§ 66. Pleadings
- 55 *CJS* Marriage, Thomson West, 2021 (Also available on Westlaw).
IV. Annulment
§ 93. Pleading action for annulment of marriage
- 65 *COA2d* 617, Cause of Action to Annul Marriage, Thomson West, 2014 (Also available on Westlaw).
§ 33. Limitations on actions
§ 34. Pleading

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TREATISES:

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References to online databases refer to in-library use of these databases. Remote access is not available.

- 7 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
 - Chapter 14. Procedure in Annulment Actions
 - § 14.5. Pleadings in annulment actions
 - § 14.6. Presumptions and burden of proof
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis.
 - Chapter 1. Marriage
 - Part III: Analyzing Annulments
 - § 1.11. Filing for an Annulment
 - [1] Filing for an Annulment—In General
 - [2] Preparing the Complaint

Table 4: Other Unreported Decisions on Annulment of Marriage

Unreported Connecticut Decisions	
<p><u>Dunlap v. Current</u>, Superior Court, Judicial District of New London at Norwich, No. FA134122263 (March 27, 2014) (57 Conn. L. Rptr. 783) (2014 Conn. Super. LEXIS 683) (2014 WL 1647038).</p>	<p>“The crux of the plaintiff’s complaint is that the marriage is voidable because prior to the marriage, the defendant misrepresented and/or omitted aspects of his criminal record and his financial condition to the plaintiff . . . The stipulation of the parties does not inform the court’s analysis, nor is it determinative of the question of whether the marriage should be voided. The fact that the parties believe that their marriage is void or voidable is irrelevant. Whether the marriage is void or voidable is a legal question, which the court must determine based upon the facts and the law. Although the plaintiff clearly believes that she made a mistake by marrying the defendant, the court cannot find an otherwise valid marriage void or voidable based on a party’s belief, or the agreement of the responding party.”</p>
<p><u>Yan v. Fu</u>, Superior Court, Judicial District of New Haven at New Haven, No. FA074026177S (October 17, 2008) (2008 Conn. Super. LEXIS 2669) (2008 WL 4853353).</p>	<p>“The wife seeks an annulment of the marriage claiming that the husband married her solely in order to obtain legal permanent residency in the United States. The wife contends that the Nevada judgment dissolving the husband’s first marriage was a sham. She offered evidence that the address given by the husband in Nevada was either false or non-existent and claimed that he always intended to continue a conjugal relationship with his ex-wife as evidenced by the birth of his daughter to his ex-wife in 2005. The wife also alleges the husband sexually assaulted her, denied her what she wanted most i.e. a child, and used blackmail as a method of control. The later of these allegations are best addressed through the dissolution action and do not serve as a basis for annulment . . . From evidence the wife presented at trial it is not clear and convincing that the husband’s Nevada divorce was a sham nor that the husband married solely to establish permanent residency . . . While the fact that the husband applied for permanent resident status on the exact date of the marriage is unsettling, it is evident that the wife could not be surprised or defrauded by that fact in that she assisted him in the submission of his application and at the hearing before the Immigration Services in support of that application as late as February 2007. The wife’s amended cross complaint for annulment is denied.”</p>
<p><u>Duren v. Burwood</u>, Superior Court, Judicial District of Litchfield at</p>	<p>“. . . the plaintiff seeks an annulment on the grounds that the marriage is voidable because the plaintiff was fraudulently induced to enter the marriage. The court heard evidence from the plaintiff that he expected a monogamous relationship with the defendant when he married her. The defendant engaged in</p>

<p>Litchfield, No. FA010084521 (August 29, 2001) (2001 Conn. Super. LEXIS 2457) (2001 WL 1159629).</p>	<p>an extramarital relationship almost immediately after the marriage with a guest at the wedding. The defendant testified that she had expected that the marriage would be 'open'. There was no discussion regarding these expectations before the marriage."</p>
<p><u>Gutkowski v. Gutkowski</u>, Superior Court, Judicial District of Hartford-New Britain at Hartford, No. FA96712571S (November 4, 1996) (18 Conn. L. Rptr. 101) (1996 Conn. Super. LEXIS 2882) (1996 WL 651641).</p>	<p>"This court acknowledges the principle that a legal representative of a decedent's estate may pursue an annulment action that had been commenced prior to death. While the lessons of <i>Perlstein v. Perlstein</i> remain vital, however, they should only apply to an action in which a fiduciary of a married party's estate seeks to obtain an annulment of a marriage to which its decedent was a party. As such, <i>Perlstein v. Perlstein</i>, supra, fails to provide adequate guidance for this court, which must assess the status of <i>non-fiduciaries</i> who seek to secure the annulment of a marriage which terminated by reason of death prior to the assertion of their claims."</p>

Section 4: Defenses to Annulment

A Guide to Resources in the Law Library

SCOPE:

Bibliographic sources relating to defenses to actions for annulment in Connecticut.

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2023).
[Chapter 25](#). Procedure in Family Matters
§ 25-9. —Answer, cross complaint, claims for relief by defendant
§ 25-10. —Answer to cross complaint

FORMS:

- 1D *Am Jur Pleading & Practice Forms* Annulment of Marriage, Thomson West, 2014 (Also available on Westlaw).
§ 25. Answer—Divorce obtained from former spouse in another state
§ 34. Answer—Defense—Parties of lawful age in state where marriage performed
§ 52. Answer—Defense—Statute of limitations

CASES:

Once you have identified useful cases, it is important to update them to ensure they are still good law. You can [contact your local law librarian](#) to learn about updating cases.

- [Fattibene v. Fattibene](#), 183 Conn. 433, 437, 441 A.2d 3, 5 (1981). "In the counterclaim to the complaint, the defendant sought an annulment of the marriage based on the plaintiff's fraudulent nondisclosure at the time of the marriage of her prior marital status and of the previous birth of a child. Although there is evidence in the record to the contrary, the defendant alleges that he did not learn of the nondisclosed facts until the commencement of this action, over twenty-five years after the wedding ceremony, and never condoned the plaintiff's fraud or cohabitated with her after discovering it. The trial court decided that a valid marriage existed between the parties and dissolved it, rather than declare it null and void. The defendant claims on appeal that the trial court erred."

WEST KEY NUMBERS:

- *Marriage and Cohabitation*
III. Creation, Existence, and Validity of Marital Relationship
F. Annulment and Annulment Proceedings
323. Defenses.

ENCYCLOPEDIAS:

- 4 *Am Jur 2d* Annulment of Marriage, Thomson West, 2018 (Also available on Westlaw).
§§ 33-44. Defenses.
§§ 54-58. Time for Bringing Suit.
- 55 *CJS* Marriage, Thomson West, 2021 (Also available on Westlaw).
IV. Annulment

§ 86. Defenses in action to annul marriage
§ 89. Time to sue and limitations in actions to annul marriage; laches

- 65 *COA2d* 617, Cause of Action to Annul Marriage, Thomson West, 2014 (Also available on Westlaw).
§§ 23-29. Defenses.
- 42 *POF2d* 665, Annulment of Marriage, Thomson West, 1985 (Also available on Westlaw).
§ 8. Defense considerations
§ 8.5. Standing
- 1 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2022 (also available on Lexis).
Chapter 5. Annulment
§ 5.03. Defenses; Generally
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis.
Chapter 1. Marriage
Part III: Analyzing Annulments
§ 1.10. Establishing the Availability and Necessity of an Annulment
[6] Assessing Contractual Defenses to a Valid Marriage
[a] Discussing Contractual Defenses—In General
[b] Determining Duress and Force as a Contractual Defense
[c] Determining Fraud as a Contractual Defense

TEXTS &
TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

Section 5: Children and Annulment

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to children and annulment in Connecticut, including child support, custody and visitation.

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023).
[Chapter 815j](#). Dissolution of Marriage, Legal Separation and Annulment
§ [46b-60](#). Orders re children and alimony in annulment cases.
§ [46b-84](#). **Parents' obligation for maintenance of minor child.** Order for health insurance coverage.
§ [46b-86](#). Modification of alimony or support orders and judgments.

FORMS:

- *2A Am Jur Legal Forms Annulment of Marriage*, Thomson West, 2022 (Also available on Westlaw).
§ 22: 4. Property settlement agreement—Child support and custody
§ 22: 18. —Joint custody of child
§ 22: 19. —Child custody and visitation
§ 22: 20. —Joint custody and visitation--Schedule for equal timesharing
§ 22: 21. —Payment of children's medical and dental expenses
§ 22: 22. —Expenses for dependent adult child
- *1D Am Jur Pleading & Practice Forms Annulment of Marriage*, Thomson West, 2014 (Also available on Westlaw).
§§ 78-80. Complaint, petition, or declaration—Annulment of marriage—Custody and support of children.

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Hames v. Hames](#), 163 Conn. 588, 593, 316 A.2d 379, 382 (1972). **"Section 46-28 of the General Statutes provides that the issue of any void or voidable marriage shall be deemed legitimate and permits the Superior Court to order alimony, custody and child support as it might in a divorce proceeding."**
- [Sarantos v. Sarantos](#), 18 Conn. Supp. 472, 474 (1953). "Our statute . . . empowers our court to annul a marriage illegal under the laws of the foreign state in which it was celebrated. It does not purport to carry over to Connecticut the foreign law of the state in which the marriage was celebrated as to the legitimacy of the offspring of such marriage. The question of legitimacy under the facts here is governed by the law of **Connecticut, which at the time of the child's birth was,**

and up to the present time continuously has been, the **domicil of both parents and of the child.**”

WEST KEY
NUMBERS:

- *Child Custody*
 - VII. Particular Status or Relationship
 - (D) Termination of Parents’ Marriage**
 - 327. Annulment of Marriage.
- *Child Support*
 - III. Factors Considered
 - 57. Effect of divorce, dissolution of marriage, or annulment.
 - VI. Modification
 - 244. Divorce, dissolution of marriage, or other proceeding pending.

ENCYCLOPEDIAS:

- 4 *Am Jur 2d* Annulment of Marriage, Thomson West, 2018 (Also available on Westlaw).
 - § 87. Determination of custody and support of children in annulment action
 - § 88. Determination of visitation rights in annulment action
 - § 89. Determination of paternity or legitimacy in annulment action
- 1D *Am Jur Pleading & Practice Forms* Annulment of Marriage, Thomson West, 2014 (Also available on Westlaw).
 - III. Custody of Children, Support, and Litigation Expenses
 - § 77. Introductory Comments
- 55 *CJS* Marriage, Thomson West, 2021 (Also available on Westlaw).
 - IV. Annulment
 - § 101. Custody and support of children in annulment actions
- 42 *POF2d* 665, Annulment of Marriage, Thomson West, 1985 (Also available on Westlaw).
 - § 10. Effect of judgment or decree—Award of alimony, custody, and child support

TEXTS &
TREATISES:

- 7 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
 - Chapter 14. Procedure in Annulment Actions
 - § 14.8. Legitimacy of children
- 3 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2022 (also available on Lexis).
 - Chapter 33. Child Support

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References to online databases refer to in-library use of these databases.

§ 33.02. General Theory of Child Support Obligations

[3] Parental Duty of Support

[d] Duty of Support After Annulment

- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis.
Chapter 1. Marriage
Part III: Analyzing Annulments
§ 1.11. Filing for an Annulment
 - [3] Determining Custody Orders
 - [4] Determining Support Orders
- 2 *Stephenson's Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 2002, with 2003 supplement.
Section 263. Annulment
 - e. Where Children are Involved

Section 6: Property Distribution

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to property distribution and annulments in Connecticut.

DEFINITIONS:

- "At the time of entering a decree annulling or dissolving a marriage or for legal separation pursuant to a complaint under section 46b-45, the Superior Court may assign to either spouse all or any part of the estate of the other spouse. The court may pass title to real property to either party or to a third person or may order the sale of such real property, without any act by either spouse, when in the judgment of the court it is the proper mode to carry the decree into effect." Conn. Gen. Stat. § [46b-81](#)(a) (2023).
- "In fixing the nature and value of the property, if any, to be assigned, the court, after considering all the evidence presented by each party, shall consider the length of the marriage, the causes for the annulment, dissolution of the marriage or legal separation, the age, health, station, occupation, amount and sources of income, earning capacity, vocational skills, education, employability, estate, liabilities and needs of each of the parties and the opportunity of each for future acquisition of capital assets and income. The court shall also consider the contribution of each of the parties in the acquisition, preservation or appreciation in value of their respective estates." Conn. Gen. Stat. § [46b-81](#)(c) (2023).
- "A direct action to annul a marriage not only affects the status of the marriage itself but may also affect property rights arising from this status." [Perlstein v. Perlstein](#), 26 Conn. Supp. 257, 258, 217 A.2d 481, 482-483 (1966).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023).
 - [Chapter 815e](#). Marriage
 - § [46b-36h](#). Enforcement of premarital agreement when marriage void.
 - [Chapter 815j](#). Dissolution of Marriage, Legal Separation and Annulment
 - § [46b-66a](#). Order of court re conveyance of title to real property. Effect of decree.
 - § [46b-80](#). Prejudgment remedies available; lis pendens; notice; effect.
 - § [46b-81](#). Assignment of property and transfer of title.

FORMS:

- 2A *Am Jur Legal Forms* Annulment of Marriage, Thomson West, 2022 (Also available on Westlaw).

- § 22: 4. Property settlement agreement—Child support and custody
- § 22: 11. Property settlement agreement—Sale or division of family residence
- § 22: 12. —Family home
- § 22: 17. —Waiver of interest in marital property

WEST KEY NUMBERS:

- *Marriage and Cohabitation*
 - III. Creation, Existence, and Validity of Marital Relationship
 - F. Annulment and Annulment Proceedings
 - 333-336. Scope and extent of relief.

ENCYCLOPEDIAS:

- 4 *Am Jur 2d* Annulment of Marriage, Thomson West, 2018 (Also available on Westlaw).
 - § 79. Alimony, support, and property rights upon annulment of marriage, generally
 - § 82. Effect of annulment on property rights; division of property accumulated during marriage
- 55 *CJS* Marriage, Thomson West, 2021 (Also available on Westlaw).
 - IV. Annulment
 - § 102. Division, restitution, or other disposition of property in annulment actions
- 65 *COA2d* 617, Cause of Action to Annul Marriage, Thomson West, 2014 (Also available on Westlaw).
 - § 40. Alimony and division of property
 - § 41. —Status as putative spouse
- 42 *POF2d* 665, Annulment of Marriage, Thomson West, 1985 (Also available on Westlaw).
 - § 9. Effect of judgment or decree—In general; division of property

TEXTS & TREATISES:

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- 7 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
 - Chapter 14. Procedure in Annulment Actions
 - § 14: 7. Judgment and orders in annulment actions
- 3 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2022 (also available on Lexis).
 - Chapter 37. Principles of Property Distribution
 - § 37.02. The Court's Power to Divide**
 - [5] Unmarried Parties
 - [a] Void Marriages
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis.
 - Chapter 1. Marriage

Part III: Analyzing Annulments

§ 1.11. Filing for an Annulment

[5] Determining Orders Concerning Property Division

- 1 *Valuation and Distribution of Marital Property*, John P. McCahey, editor, Matthew Bender, 2022 (also available on Lexis).

Chapter 3. Overview of Statutes Governing Property Distribution

§ 3.02. Availability of equitable distribution in actions subsequent to divorce or annulment proceedings

[2] Equitable distribution in annulment actions

Section 7: Out of State and Foreign Annulments

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to out-of-state and foreign annulments in Connecticut.

DEFINITION:

- **"A state has the authority to declare what marriages of its citizens shall be recognized as valid, regardless of the fact that the marriages may have been entered into in foreign jurisdictions where they were valid."** [Catalano v. Catalano](#), 148 Conn. 288, 291, 170 A.2d 726, 728 (1961).
- **"The Superior Court has authority to annul a marriage performed in another state if the marriage would have been invalid in that state or violates a strong public policy of this state."** [Fattibene v. Fattibene](#), 183 Conn. 433, 437, 441 A.2d 3, 5 (1981).
- **"The trial court failed to give full faith and credit to the 2002 legislation through which the New York legislature validated ab initio all marriages performed by Heller, including the marriage of the parties. See 2002 N.Y. Sess. Laws 3572. The recognition of the parties' marriage as valid by the New York legislature renders it valid under the laws of Connecticut."** [Gershuny v. Gershuny](#), 322 Conn. 166, 170, 140 A.3d 196, 198 (2016).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2023) [Chapter 815j](#). Dissolution of Marriage, Legal Separation and Annulment
 - § [46b-40\(b\)](#). Grounds for dissolution of marriage; legal separation; annulment.
 - § [46b-70](#). Foreign matrimonial judgment defined.
 - § [46b-71](#). Filing of foreign matrimonial judgment; enforcement in this state.

CASES:

Once you have identified useful cases, it is important to update them to ensure they are still good law. You can [contact your local law librarian](#) to learn about updating cases.

- [Delaney v. Delaney](#), 35 Conn. Supp. 230, 232, 405 A.2d 91, 93 (1979). ". . . a valid common-law marriage contracted in a state that recognizes such marriages would be upheld in this state."
- [Parker v. Parker](#), 29 Conn. Supp. 41, 43, 270 A.2d 94, 95 (1970). "The validity of the marriage between the plaintiff and the defendant is governed by the lex loci contractus, Connecticut, where the ceremony was performed."
- [Brower v. Brower](#), 15 Conn. Supp. 77, 77 (1947). "This marriage was contracted in the state of New York and consequently may be annulled by this court if, for any cause, it is void or voidable under New York law."

ENCYCLOPEDIAS:

- 3A *Am Jur 2d Aliens and Citizens*, Thomson West, 2014 (Also available on Westlaw).
 - § 337. Bigamous and polygamous marriage disallowed
 - § 338. —Effect of annulment of first marriage
 - § 351. Effect of annulment
- 4 *Am Jur 2d Annulment of Marriage*, Thomson West, 2018 (Also available on Westlaw).
 - § 78. Matters concluded by judgment in annulment action; recognition of foreign decree

TEXTS &
TREATISES:

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- 7 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
 - Chapter 14. Procedure in Annulment Actions
 - § 14.10. Annulment of foreign marriages
- *Immigration Law and the Family*, by Sarah B. Ignatius and Elisabeth S. Stickney, Thomson Reuters, 2023 (also available on Westlaw).
 - Chapter 4. Immigration Based on Marriage
 - § 4:07. Prior marriages must be legally terminated
 - § 4:11. – Other termination of marriage –
 - Annulments
 - Chapter 5. Conditional Residents
 - § 5:47. Effect of annulment of qualifying marriage
- *International Family Law Desk Book*, 2nd ed., by Ann Laquer Estin, American Bar Association, 2016.
 - Chapter 2. Marriage, Partnership and Cohabitation
 - Annuling a Marriage, p. 32
 - Jurisdiction and Choice of Law
 - Consequences of Annulment