



## Understanding Annulments in the Catholic Church

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We hear all kinds of things today about annulments in the Catholic Church... how difficult they are, or how expensive, or that only people with connections can get them, or that they are basically a Catholic version of divorce.

You can learn the truth about Catholic teaching and practice on annulments from the questions and answers in this pamphlet. This teaching and practice is carried out in parishes and dioceses throughout the United States. It applies equally to Catholics and non-Catholics alike, and makes no distinctions based on personal or economic status. Understanding annulments in the Catholic Church enables individuals to make good decisions that foster their spiritual growth in Christ.

### What is an annulment?

An annulment is a judgment by a court of a Catholic bishop in his diocese. It states officially, after an investigation, that something necessary was missing at the time of the marriage. Because something necessary for the validity of the marriage was missing at the time consent was exchanged by the parties at the wedding, the marriage is declared null (or invalid) and the parties are free to enter into a valid marriage in the Church.

### How is an annulment different from a divorce?

A divorce is a legal action that dissolves a civilly valid marriage for any number of reasons. An annulment is a church ruling stating that one or more elements necessary for a valid marriage in the Church did not exist at the time of the marriage.

### What is the Catholic teaching on divorce?

It is clear from the New Testament that Jesus held his followers to a higher standard regarding marriage and divorce than did his Jewish contemporaries. During Jesus' time, the traditional

opinions about divorce came down to two basic positions: that a man could divorce his wife for any reason, or that a man could divorce his wife only for infidelity. Notice that, at least in Jewish society, a woman had no right to divorce her husband.

Jesus rejected both these opinions, stating that Moses permitted divorce only because of the hardness of the human heart. Jesus insists that, from the beginning, God intended man and woman to be permanently united—"the two shall become one flesh" (Matthew 19:5)—and that was to be the practice among his followers.

While some think that the Scriptures allow for exceptions in the case of infidelity, Catholics do not accept this because the Greek language used in the Scriptures is not clear and because that interpretation makes no sense in terms of the teaching of Jesus. Were Jesus to permit divorce because of infidelity, he would be offering no new teaching, just a restatement of the traditional position.

### What does the Church see as necessary for a valid marriage in the Church?

The Church understands marriage as a "matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life and which is ordered by its nature to the good of the spouses and the procreation and education of offspring" (canon 1055 §1). When two validly baptized persons marry, their marriage is also sacramental. Fidelity and permanence are the essential properties of all marriages.

Because a marriage comes into being through the consent exchanged by the spouses, the Church holds that both parties must have:

- The capacity to enter marriage (e.g., not lack reason or the mental ability to consider and deliberate about the decision to marry a specific person).
- Sufficient knowledge about marriage.
- The intention to enter marriage as the Church understands it.
- The marriage celebrated before an authorized priest or deacon and two witnesses (if at least one spouse is Catholic).

A couple enters into a valid marriage when they understand and intend to live by the requirements given above and they have the ability to carry out this commitment. If either one or both parties enter into a marriage without the understanding, intention, or ability to fulfill the marriage covenant, therein lies the potential grounds for an annulment.

### What are some examples of a couple that does not meet the requirements for a valid marriage in the Church?

One example is a marriage where one of the parties had a significant problem with addiction to either drugs or alcohol. It is reasonable to think that such a person might not be able to understand or follow through on a commitment of such depth under the influence of this addiction.

Another example is a marriage in which one of the parties refuses to have children. They might have talked about having children

before the marriage, but after the wedding either the husband or wife demands the use of contraceptives throughout the marriage and will not consider the possibility of having children, thus manifesting the party's true intention at the time of consent.

Because marriages involving at least one Catholic party must be celebrated before a priest or deacon and two witnesses, a third example is a marriage in which the parties exchanged consent before a civil official or non-Catholic minister without a church dispensation.

#### **How does an annulment work?**

The process is straightforward and follows these four steps: 1) either party of a failed marriage asks the bishop of his/her diocese, the diocese where the marriage took place, or the diocese where the other party lives to investigate the marriage; 2) the bishop's office—called a tribunal—sends a questionnaire to see if there might be grounds for pursuing such an annulment; 3) if the tribunal accepts the petition, then it conducts an investigation; and 4) when the investigation is completed, the tribunal makes a judgment, which, if in the affirmative, must be confirmed by a tribunal from another diocese. Only after two tribunals have given affirmative decisions (i.e., the marriage is invalid) are both parties free to enter a new, valid marriage.

#### **What is the role of the tribunal?**

The tribunal's work is not like a legal proceeding that finds someone guilty or innocent. Rather, it is a careful and sensitive investigation into the facts surrounding a marriage. One must remember that the tribunal is looking to determine if the marriage was invalid at the time of consent. The tribunal will work with the statement of the person who petitions a bishop, with the records of the parish where the marriage took place, and with statements from witnesses—people who knew the parties before and after the exchange of vows. These statements, which are given privately to a representative of the tribunal, are confidential and, at the discretion of the judge, reviewable only by the parties and tribunal officials. Usually these sources provide a tribunal with the information it needs to make an informed and just decision.

#### **How long does an annulment take?**

The length of time depends entirely on the particular case. Some annulments are less involved and can proceed quite quickly. For example, if the Catholic party married outside the Catholic Church without a dispensation, the marriage would be technically null and void because the couple did not fulfill a requirement for a valid marriage in the Church. Most annulments, however, involve questions of intention or circumstance, and determining these issues takes varying amounts of time. Most tribunals, exercising caution, will advise a Catholic seeking an annulment not to plan on having a decision before a year has elapsed. Moreover, since there is no guarantee that a party will receive a declaration of the invalidity of a previous marriage, no plans should be made to enter a new marriage until the process is completed.

#### **What if my former spouse will not cooperate?**

Because two persons make a marriage, both have a right not only to petition for an annulment but also to be informed of the

process and to participate in it. If a spouse is hostile or will not cooperate, his or her non-participation will not stop the process. A tribunal is obliged to inform a former spouse that an annulment process has begun, but that is all. Often the former spouse will benefit from cooperating because if the marriage is annulled, then both parties are free to enter into a valid marriage in the Church.

#### **Does a tribunal ever put limitations on couples?**

In certain cases, where it is clear that one or both of the parties had difficulty in a marriage due to psychological or behavioral problems, the tribunal may caution—or even prohibit—that person from attempting to marry again until these issues are clearly resolved.

#### **Isn't the annulment process really an intrusion into things better left alone?**

While it might seem that the annulment process is merely churning up painful memories, it often brings help and healing for those who enter it honestly. When a decision from the tribunal comes, the Catholic will often say, "I knew something was the matter; it's such a relief to know that the Church feels that way, too." With the proper attitude, an annulment process can be an occasion for forgiveness and mercy that yields the fruit of consolation and peace of mind.

#### **How much does an annulment cost?**

What a diocese asks a Catholic to contribute toward the expense of the annulment process varies from bishop to bishop. Two things need to be kept in mind. First, maintaining a tribunal, with its professional staff, is very expensive for a bishop, and second, no one will ever be denied an annulment because of an inability to pay. Some procedure will be developed to help a Catholic pay or to find some other way to take care of his or her part of the expenses.

#### **What should I do if I want to petition for an annulment?**

The best way to begin is to make an appointment with a priest and talk about your situation. The priest will help you understand the process and guide you in the steps you need to take.

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