

THE ANNULMENT PROCESS

GENERAL TERMS:

TRIBUNAL: A Church court designed to help divorced and remarried persons, the divorced person intending another marriage, and the divorced Catholic seeking a clarification of his or her standing in the Church.

PETITIONER: A person who initiates or asks the Tribunal to investigate a former marriage to determine its validity. Any divorced person has the right to petition for a declaration of invalidity.

RESPONDENT: The former spouse of the person who petitions for a declaration of invalidity, who is notified by the court of the petition and asked to “respond.”

ADVOCATE/PROCURATOR: A person who acts as the liaison between either the Petitioner or the Respondent and the Tribunal. The role of the Advocate/Procurator is to provide just representation and pastoral support during the annulment process.

DEFENDER OF

THE BOND: A person whose duty is to defend or protect the bond of matrimony, and ensures that the rights of both parties are upheld. The ultimate goal of the defender is the search for the truth.

JUDGE: A person in charge of directing the trial and reaching a final determination on the validity of the marriage in question.

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THE PROCESS:

THE QUESTIONNAIRE: Each Petitioner is required to complete a detailed packet of materials about the former marriage. This testimonial will allow the Tribunal to obtain a full picture of the marriage and make a determination as to whether or not there are grounds upon which to proceed with the investigation.

THE RESPONDENT: Church law obligates the Tribunal to contact former spouses and present him or her with an opportunity to give his or her assessment of the marriage and to participate in the process.

THE WITNESSES: Testimony, from three to four witnesses who were aware of the difficulties in the marriage, is required to submit testimony. The testimony is not merely corroborative but adds perspective to the total picture of the marriage.

MEDICAL AND PSYCHOLOGICAL RECORDS: If either party to the marriage ever received treatment from psychiatrists, psychologists or participated in some form of counseling, the Tribunal requests their permission to obtain records of treatment. The information not only assists the Tribunal in determining validity of the marriage, but it also offers valuable insights into a person’s ability to enter another marriage. The Tribunal respects the highly personal and confidential nature of such information.

LENGTH OF THE PROCESS: The time involved in reaching a decision regarding the possibility of obtaining an annulment varies. It depends on how fast the Tribunal can gather the evidence from the Respondent, witnesses and the Petitioner's continued interest in the Tribunal. Other cases pending in the Tribunal are also considered. A future marriage or convalidation date must **not** be made until after a declaration of invalidity has been received from the Tribunal. However, marriage preparation may take place, with the understanding that a positive outcome of the petition is not guaranteed.

THE APPEAL: If either of the parties to the marriage is not satisfied with the justice of the decision given by the Tribunal, the party has a right to appeal the case to a higher court. If the Defender of the Bond thinks the Judge has not proven invalidity by his argument, the Defender can appeal to the higher court.

BEFORE A SECOND MARRIAGE: The breakup of a marriage relationship is always a difficult and painful experience, frequently leaving many unresolved conflicts. Often, these conflicts can interfere with efforts to establish a new and successful relationship. In some situations, the history of the relationship suggests that even more serious problems are present--problems which, if ignored, might well lead to great unhappiness and difficulties.

In such instances the Judge may find it necessary to place a restriction or a pastoral caution on a person's freedom to marry, requesting that party to receive professional or pastoral counseling before a future marriage in the Catholic Church is permitted. Restrictions can help to protect the good of the individual, future spouse, and children, as well as the sanctity of marriage.

THE FEE: The Tribunal has no fees. We do ask Petitioners to make a voluntary contribution when the case is concluded. Rome requests a fee for Favor of the Faith cases.

CONFIDENTIALITY: Church law states that the Judge must permit the parties and their Advocates to inspect, at the Tribunal Office, the Acts of the case if they so desire. However, in cases which concern the public good or pose serious danger, the Judge can decree that some part or parts of the Acts not be shown to anyone.

CIVIL LAW: An ecclesiastical annulment is purely a spiritual matter and has **NO** effect in **CIVIL** law. Information received through a Tribunal investigation is privileged information. No one has access to the Acts but the officials of the Tribunal, and in occasional instances, the two principle parties to the action. Children born to a "marriage" which is subsequently declared invalid are and remain legitimate in the eyes of the Church. The civil status of such children is in no way affected.