



If an Annulment Is Sought

One of the most frequent questions is: When is the best time to start the annulment process?

Usually, an individual cannot open a case until the divorce is final. Some people begin gathering information while they are going through the divorce or immediately afterward because everything is fresh in their minds. Other people wait years because they need distance in order to fully comprehend what happened. Most start when they decide this is something they want to do.

In some dioceses, the process begins by contacting your parish. In other dioceses, you might be instructed to call the diocesan office that handles the annulment process. It may be called the Marriage Tribunal or the Office of Canonical Services.

You may receive a list of questions to help you write an account of your marital history. You will also be asked to supply contact information for several people who knew you and your ex-spouse before the wedding. They serve as witnesses by verifying that what you say

The Compassion of Christ

In September 2015, Pope Francis issued the papal document, *Mitis Iudex Dominus Iesus* (“The Gentle Judge, Our Lord Jesus”), that made the annulment process quicker, less expensive and much more of a pastoral ministry. In making these changes, Pope Francis recognized the great number of Catholics who struggle with the pain of divorce, and he acknowledged that “charity and mercy” demand that the Church reach out to them with the compassion of Christ.

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about the events leading up to the marriage are true. Witnesses are important because they also offer new information and insights.

After completing the paperwork, you will be invited to a preliminary interview. Officials will go over your marital history with you and determine whether you have grounds for an annulment. If it does not appear that you have sufficient grounds, you may be able to reopen your case with additional information at a later date.

The Formal Process

If grounds exist, your case will be accepted for the formal annulment process, and you will have a meeting to review information and sign paperwork. Most people leave with a sense of relief because their hard work of soul-searching is done.

Now the work of the tribunal begins. They contact your ex-spouse and your witnesses by mail. You will not be required to meet with your ex-spouse.

How long the process takes depends on how quickly your ex-spouse and your witnesses respond. If your ex-spouse refuses to cooperate, the process most likely will continue. It is a good idea to check with the tribunal occasionally to ask how things are progressing.

You and your ex-spouse will be notified when the annulment process is completed and if the marriage was proved to be null. In most cases, you will both be free to enter into a new marriage in the Catholic Church. But there are some situations where the tribunal is so concerned about the attitudes and behaviors of the people involved that they place restrictions on the decree, requiring that one or both parties undergo counseling before they can be married again in a Catholic ceremony. Most people find that the counseling helps in ways they never anticipated.

Spiritual Healing

The decision to begin the annulment process is a momentous step. What you experience during the process could change the course of your life and the lives of people you love. You may discover new ways to follow God’s will. You may attain new insights. You may find yourself on new paths that you never knew existed.

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By Lorene Hanley Duquin

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Inventory No. P2491

Nihil Obstat: Rev. Mark Gurtner, J.C.L., J.C.D. (cand.)

Censor Deputatus

Imprimatur: ✠ Kevin C. Rhoades

Bishop of Fort Wayne-South Bend

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What You Need to Know:

Annulments

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Ask family members and friends about the annulment process and you might get a lot of bad information. Why? Because the annulment process is one of the most misunderstood ministries in the Catholic Church.

Here are some facts about annulments:

- They are NOT a punishment inflicted on people in failed marriages.
- They are NOT “Catholic divorces.”
- They do NOT cost thousands of dollars.
- They do NOT make children illegitimate.
- They do NOT have to be processed in Rome, and you don’t need “connections” in order to obtain one.

What Is an Annulment?

An annulment, or “decree of nullity” as it is officially called, is a declaration by the Catholic Church that when the marriage vows were exchanged, one or both partners could not make a mature, lifelong commitment to the other person in the way that the Catholic Church understands marriage or purposely withheld from their consent some essential element of marriage, like openness to children.

The Church takes seriously the words of Jesus in the Gospels that prohibit divorce and remarriage: “From the beginning of creation, ‘God made them male and female.’ For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh. What therefore God has joined together, let not man put asunder” (Mk 10:6–9).

Stop and think about this for a moment. If God did NOT join the couple together, the Church has the right



and the responsibility to recognize that the marriage was not valid if a spouse petitions the Church to investigate the marriage.

Understanding Marriage

During a sacramental wedding, a bride and groom confer the Sacrament of Matrimony on each other when they profess their vows. The priest or deacon affirms their words of consent on behalf of God and the Church. The Church sees this marriage as an exclusive, lifelong union that exists for the good of both spouses and for the procreation and nurturing of children.

But the marriage is not valid if the man or the woman were not mature enough to make a permanent commitment, if they felt pressured, or if there were

psychological impediments. Both must be open to the possibility of children. There must be no fraud or deceit. If these conditions were not met when the vows were exchanged, grounds for an annulment may exist.

Different than Divorce

The annulment process is not adversarial. It is not secular. It is a soul-searching process that allows people to look back on the influence of family members, how they met their ex-spouse, the courtship, the engagement, and the events leading up to the wedding in an attempt to determine whether they were capable of entering into a valid marriage or whether they purposely withheld some essential element of marriage from their consent.

The questions the annulment process raises are different from the questions people may have asked themselves during the divorce:

- * *Were we both trying to follow God’s will? Or was there some other motivation for getting married?*
- * *Did we bring to the marriage things from our past that made us incapable of making a lifelong commitment?*

What Are Grounds for Annulment?

“Grounds” is a technical term that essentially means the reasons an annulment could be granted.

- ▶ **If a marriage lasted a very short time**, the grounds may involve lack of commitment or immaturity.
- ▶ **Psychological disorders, addictions, or irresponsible behavior** may point to an inability to fulfill the obligations of marriage.
- ▶ **Physical or emotional abuse** may indicate an inability to understand the true meaning of marriage.
- ▶ **An out-of-wedlock pregnancy** may have caused one or both parties to feel pressure or force to wed.
- ▶ **Suppressed gay or lesbian tendencies** could indicate lack of full consent.
- ▶ **Hidden motives for marrying**, such as the desire for citizenship, the desire to have a child, or the desire for money and status, may have existed.
- ▶ **If either person wanted to escape an abusive or dysfunctional family**, validity of consent may be questioned.
- ▶ One or both parties may **refuse to have children**.
- ▶ A **prenuptial agreement** could imply that one or both parties in the marriage did not intend the marriage to be a lifelong commitment.
- ▶ Perhaps there was **no real intention to be faithful**.

- * *Were either one of us hiding our true feelings about marriage and children?*

As people begin to explore what happened, they usually see problems on both sides. The other spouse may now look back and say: “I should have known better! I ignored the warning signs. I should not have gone through with it.”



Who Needs an Annulment?

A divorced person who has no intention of remarrying is not required to seek an annulment. They are NOT excommunicated.

Seeking an annulment is necessary only if a divorced person wants to marry again in the Catholic Church, or if a divorced person has already remarried and wants to have their second marriage blessed (validated) by the Church.

There are some exceptions. Catholics who were married by a justice of the peace or in another faith community without permission do not need to go through the formal annulment process, because the Catholic Church never recognized the marriage in the first place. These cases are called “Lack of Form” and the processing of these incidences are handled in a variety of ways in U.S. dioceses.

Since the Catholic Church cannot set standards for non-Catholic marriages, the Church presumes that these marriages are valid in the eyes of God. This means a divorced non-Catholic who wants to marry a Catholic must go through the formal annulment process.

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