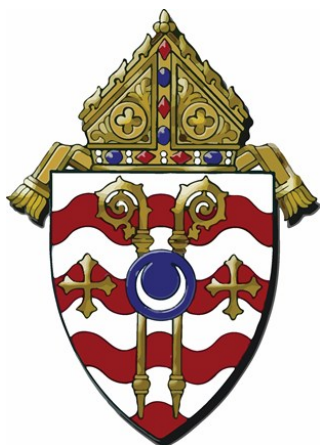


Frequently Asked Questions about Marriage Annulment in the Catholic Church



Presented by the

Diocese of Crookston
Office of the Tribunal
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Crookston, MN 56716

What does the Catholic Church believe about marriage?

The Catholic Church believes that marriage is characterized by unity (monogamy) and indissolubility (permanence). Marriage is between one man and one woman, who promise to be faithful to each other. Marriage is a partnership entered into for the good of the spouses, who are open to the procreation and Catholic education of children. It is a partnership of life and love in which a man and a woman mutually and freely accept each other and bestow on each other the very gift of themselves.

Is marriage a sacrament?

If both spouses are baptized, the marriage is a sacrament.

Does the wedding have to take place in a Catholic Church?

If both of the spouses are Catholic, the wedding ceremony would take place in one of the parishes of the Catholic couple. Using the Catholic ritual in a Catholic Church is called the **form of marriage**. If one of the spouses is non-Catholic, the couple can request a **dispensation from form** from the local ordinary. This allows the couple to have the ceremony in a non-Catholic Church or some other location.

Can non-Catholics receive the sacrament of matrimony, too?

Yes. Any two people who are validly baptized enter into the Sacrament of Marriage through the mutual exchange of consent.

What am I consenting to in marriage?

You are consenting to be faithful, open to the pro-creation and education of children and to a permanent relationship.

Does a Priest have to be present?

The requirement for a priest or deacon to witness a marriage is necessary for Catholics. The bride and groom are the ministers of the sacrament. The priest or deacon acts as the official witness for the Catholic Church. A dispensation from this requirement may be obtained from the local ordinary through your pastor.

What about marriage in which one or both are not baptized?

These marriages are considered a “natural bond” and presumed to be valid, although not sacramental, by the Catholic Church.



Isn't marriage forever?

The Catholic Church believes that every valid, sacramental and consummated marriage is absolutely indissoluble.

How then, is it possible to declare a marriage invalid?

Marriages are presumed to be valid. This presumption can be overturned if one or more of the essential elements or properties of marriage are absent from the beginning of the marriage. Each marriage is studied based on testimony gathered, and the Judicial Vicar (chief judge) will then make a decision as to the validity of the marriage. This decision is not a moral judgment on the lives of the parties involved, and it does not attribute blame to either party.

My spouse was unfaithful and my marriage ended in divorce. Isn't infidelity grounds for an annulment?

A small percentage of the applications for annulment (declaration of invalidity) fail. Some applicants believe that if there has been infidelity in the marriage, that this will automatically prove that the marriage was invalid. That is not correct. It must be remembered that the marriage study is based upon your intentions at the time of consent.



There is a big difference between never intending to be faithful from the beginning of the marriage and an indiscretion that occurs years into the marriage. An episode of infidelity does not necessarily invalidate a marriage.

Does getting an annulment mean I was never married?

This is probably our most frequently asked question. Civilly, you were married. You went through a ceremony, pledged yourselves to each other, perhaps had children and built a home and a life together.

The Church attempts to determine whether all the elements necessary for a valid bond were present on the day you consented to marriage.

- Did you intend to be faithful?
- Did you intend to offer your life for the good of your spouse?
- Did you intend to be open to children?
- Did you intend your relationship to be permanent?
- Were you willing to hand over conjugal rights?

All of these intentions **MUST** be present for a valid bond.

In addition, you must be mature enough to understand what you were agreeing to, and not be pressured into the marriage. Was there a pregnancy or a military obligation that compromised your ability to make the decision? Was there family pressure? Consent must be considered carefully and given freely in a valid marriage.

What about couples married for many years? How can a long-term union suddenly be declared invalid?

We meet many couples who have stayed together for several years for the sake of their children, social appearances, personal business or family pressure. Though they have struggled mightily with their marriage vows, they have probably not been living in a community of life and love for a very long time. Merely “staying together” is much different than what the Church expects of a true partnership.





What is a Tribunal?

A Tribunal is a Church court made up of priests who are Canon lawyers, and religious and lay persons who are appointed by the Bishop of the Diocese to review marriage cases. The day-to-day work of the Tribunal is supervised by the Judicial Vicar of the Tribunal who is

also the judge who decides the outcome of each case. The Tribunal also employs an Auditor who assists with gathering testimony and a Notary.

What is the purpose of the Tribunal?

The purpose of the Tribunal is to assist a person who requests the Catholic Church to study his/her marriage in order to determine whether or not there can be a declaration of nullity. After receiving the testimony of the parties and witnesses, and careful study of the facts, the Tribunal issues a decision whether sufficient proof exists to declare that the presumption of the validity of the marriage is overturned. If a declaration of nullity is granted, the parties are free to enter into a marriage in the Catholic Church.

Do all cases receive an affirmative decision?

No. In some of the cases submitted, invalidity cannot be proven.

If an affirmative decision is granted, does that mean both parties can marry?

Both parties are free to marry once they have fulfilled any conditions set forth by the Tribunal.

Why would conditions to marriage be attached?

The Catholic Church wants to be certain that the same factors, which caused the invalidity of the previous marriage are no longer present. In some cases, the Tribunal might require some professional counseling or evaluation by a priest or counselor to verify that both parties have the proper intentions and are capable of assuming the obligations and responsibilities of marriage. In all cases, pastoral counseling in marriage preparation will be required.

Is there a fee for Tribunal services?

There is no charge for either party. Because it is very important to the Diocese that applicants are fully able to live out their lives as practicing Catholics, the Diocese of Crookston absorbs the cost of the annulment process.

If professional counseling is required subsequent to an annulment and in anticipation of a future marriage, these costs are borne by the party.

Why would a negative decision be given?

The law protects the Catholic Church's teaching that marriage is permanent and indissoluble. Canon law states that all marriages are presumed to be valid until proven otherwise. A negative decision means that the Judge did not have enough evidence to overturn the presumption of validity in a particular marriage.

Does a decision by the Tribunal have any civil effect?

No. All of the civil effects of the divorce should have been settled in civil court; therefore, a Tribunal decision has no effect on child custody, property rights, alimony, etc.

Does a Declaration of Invalidity by the Tribunal affect the legitimacy of our children?

Absolutely not. The Catholic Church believes each child to be a gift from God; therefore, the law of the Catholic Church states that children born of a marriage that is later declared invalid are legitimate.





Even our tears are
silent prayers when we
seek for comfort in
God's loving arms.

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How do I begin the annulment process?

Generally speaking, a person contacts their local parish and speaks with their pastor. The process may not begin until parties are civilly divorced. Together, the petitioning party (applicant) and their pastor fill out the application for a study of the marriage. Once the forms have been completed, they are sent to the Tribunal office along with the following documents:

- Marriage Certificate
- Divorce Decree
- Baptismal Certificate of the Catholic party/parties

How long will the process take?

Each case is different. There are many variable factors involved. It is impossible to predict the length of time a particular case may take. In many dioceses, under ideal circumstances, a case takes about a year. However, this is not a guarantee.

No plans for a future marriage in the Catholic Church are to be made until it has been declared that you are free to marry.

Must the other spouse be contacted by the Tribunal?

Yes. The citation of the Respondent is a critical part of any judicial or administrative action by the Tribunal. Canon Law requires the citation so that the rights of all parties are protected.

What if the whereabouts of the former spouse are unknown?

The Tribunal will ask the Petitioner to make every effort to discover the present whereabouts of their former spouse.

Why should my former spouse cooperate with the process?

The Respondent is one of the principal parties to the marriage being reviewed. The Tribunal wants to obtain a clear and objective picture of what happened in the marriage, why the union ended and what elements, if any, were missing from the outset. The cooperation of both spouses would, obviously, help in this endeavor. Secondly, the process is potentially beneficial to both parties, and so it is in their best interest to cooperate fully and honestly.

What if a former spouse refuses to cooperate?

Because this procedure affects both parties, the former spouse must be cited and given the opportunity to participate. If she or he does not wish to cooperate, the Tribunal will proceed and make a decision on the basis of the information available.



Are witnesses necessary?

Yes. The Tribunal will ask both parties to the marriage to provide names and contact information of people who are willing to assist the Tribunal in gaining a better understanding of the marriage and the reasons why the union ended.

Can anyone be a witness?

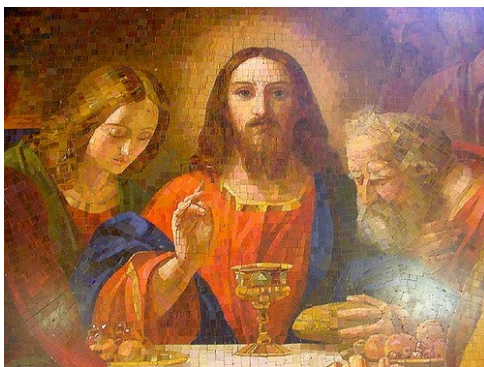
Witnesses should be chosen on the basis of their objective knowledge about either or both of the spouses, or the former marriage.

Since the time of consent is being reviewed, the witnesses should be persons who have known them since the marriage began. This could include parents, family, friends, or counselors. Citing children of the marriage is discouraged, as well as a present spouse.

Who makes the final decision?

The Law of the Catholic Church requires that three Judges be assigned to each case to make the final decision. However, with permission, only one Judge may be assigned. This is the case in the Diocese of Crookston.





Is a divorced person excommunicated from the Catholic Church?

No. A Catholic is not excommunicated when s/he is divorced. A divorced person is fully and completely a member of the Catholic Church.

Can a divorced Catholic receive Communion?

Yes. There is nothing in divorce itself that prevents a divorced Catholic from receiving the Eucharist and the Sacraments of Reconciliation and Anointing unless they marry civilly outside the Catholic Church or are living with someone outside of marriage.

Does that mean a divorced and remarried Catholic can receive Communion, too?

A Catholic who re-marries civilly without having a declaration of nullity by the Tribunal should not receive Communion.



Why should a person whose marriage has ended in divorce seek Tribunal assistance?

There are many reasons. First of all, every Catholic has a right to know their canonical status in the Catholic Church. Secondly, the process can be a profoundly healing experience – healing within one's self, with the Church, with significant others in one's life and above all with the Lord.

What happens if we don't receive a Declaration of Nullity?

The parties should contact their pastor and talk to them about their marital status in the Church. The pastor may suggest one of several alternatives:

- If new grounds can be established, the case can be re-submitted in the Tribunal. New evidence must be added however, or;
- The original case may be appealed to the Appellate Tribunal of St. Paul and Minneapolis or the Roman Rota in Rome, Italy or;
- A person may remain single and in full communion with the Catholic Church.

Do you have other questions about Marriage Annulment in the Catholic Church? Please contact your pastor or the Office of the Tribunal in the Diocese of Crookston:

218/281-4050 or 218/281-4533, ext. 420

You may also visit our Marriage Tribunal web pages at <http://www.crookston.org/tribunal/index.html>

