

The Annulment Process: Questions & Answers

Introduction

The institution of marriage, by which a man and a woman become one in a partnership of the whole of life, was established by God. Moreover, the marriage covenant between two baptized persons has been raised by Christ the Lord to the dignity of a sacrament. So sacred is the bond of marriage, that Christ Himself declared that what God has joined together no one is to divide. When a man and a woman exchange consent to marry, when they say, "I do," they agree to enter that perpetual and ever faithful bond of marriage which is directed to their own well being, and to the procreation and education of children.

Sadly, however, the life of a marriage can be a fragile thing. Divorce has become one of the familiar events of our day. Many marriages are not successful in spite of good intentions of the spouses. This is true even when a family has been established, and the marriage has lasted for many years. The Church attempts always to be as sensitive and understanding as possible to the stress and pain that all this brings to people. The Office of the Tribunal of the Diocese of St. Cloud exists largely to help all those who are divorced (and with a possible remarriage) who now seek a clarification of their status in the Church.

Once a marriage is entered into between any two persons, Catholic, Protestant, or non-Christian, it is presumed to be a valid and binding union until the contrary can be proven. And as long as a person is bound to a previous valid marriage, the Church does not permit a second marriage to take place. The Church has established certain procedures by which persons can attempt to prove that a previous marriage was not valid or binding, thereby assuring that they are free to marry according to the rites of the Church. This usually involves those persons who seek to marry in the Church, but have been previously married. However, others too may need the assistance of the Tribunal. For example, divorced Catholics may want to settle the status of a previous marriage that ended in divorce even though they have no immediate plans to remarry.

There are many misconceptions about what a declaration of nullity in the Catholic Church actually is. The following information is an attempt to answer the most frequently asked questions about annulments.

What is a Declaration of Nullity (annulment)?

A declaration of nullity states that, according to Church law, a given marriage was not valid (and therefore not binding) at the time a couple spoke their marriage vows. A person asks this Office to look at a previous marriage which has ended in divorce, and, if possible, to issue a declaration that this previous marriage no longer binds either party to the union. In no way should this process be thought of as a type of "Catholic Divorce." A declaration of nullity states that a marriage was invalid from the beginning. A civil divorce, on the other hand, asserts that a marriage, valid or not, is dissolved. The Catholic Church does not grant divorces.

Neither is an annulment a statement that a marriage never existed civilly. Rather, it is a determination that certain conditions were present at the time the marriage was entered that made it an invalid union according to Catholic Church teaching. The civil effects and recognition of that marriage remain intact and unchanged.

Moreover, an annulment is not a statement that the marriage was entered into in bad faith by either of the parties. It is not a statement of who caused the marriage to fail or who was most guilty for its failure. Those are certainly important questions for a person to ask. But they are not the questions a Tribunal must answer.

The annulment process, in its most simple form, involves any person coming to the Church and asking to be heard. Information is gathered by us and in the end, we answer that person's request: the marriage was invalid or valid according to the laws of the Church.

Does an annulment have anything to do with civil law?

No. In the United States, a declaration that a marriage was invalid from the start has no effect before the laws of any state. It does not affect anything that is determined by civil law such as alimony, child custody, visitation rights, division of property, legitimacy of the children, etc. It pertains only to the internal governance of the Catholic Church.

Does an annulment affect the legitimacy of children?

No. The legitimacy of children is determined by the laws of the states. Just as a divorce does not make children illegitimate, neither does an annulment granted by the Church. The laws of the Church state that children born of a supposedly valid union are legitimate children. Therefore, if the marriage is later shown to have been invalid, the status of the children remains unchanged: they are legitimate.

Who can apply for an annulment?

Divorced people, no matter what their religious affiliation, have a carefully-protected right in this Church to ask the Church to determine whether or not their previous marriage was valid. If they are not of the Catholic faith, they seek this generally because they wish to remarry, and the intended spouse is a Catholic who wants the marriage to be recognized by the Catholic Church. We respect the vows of marriage of all people, no matter what their religious affiliation is. Members of the Catholic Church, however, are bound to have their marriage recognized by the Church. This is why members of other churches must often go through an annulment process before they can marry someone in the Catholic Church.

How do I start the annulment process?

You may approach any priest or deacon in the diocese, or a lay Tribunal Advocate. For a lay Advocate, contact the Tribunal Office at 814 693-9485.

What does an annulment cost?

For residents of this diocese there is no formal charge, although an anonymous donation is suggested at the completion of the process. For those outside the diocese, a fee of \$350 is required to begin the process. However, no one need ever put off beginning the process due to a lack of money.

Will my former spouse be contacted?

Yes. We are required by Church law to let your former spouse know that the process has begun and to offer him or her the opportunity to make a response. Your former spouse will be sent a letter explaining the process that was initiated.

It is very helpful to have the participation of the former spouse. However, we obviously cannot require the former spouse to take part in the process. Your former spouse does not have to agree to the annulment. Nor does the former spouse have to agree to participate. But we must let the former spouse know the process has begun and what the eventual result of it is.

Sometimes, it happens that the current address of the former spouse is not known. There are several places on the Internet that might help you find a recent address. For example, one helpful site is <http://www.locateme.com>

When is a decision reached?

After all of the information is gathered, a judge or panel of judges will write the decision. They will decide whether or not the marriage was indeed invalid from the start. Another person who is known as the Defender of the Bond also participates. The Defender of the Bond represents the marriage itself, speaking in favor of all the facts that support the validity of the marriage. After the judge reaches a decision, both you and your former spouse will be notified of the decision (unless the former spouse does not wish to be notified). If either of you disagrees with it, there is a process of appeal available to you.

Does the Tribunal ever deny an annulment?

Yes. Some cases are given a negative decision; that is, the judge decides that the marriage was a valid and binding union. If this should happen, you will be notified of that decision by the Tribunal. You would then have the option of appealing the decision.

How long does it take to complete the process of annulment?

There is simply no way to promise that your case will be completed within a certain period of time or that the outcome will be in your favor. However, the general norm is that it takes over a year.