

99059001044000, 99059001044000

# Marriage annulment

Heruntergeladen am 05.07.2025

<https://fimportal.de/xzufi-services/370318501/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99059001044000, 99059001044000
Leistungsbezeichnung I	Marriage annulment
Leistungsbezeichnung II	
Typisierung	3 - Bundesaufsichtsverwaltung: Regelung
Quellredaktion	Hessen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Heirat (059)
Verrichtungskennung	Aufhebung (044)
SDG-Informationsbereich	Leben in einer binationalen Partnerschaft, auch einer gleichgeschlechtlichen Partnerschaft (Eheschließung, zivile/eingetragene Partnerschaft, Trennung, Scheidung, Güterrecht, Rechte von Lebenspartnern)
Lagen Portalverbund	Urkunden und Bescheinigungen (1070200), Eheschließung (1020300)

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	15.09.2020
Fachlich freigegeben durch	Senator for Justice and Constitution of the Free Hanseatic City of Bremen
Handlungsgrundlage	<a href="https://www.gesetze-im-internet.de/bgb/_1313.html">https://www.gesetze-im-internet.de/bgb/_1313.html</a> <a href="https://www.gesetze-im-internet.de/famfg/_111.html">https://www.gesetze-im-internet.de/famfg/_111.html</a> <a href="https://www.gesetze-im-internet.de/famfg/_114.html">https://www.gesetze-im-internet.de/famfg/_114.html</a> <a href="https://www.gesetze-im-internet.de/famfg/_121.html">https://www.gesetze-im-internet.de/famfg/_121.html</a> <a href="https://www.gesetze-im-internet.de/famfg/_122.html">https://www.gesetze-im-internet.de/famfg/_122.html</a> <a href="https://www.gesetze-im-internet.de/famfg/_58.html">https://www.gesetze-im-internet.de/famfg/_58.html</a> <a href="https://www.gesetze-im-internet.de/bgb/_1313.html">https://www.gesetze-im-internet.de/bgb/_1313.html</a> <a href="https://www.gesetze-im-internet.de/famfg/_111.html">https://www.gesetze-im-internet.de/famfg/_111.html</a> <a href="https://www.gesetze-im-internet.de/famfg/_114.html">https://www.gesetze-im-internet.de/famfg/_114.html</a> <a href="https://www.gesetze-im-internet.de/famfg/_121.html">https://www.gesetze-im-internet.de/famfg/_121.html</a> <a href="https://www.gesetze-im-internet.de/famfg/_122.html">https://www.gesetze-im-internet.de/famfg/_122.html</a> <a href="https://www.gesetze-im-internet.de/famfg/_58.html">https://www.gesetze-im-internet.de/famfg/_58.html</a>
Teaser	If you believe that your marriage is not legal, you can apply for the annulment of your marriage.
Volltext	<p>A marriage can be annulled under certain conditions, e.g. if you were a minor or legally incompetent at the time of the marriage, you were in a state of unconsciousness or temporary mental disturbance at the time of the marriage, you were deceived fraudulently, you were threatened unlawfully or you did not know that it was a marriage.</p> <p>To file an application with the competent district court – family court – please contact a lawyer. In court proceedings, it is examined whether there are grounds for annulment. Under certain reasons, the annulment of the marriage is nevertheless excluded. That would be the case if you indicate that you want to continue the marriage. For example, if you were not yet 18 years old at the time of marriage and now indicate as an adult/adult that you want to continue the marriage, the marriage remains.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> <li>• Copy of marriage certificate</li> <li>• if applicable, evidence of the reason for annulment, e.g. medical documents, police reports</li> </ul>

## Modul

## Sachverhalt

### Voraussetzungen

The marriage could be annulled if, at the time of marriage, you for example.:

- were not yet of legal age
- were in a state of unconsciousness or temporary disturbance of mental activity at the time of marriage
- have been deceived fraudulently
- have been unlawfully decreed to enter into the marriage by threat, or
- were legally incapacitated
- did not know at the time of the marriage that it was such.

Under certain reasons, the annulment of the marriage is nevertheless excluded. That would be the case if you indicate that you want to continue the marriage. For example, if you were not yet 18 years old at the time of marriage and now indicate as an adult/adult that you want to continue the marriage, the marriage remains.

### Kosten

- Lawyers' fees according to the Lawyers' Remuneration Act (RVG)
- Costs of the court, § 43 Act on Court Costs in Family Matters (FamGKG)
- in each case calculation according to the amount of the object value (income and assets dependent)
- legal aid may be applied for in case of need

### Verfahrensablauf

Proceedings for the annulment of the marriage can only be initiated by a lawyer.

- The lawyer will submit a written, reasoned application for annulment to the district court - family court.
- The family court will serve this application on the spouse.
- The further procedure depends on the reaction of the spouse. As a rule, there will be a court hearing in which both spouses will be heard. If necessary, it is necessary to take evidence on the conditions for annulment.
- The family court will then decide on the application by order.

An appeal may be lodged against the decision of the district court within one month by a lawyer. This will be decided by the competent Higher Regional Court.

Modul	Sachverhalt
Bearbeitungsdauer	At least 3 months due to the given procedure, in more complex procedures possibly longer
Frist	Depending on the reason for annulment, one year, e.g. in the case of fraudulent misrepresentation, or three years in the case of unlawful threat from the date of discovery of the reason for cancellation (§ 1317 BGB)
weiterführende Informationen	
Hinweise	
Rechtsbehelf	Complaint according to §§ 58 ff. FamFG against the family court decision within one month by a lawyer
Kurztext	<ul style="list-style-type: none"> <li>• Annulment of marriage</li> <li>• Compulsory lawyer</li> <li>• The prerequisite for annulment of the marriage is, for example: Nonage legal incapacity, Fraudulent misrepresentation Unlawful threat, or Error about marriage at the time of marriage</li> <li>• Application must be submitted to the competent district court- family court –</li> </ul> <p>Under certain reasons, the annulment of the marriage is nevertheless excluded. This would be the case if the applicant indicates that he/she wishes to continue the marriage (confirmation). If, for example, the applicant was not yet 18 years old at the time of marriage and now indicates as an adult that he/she wants to continue the marriage, the marriage remains.</p>
Ansprechpunkt	
Zuständige Stelle	
Formulare	none
Ursprungsportal	Marriage annulment, Eheschließung Aufhebung