

Many questions and concerns, as well as misunderstandings, exist in the Church today on the topic of the Annulment process. Many lives become intertwined in a very personal and intimate way.

For those who have experienced an unsuccessful marriage, the Annulment process is intended to be an extension of the healing and reconciling ministry of Christ. This is an opportunity for all involved to evaluate themselves, their marriage and their future in order to live the gospel message.

WHAT IS MARRIAGE?

Marriage is a permanent partnership of love between a man and a woman in which "the two become one flesh." God originated marriage as the basic way of communicating love and continuing the human race.

Marriage is a sacrament, if both spouses are baptized. In fact, any two people who are validly baptized give the sacrament to each other through the exchange of their mutual consent. By a valid Baptism, we mean being baptized "In the name of the Father, the Son, and the Holy Spirit".

IS A PRIEST NECESSARY?

Only for Catholics does a priest or deacon need to witness a marriage for it is the couple that gives the sacrament to each other. The priest or deacon acts as the official witness for the Church.

WHAT IF ONE OR BOTH ARE NOT BAPTIZED?

These marriages are presumed to be good and valid by the Catholic Church, but are not sacramental.

ISN'T MARRIAGE FOREVER?

The Catholic Church believes that every valid, sacramental and consummated marriage is indissoluble. This is God's law as found in the Scriptures, as well as two thousand years of Christian tradition.

HOW, THEN, IS AN ANNULMENT POSSIBLE?

An annulment is a declaration by the Church Tribunal that at least one of the elements seen as essential for a binding marriage was not present in a particular relationship. No moral judgment is implied one way or another.

WHAT ARE THE GROUNDS FOR AN ANNULMENT?

The principal grounds for an annulment are these:

1. A Catholic married outside the Church without any dispensation from the Church to do so.
2. A person marries someone who has been validly married before, but divorced. The first marriage still exists in the eyes of the Church and must be annulled before a second marriage takes place.

3. A formal case is necessary for any marriage involving a Catholic married in the Church or for any marriage involving baptized non-Catholics who were previously married. On the surface, these would seem to be sacramental marriages.

These questions need to be asked:

- a) Did both parties freely choose to enter into the marriage, or was there pressure to marry?
- b) Were both parties mature enough to know what entering a lifetime commitment was about, and did they know each other well enough to make such a commitment?
- c) Were both parties psychologically stable enough to make a sacramental commitment? Were addictive behaviors the driving force behind one or both parties at the time of the marriage?

These formal cases need histories to be written in order to help in making any judgments.

WHAT IS A TRIBUNAL?

A tribunal is a group of priests, religious and lay persons appointed by the Bishop of the Diocese after special preparation. A priest, the Judicial Vicar, supervises the work. The Tribunal assists those who request the Church to study their marriage in determining the possibility of an annulment. After interviews with witnesses and careful study, the Tribunal issues a decision whether sufficient proof exists to declare the marriage invalid.

WHAT IS THE PROCEDURE?

Generally speaking, a person contacts a parish priest who helps determine if there is a possible case. The priest then submits a preliminary summary of the case to the Tribunal. If the case seems initially viable, then the Tribunal usually contacts the Petitioner in order to initiate the process.

ARE WITNESSES NECESSARY?

Yes. The Tribunal asks both parties of the former marriage to provide names and addresses available to assist in gaining a better understanding of the marriage. These witnesses (parents, family, friends, or counselors) should be chosen on the basis of their objective knowledge.

WHAT ABOUT THE SPOUSE?

Since the process affects both parties and a completely objective perspective is the Tribunal's goal, the former spouse must be notified and invited to participate. The Tribunal makes every effort to contact the other spouse, but will proceed with the process, if he/she cannot be contacted or doesn't wish to be cooperative.

WHO MAKES THE FINAL DECISION?

The Law of the Church requires that three Judges be assigned to each case to make the final decision. However, in some cases only one Judge may be assigned.

WHAT IF AN ANNULMENT IS GRANTED?

Church Law requires that every affirmative decision be reviewed by a second panel of Judges. In most cases, this panel simply reviews the process used by the first to verify that proper procedure and law were followed.

IS AN ANNULMENT ALWAYS GRANTED?

No. But many of those who present petitions to the Tribunal receive annulments. When not granted, it is usually because there are no apparent grounds for invalidity as understood by the Church.

ARE THERE ANY CIVIL EFFECTS?

No. All of the civil effects should have been settled in the civil courts.

HOW LONG DOES THE PROCESS TAKE?

Each case is different. Due to all the factors involved it's impossible to predict the length of time. Under ideal conditions, a case usually takes 8-12 months. However, this is not guaranteed. Future marriage plans should not be made until and if an affirmative decision is communicated by the Tribunal.

DOES THE ANNULMENT EFFECT THE LEGITIMACY OF CHILDREN?

The law of the Church states that children born of a marriage that is later declared to be invalid are legitimate.

AFTER AN ANNULMENT IS GRANTED, ARE BOTH PARTIES FREE TO REMARRY?

In most cases, yes. However, in some cases there may be conditions which either or both parties must fulfill before a church marriage can take place. The Church wants to be certain that the same factors which caused the invalidity of the previous marriage are no longer present. In some cases, counseling will be required.

IS THERE A FEE? NO

CAN A DIVORCED PERSON BE ACTIVE IN THE CHURCH?

A divorced person is a full member of the Church able to receive communion, unless they remarry without receiving an annulment. Then he/she may not receive Communion.

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