

99059001044000, 99059001044000

Annulment of the marriage

Heruntergeladen am 15.06.2025

<https://fimportal.de/xzufi-services/317240667/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99059001044000, 99059001044000
Leistungsbezeichnung I	Annulment of the marriage
Leistungsbezeichnung II	Annulment of the marriage
Typisierung	3 - Bundesaufsichtsverwaltung: Regelung
Quellredaktion	Niedersachsen
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	https://www.gesetze-im-internet.de/bgb/_1313.html https://www.gesetze-im-internet.de/famfg/_111.html https://www.gesetze-im-internet.de/famfg/_114.html https://www.gesetze-im-internet.de/famfg/_121.html https://www.gesetze-im-internet.de/famfg/_122.html https://www.gesetze-im-internet.de/famfg/_58.html
Teaser	If you are of the opinion that your marriage is not legal, you can apply for an annulment of your marriage.
Volltext	<p>A marriage can be annulled under certain circumstances, e.g. if you were a minor or legally incompetent when you got married, if you were unconscious or had a temporary mental disorder when you got married, if you were fraudulently deceived, if you were unlawfully threatened or if you did not know that you were getting married.</p> <p>To file an application with the competent local court - family court - please contact a lawyer. The court proceedings will examine whether there are grounds for annulment. Under certain circumstances, annulment of the marriage is nevertheless excluded. This would be the case if you indicate that you wish to continue the marriage. For example, if you were not yet 18 years old when you got married and now, as an adult, you indicate that you wish to continue the marriage, the marriage will remain intact.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> • Copy of the marriage certificate • Proof of the reason for annulment, if applicable, e.g. medical documents, police reports
Voraussetzungen	<p>The marriage could be annulled if, at the time of the marriage</p> <p>z. B.:</p> <ul style="list-style-type: none"> • were not yet of legal age

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- were in a state of unconsciousness or temporary mental disorder at the time of the marriage
- were fraudulently deceived
- were unlawfully induced to enter into the marriage through threats or
- were legally incompetent
- did not know at the time of the marriage that it was such a marriage.

Under certain circumstances, annulment of the marriage is nevertheless excluded. This would be the case if you indicate that you wish to continue the marriage. For example, if you were under the age of 18 when you got married and now, as an adult, you indicate that you wish to continue the marriage, the marriage will remain valid.

Kosten

- Lawyers' fees in accordance with the Lawyers' Fees Act (RVG)
- Court costs, Section 43 of the Act on Court Costs in Family Matters (FamGKG)
- each calculated according to the amount of the object value (depending on income and assets)
- Legal aid can be applied for in case of need

Verfahrensablauf

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

- The lawyer will submit a written, reasoned application for annulment to the Local 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 at which both spouses will be heard. It may be necessary to take evidence on the conditions for annulment.
- The family court will then make a decision on the application.
- An appeal against the decision of the local court can be lodged by a lawyer within one month. The competent higher regional court will decide on this.

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Bearbeitungsdauer	At least 3 months due to the prescribed procedure, possibly longer in more complex procedures
Frist	Depending on the reason for termination, one year, e.g. in the case of fraudulent misrepresentation, or three years in the case of unlawful threats from the time the reason for termination is discovered (Section 1317 BGB)
weiterführende Informationen	<ul style="list-style-type: none"> • For information on annulment of marriage, see https://www.bmfsfj.de/ https://www.bmfsfj.de/bmfsfj/meta/search/72628!search?state=H4sIAAAAAAAAAADWNOW7CMBAFr4Je7YJAEM EtnzoFHajYOes4krGF1y5QlGtxAS6GhUQ5b540MwbKfE nxAR2K9-rH1_gnS4azQM_Y7g9tB31Ds2l2XYv7ouCmLD 2nnkaGbtYKz8LpBY2zYyrWf95SwihCxnGAgSUqxUTE68 GFIO3InyqyWMMkhNNor4seeHIC2iswgWbAAAA&newSearch=true&query=Eheaufhebung
Hinweise	
Rechtsbehelf	Appeal pursuant to §§ 58 ff. FamFG against the family court decision within one month through a lawyer
Kurztext	<ul style="list-style-type: none"> • Annulment of the marriage • Compulsory legal representation • The prerequisite for annulment of the marriage is, for example <ul style="list-style-type: none"> • Minority • legal incapacity, • fraudulent misrepresentation, • Unlawful threat or • Mistake about the marriage <p>at the time of the marriage</p> <ul style="list-style-type: none"> • Application must be made to the competent local court <ul style="list-style-type: none"> \- family court • Under certain circumstances, 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). For example, if

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	the applicant was not yet 18 years old when the marriage was entered into and now, as an adult, indicates that he/she wishes to continue the marriage, the marriage will continue.
Ansprechpunkt	Please contact a lawyer.
Zuständige Stelle	The local court responsible for you – family court – will determine the lawyer you have instructed. https://www.gesetze-im-internet.de/famfg/__122.html https://www.gesetze-im-internet.de/famfg/__122.html
Formulare	none
Ursprungsportal	Aufhebung der Ehe, Annulment of the marriage