

LAW OFFICES OF
WILLIAM L. HOGE, III

ANNULMENT DATAPACK

Dear Prospective Family Law Client:

We understand that you are seeking an **annulment of your marriage**. Though an annulment is not usually as complex as the dissolution of a long-term marriage, many of the elements and steps required are similar, if not the same. The end result, however, is quite different in that an annulment treats the marriage as though it never happened.

For some people, divorce carries a stigma and they would rather their marriage be annulled. Others want an annulment because it may be make it possible for them to remarry within their faith. In such instances, a *religious annulment* may also be required. You need to consult with your minister, priest, rabbi or imam if you have questions on that point.

An issue to consider in deciding whether to seek an annulment or a divorce is that, in some cases, if there is an annulment, there can be no duty of spousal support ("maintenance" or "alimony") since the parties were "never married".

Kentucky law permits the annulment of a marriage only in certain very specific circumstances:

1. If the marriage was obtained by *force or fraud* [KRS 402.030(1)]; **OR**
2. If the parties are *more closely related by blood than second cousins* [KRS 402.010(1)] (considered incest in Kentucky); **OR**
3. If one of the parties has been *adjudged mentally disabled* by a court of competent jurisdiction [KRS 402.020(1)(a)]; **OR**
4. If one of the parties has a *husband or wife living*, from whom the person marrying has not been divorced [KRS 402.020(1)(b)]; **OR**
5. If the subject marriage was *not solemnized or contracted in the presence of an authorized person or society* [KRS 402.020(1)(c)]; **OR**
6. If *one party was under eighteen (18) but over sixteen (16) years of age at the time of the marriage, and the marriage was without the consent required by KRS 402.020(1)(f) and has not been ratified by cohabitation after that age* [KRS 402.030(2)]; **OR**
7. If *one party was under sixteen (16) years of age at the time of the marriage, if the marriage was not conducted with the permission of a District Judge as required by KRS 402.020(1)(f)(3) in the form of a written court order, and if the marriage has not been ratified by cohabitation after the person reached eighteen (18) years of age* [KRS 403.030(3)].

Fraud is the most frequently cited basis for filing a Petition for Annulment. Such an element would include:

- One spouse failing to disclose to the other spouse critical information about important matters such as a previous marriage or a criminal record;
- A spouse's desire to have or to not have children which is inconsistent with the other spouse's desires and understanding;

- A spouse lying about his or her capacity to have children;
- A party lying about his or her having reached the age of consent
- A party lying about his or her degree of blood relationship to the other spouse;
- A spouse concealing an addiction to alcohol or drugs;
- A spouse failing to disclose the existence of children from a prior relationship;
- A spouse failing to disclose a sexually transmitted disease or impotency;
- A spouse's refusal or inability to consummate the marriage (*i.e.*, having sexual intercourse with the other spouse);
- Etc.

Most annulments take place after a marriage of a very short duration -- a few weeks or months, so there are usually no assets or debts to divide, or children for whom custody, visitation and child support are a concern.

There are specific time limits which must be satisfied. One must file for annulment within 90 days of discovering that grounds for an annulment exist. That's not within 90 days of the marriage, but within 90 days of discovering, for instance, that your spouse is a bigamist.

Your case will require an initial personal consultation so that we can understand the facts of your case and advise you on your rights and duties. We provide an initial consultation for \$250, after which, in most cases, we can give you a good idea of what will happen in your annulment action.

Before we can begin representing you, the Bar Association and this firm require (1) a signed contract which explains our respective obligations and (2) a legal engagement fee plus initial costs prior to instituting any action except the initial consultation. The size of the engagement fee required will be determined after our initial consultation and will be based on my estimation of the amount of my time needed to resolve your case. My hourly rate in most cases is \$250 per hour.

Though some of the questions or situations set out in the enclosed **Annulment Datapack** may not apply to your situation, your effort to fill it out and to provide us with copies of any information or documents pertinent to this matter (including copies of all prior court papers, marriage license or application, proof of essential elements such as fraud, etc.) will go a long way to help us quickly evaluate your family law situation and to contain your legal expense.

Any information provided by you will, of course, be kept confidential and you are under no obligation until we each execute a written Engagement Agreement.

Very truly yours,



WILLIAM L. HOGE, III

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Concentrating in Complex Family Law Representation
Dedicated to providing honest, caring, affordable, quality legal services

Education

University of Louisville
Bachelor of Science Degree (1969)
Juris Doctorate (1972)

Divorce Mediation Training with Zena Zumeta, J.D.
Mediator Certification (2002)

American Academy of Matrimonial Lawyers' Arbitration Training
Arbitrator Certification (2004)

Extensive Continuing Legal Education Awards and Teaching:

- Family Law
- Collaborative Family Law
- Alcohol and Drug Abuse
- Mediation Training
- Arbitration Training
- Domestic Violence
- Ethics
- Psychology
- Trial Technique & Demonstrative Evidence

Organizations

American Academy of Matrimonial Lawyers:
President, Kentucky Chapter (2003-2004)
Continuing Education Chair (1999-2005)

Family Law Solutions, PLLC:
Founding Member

Kentucky Bar Association:
Lawyers Helping Lawyers Committee (1981)
Family Law Section Chair (1997-1998)
Child Protection & Domestic Violence Committee (2000-2003)

Kentucky Collaborative Family Law Network, Inc.:
Founding Member and past President

International Academy of Collaborative Professionals:
Member

International Alliance of Holistic Lawyers:
Member

Louisville Bar Association:

Family Law Section Chair (1999)
Family Law Section Member
ADR Section Member

American Bar Association:

Commission on Lawyer Assistance Programs
Family Law Section Member

Jefferson County Family Court:

Family Support Center Advisory Committee
Family Court Advisory Committee (Divorce Rules Committee Chair)
Family Court Mediator Review Committee

Kentucky Academy of Trial Attorneys:

KATA Member
Family Law Editor for KATA *Advocate*

Special Recognition

Recipient of the LBA's 1999 Judge Richard A. Revell Family Law Practitioner of the Year Award
Kentucky Bar Association Continuing Legal Education Award (annually 1990-2006)
Recipient of AAML's 2007 Raising the Bar Award
Kentucky Super Lawyer 2007

Publications and Public Speaking

Co-author and publisher of
Divorce in Kentucky – The Dissolution Resolution System, an Interactive Organizer and Video, 1997
Numerous Continuing Legal Education and motivational speaking engagements including ABA, AAML, KBA and LBA
Author, UK/CLE, *Kentucky Domestic Relations Practice*, 1st Ed., Chapter 14 (2006)

Legal Experience

Assistant Jefferson County Attorney (1972-1976)
Chief Prosecutor for Jefferson County Attorney (1976-1982)
General Counsel to International Union of Electrical Workers, Local 761 at General Electric (1975-1988)
General Counsel to Kentucky State District Council of Carpenters, AFL-CIO (UBCJA) (1988-1991)
General Private Legal Practice (1972 to Present)

Admitted and Practiced before:

Kentucky Supreme Court	1972	U.S. District Court, Eastern District of Ky.	1975
Sixth Circuit Court of Appeals	1974	U.S. Supreme Court	1975
U.S. District Court, Western District of Ky.	1973		

LAW OFFICES OF
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ANNULMENT DATAPACK

Please Print

Today's Date: _____

LAW OFFICES OF WILLIAM L. HOGE, III

YOUR FULL LEGAL NAME:

{First Name} {Middle Name} {Last Name} {Jr., Sr., etc.}

PRESENT ADDRESS:

{Street Address or P. O. Box}

{City} {County} {State} {Zip}

How long at the above address? _____

TELEPHONE:

Home -- _____ Work -- _____

CELL PHONE, PAGER OR OTHER CONTACT NUMBER: _____

E-MAIL ADDRESS: _____

How did you learn about us?

- Referral from another attorney: _____
 Personal referral from: _____
 Our website at www.DivorceInKentucky.com
 Other: _____

*THE SPACE BELOW IS FOR OFFICE USE ONLY
Please complete the remaining pages of this form*

Date of Initial Interview: _____ Interviewed by: _____

Engagement Agreement signed? _____ Date Signed: _____ Engagement Fee Paid: \$ _____

Initial Documents Required: _____ Draft *Petition for Annulment of Marriage*
Service by: Sheriff Certified Mail Other: _____
_____ Draft Response to Petition for Annulment of Marriage

Initial Motions: _____ Motion for Temporary Restraining Order with Client's Affidavit
_____ Outline for Petition for EPO/DVO
_____ Other: _____

Discovery: _____ Interrogatories _____ Request for Admissions
_____ Request for Production of Documents
_____ Notice of Deposition of _____

Scheduled Execution Date: _____ BY VIDEO OR COURT REPORTER?
Other: _____

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PERSONAL INFORMATION ON YOU

YOUR AGE ON LAST BIRTHDAY: _____

MAIDEN NAME (if Wife): _____

YOUR DATE OF BIRTH: _____ RACE*: _____
* Required for State's Vital Statistics Form

SOCIAL SECURITY NUMBER: _____ - _____ - _____

YOUR PLACE OF BIRTH: _____

YOUR OCCUPATION: _____

YOUR EMPLOYER: _____

NATURE OF INDUSTRY: _____

RESIDENT OF KENTUCKY SINCE: _____

PREVIOUS ADDRESS: _____

How long at that address? _____

NUMBER OF TIMES MARRIED: _____

PERSONAL INFORMATION ON YOUR SPOUSE

SPOUSE'S FULL LEGAL NAME: _____
{First Name} {Middle Name} {Last Name} {Jr., Sr., etc.}

MAIDEN NAME (if spouse is Wife): _____

SPOUSE'S PRESENT AGE: _____

SPOUSE'S DATE OF BIRTH: _____ RACE*: _____
* Required for State's Vital Statistics Form

PLACE OF BIRTH: _____

SPOUSE'S SOCIAL SECURITY NUMBER: _____

SPOUSE'S TELEPHONE NUMBER: _____

SPOUSE'S PRESENT ADDRESS: _____

How long at that address? _____

PREVIOUS ADDRESS: _____

How long at that address? _____

SPOUSE'S OCCUPATION: _____

NATURE OF INDUSTRY: _____

SPOUSE'S EMPLOYER: _____

SPOUSE'S EMPLOYER'S ADDRESS: _____

RESIDENT OF KENTUCKY SINCE: _____

NUMBER OF TIMES MARRIED: _____

YOUR MARRIAGE

MARRIAGE:

DATE OF MARRIAGE: _____

WHERE WERE YOU MARRIED? _____
{City} {County} {State}

WAS A **PRE-NUPTIAL AGREEMENT** EXECUTED OR DRAFTED PRIOR TO THE MARRIAGE?
 Yes No *If YES, please provide us with a copy of that document.*

DATE OF LAST SEXUAL RELATIONS WITH YOUR SPOUSE: _____

HAS THERE BEEN ANY **DOMESTIC VIOLENCE** BETWEEN THE PARTIES DURING THE MARRIAGE?
 Yes No

If yes, please explain: _____

Are any DVOs currently in effect? _____

SEPARATION:

DATE OF SEPARATION: _____

Note: The legal definition of the word "separation" refers to the date that one party left the marital home and took up residence elsewhere. A "separation" can include married parties living in the same house, so long as they are not engaging in sexual intercourse with each other. **The resumption of sexual relations between the parties can result in a delay or complication of the annulment process.** [KRS 403.170(1): *No decree shall be entered until the parties have lived apart for 60 days. Living apart shall include living under the same roof without sexual cohabitation.*]

CIRCUMSTANCES OF SEPARATION: _____

CHILDREN OF THE MARRIAGE

Is there any possibility the Wife is currently pregnant? _____

Number of children (regardless of age) born of this marriage: 0 1 2 3 4 5 ____

Name: _____

Name: _____

Date of birth: _____ Present Age: _____

Date of birth: _____ Present Age: _____

Child's Social Security Number: _____

Child's Social Security Number: _____

Place of residence: _____

Place of residence: _____

Child lives there with: _____

Child lives there with: _____

Child has lived there since: _____

Child has lived there since: _____

Previous residence: _____

Previous residence: _____

Child lived there with: _____

Child lived there with: _____

Dates child lived at that address: _____

Dates child lived at that address: _____

Child's present school: _____ Grade: _____

Child's present school: _____ Grade: _____

With which parent does this child wish to live? _____

With which parent does this child wish to live? _____

IF YOU HAVE MORE THAN TWO CHILDREN FROM THIS MARRIAGE, PLEASE CONTINUE ON A SEPARATE SHEET.

Child Custody, Support and Parenting Schedules

Have you and your spouse made any arrangements or agreements concerning custody, parenting schedules or support of the children? If so, please describe.

Do you wish to seek child support from your spouse? _____

Has any minor child of this marriage ever been involved in a custody dispute? If so, please give details.

Does anyone besides you and your spouse have any custody claim on any minor child of this marriage? If so, please identify.

Please state who (IN YOUR OPINION) is best suited to have custody of the children and briefly explain your position.

What **parenting schedule** (if any) are you and your spouse utilizing at the present time?

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RESTORATION OF MAIDEN NAME

Does the Wife want her maiden name restored? Yes No Unknown

PRIOR MARRIAGES OF THE PARTIES

Have you or your spouse had any prior marriages? If so, please indicate how such marriage(s) ended [death, divorce, annulment, etc.].

Were any children born as a result of those prior marriages? _____

Children born to which spouse? _____

Who has custody of these children? _____



ATTORNEY'S NOTES

Please return completed Datapack to:

William L. Hoge, III
Suite 506, Legal Arts Building
200 South Seventh Street
Louisville, Kentucky 40202
Fax: (502) 583-1223
Phone: (502) 583-2005

If you have questions, please call us at (502) 583-2005.

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