



Florida Family Law Firm Explains When A Marriage May Not Actually Be Valid

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Manuel Segarra, founder of Segarra & Associates, P.A., says one of the biggest misconceptions about annulment is that regret alone is enough to undo a marriage. Segarra explains that most people believe an annulment is simply a quick divorce for a marriage that did not last long, but that is not the real question. The real question is whether something was legally wrong with the marriage when it began.

That distinction can turn what sounds like an unusual relationship story into a significant legal problem. Florida law distinguishes between divorce, which terminates a valid marriage, and circumstances in which a purported marriage may be void or voidable. Florida courts recognize several circumstances that can potentially affect the validity of a marriage, including lack of capacity to consent, fraud going to the essence of the marital relationship, duress and the existence of a prior undissolved marriage. Florida court materials even identify extreme intoxication at the ceremony and a marriage entered solely to obtain a green card as examples that can potentially implicate annulment law, depending on the facts. At Segarra & Associates, P.A., these are not hypothetical questions; they are issues the firm regularly navigates on behalf of clients across South Florida.

The impulsive Las Vegas wedding has become almost a cultural cliché. Two people are having a great weekend, drinks are flowing, somebody suggests getting married, and hours later there is a marriage certificate and considerably less enthusiasm about the idea than there was the night before. But waking up and regretting the decision does not necessarily mean the marriage can simply be annulled. Segarra explains that if two adults understood what they were doing, voluntarily got married and then regretted it the next morning, regret by itself does not make the marriage invalid. The analysis becomes very different, he says, if somebody was so intoxicated or impaired that they were incapable of understanding that they were entering into a marriage.

Florida courts have discretion to recognize that a marriage may be voidable where a spouse lacked the ability to consent because, at the time of the ceremony, the spouse suffered from a serious temporary mental impairment or was under the influence of alcohol or drugs. Being drunk enough to make a terrible decision is not necessarily the same as being so impaired that a person was incapable of legally consenting to the decision. As with most contested family-law issues, evidence matters. The witnesses, photographs, video, communications, the circumstances surrounding the ceremony, and even what the couple did after returning home can all become important.

Another scenario Segarra points to sounds like something pulled from reality television. A person falls in love, marries, helps a new spouse navigate the immigration process, and then becomes convinced the relationship was never genuine, alleging the marriage was only for a green card. That allegation can potentially raise an annulment issue, but Segarra says the analysis is considerably more complicated than simply accusing a spouse of having an ulterior motive. Florida authority recognizes fraud as a potential basis for annulment when the fraud goes to the essence of the marital relationship, and some courts may consider a marriage entered solely to obtain a green card as an example of fraud that may qualify. Still, an unhappy marriage does not become fraudulent simply because one spouse later questions the other's motives. Segarra explains that the question becomes what the person intended when entering the marriage and, just as importantly, what can actually be proven. There is a big difference between believing somebody used you and having evidence that the marriage was fraudulent from the beginning. Texts, emails, witness testimony, financial arrangements, living arrangements and communications surrounding the marriage may become significant. Because immigration status is governed by federal law while annulment involves state family law, immigration counsel may also be necessary where immigration consequences are involved.

Segarra says another situation surprises people precisely because it does not always begin with deception. A married couple separates, years pass, they live in different cities with separate bank accounts and barely speak, and both move on with their lives. One meets someone new, falls in love and eventually remarries. However, nobody ever legally ended the first marriage. Segarra notes that people sometimes think that because they have been separated for ten years, they are essentially divorced, but that is not the case; a marriage that was never legally dissolved may still stand, regardless of how separate the parties' lives have

become. That can create a serious problem for the second marriage. Florida courts have recognized that a marriage is not valid when one of the parties has a living, undivorced legal spouse at the time of the later marriage.

That does not necessarily mean the person intentionally tried to commit bigamy. Sometimes the facts are far more mundane. Someone thought a divorce had been completed, someone assumed papers signed years earlier ended the marriage, someone believed an estranged spouse had handled it, or two people separated so long ago that they simply stopped thinking about the legal status of the marriage. Florida's criminal bigamy statute itself recognizes several exceptions, including circumstances in which a person reasonably believes they are legally eligible to remarry. The separate family-law question, however, remains whether the later marriage was legally valid. That question can suddenly become enormously important when the later relationship ends or when someone dies, and questions arise involving property, inheritance, insurance, retirement benefits or who was actually the legal spouse. Segarra says that is when what everyone assumed for years can suddenly matter a great deal, and that the first thing he wants to see is the paperwork ? marriage number one, the divorce judgment, when it was entered, and then marriage number two, since the dates can tell a great deal.

Despite the colorful scenarios, Segarra says the biggest lesson is relatively simple: annulment is not an undo button for a bad marriage. A marriage can last four days and still require a divorce. Conversely, a marriage may have existed for considerably longer before someone discovers facts raising legitimate questions about its validity. Florida courts distinguish between marriages that are void and those that are voidable, a distinction that can affect whether the marriage was legally valid, whether subsequent conduct could potentially ratify it, and what relief should be requested from a court.

For Segarra, the starting point is less technical. He says that when somebody calls and says they want an annulment, he does not start by asking how long they were married. Instead, he wants to know what happened when they got married; whether somebody was already married, whether there was fraud, whether both people had the capacity to consent, whether somebody was coerced, and what happened after they discovered the problem. Then comes the question that often determines whether an interesting story becomes a viable legal case: what can be proven. Marriage certificates, prior divorce judgments, text messages, emails, financial records, photographs, video and witness testimony may all become important depending on the claimed basis for annulment, and the firm advises individuals to preserve records concerning the marriage, prior marriages, and communications surrounding consent or representations. Segarra says what somebody believes happened is important, but when someone walks into court, what can be proven is what matters.

For someone facing an unusual marriage-validity issue, Segarra recommends determining the legal status of the marriage before assuming that divorce, or annulment, is necessarily the correct remedy. That is

particularly important when prior marriages, foreign marriages or divorces, immigration issues, disputed consent or questions about capacity are involved. Segarra says family law produces some pretty incredible fact patterns, but the law still comes back to the same basic question: was there a legally valid marriage in the first place. Sometimes the answer is straightforward, sometimes it requires considerably more investigation, and occasionally someone walks into a lawyer's office expecting to end a marriage only to discover that the more interesting question is whether the marriage legally existed at all.

Segarra & Associates, P.A. is a Florida family law firm representing clients in divorce, annulment, parental responsibility and time-sharing, child support, alimony, property disputes and other family-law matters. The firm serves clients throughout South Florida, Central Florida and the Treasure Coast. For additional information about annulment and other Florida family-law issues, visit Segarra & Associates, P.A.

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Segarra & Associates, P.A.

Segarra & Associates, P.A. is a Family Law Firm which handles divorce, prenuptial/premarital agreements; paternity suits; child support modification; establishment of alimony; equitable distribution of business assets; and many more.

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