

## INTRODUCTION

Many people have questions regarding annulments - who can file a petition, what is entailed in the process and the effects of an annulment. We hope that this brochure will answer some of those questions.

### THE CHURCH'S VIEW OF MARRIAGE:

The Catholic Church teaches that marriage is an enduring and exclusive partnership for the mutual giving and receiving of love and the procreation and education of children. For the baptized, a valid marriage is at the same time a sacramental marriage. Marriage is much more than a legal contract; it is a sacred bond in which a man and a woman totally commit themselves to the good of each other.

The Church believes that every valid sacramental marriage is indissoluble by reason of Jesus' teaching in Matthew 19:1-12 and Mark 10:1-12. Therefore, all marriages between two baptized partners are presumed to be valid and a sacrament until the opposite is proven beyond a reasonable doubt. Although not every marriage is a sacrament, each and every marriage (Catholic, Protestant, Jewish, non-believer, etc.) is presumed by the Church to be a valid and permanent marriage.

### WHAT IS A CHURCH ANNULMENT?

An ecclesiastical annulment is a formal decision by a Catholic Church tribunal that a particular union is neither a sacramental nor a valid marital union as understood and supported by Catholic Church Law. There was a common life, possibly blessed by God with children, but some defect in the consent or the ability of one or both partners did not allow it to become a partnership of life and love as described in canon 1055 of Catholic Church law.

### WHAT ARE GROUNDS FOR NULLITY?

The decision to marry is one of the most serious decisions that a person can make. To marry validly, a person must adequately understand the essential obligations of marriage (as defined by the Church), have the ability to assume those obligations and have the physical and psychological capacity to sustain marriage. When one of the parties lacks the necessary understanding of marriage or the ability to sustain a lifelong union of caring and giving, such marriages all too often end in civil divorce. However, not every marriage that ends in civil divorce can be annulled. In some cases, the passage of time, a lack of witnesses, or the hardness of hearts of the two spouses make the establishment of the truth about consent or capacity impossible to prove beyond a reasonable doubt.

It is not possible to list here or adequately explain all the possible grounds for nullity under the Church Law. If you respond to any of the following questions, you may wish to obtain further information about possible grounds. 1. Were both parties free to enter marriage - e.g. no outside pressures, no prior bond of marriage? 2. Did each party intend from the beginning to accept and fulfill God's plan for marriage as taught by the Church - e.g. intending fidelity, permanence, openness to children? 3. Did each party have the physical, emotional and/or psychological ability to live out the consent given to the marriage - e.g. was either an alcoholic or drug dependent or experience a personality disorder of at least a moderate degree at the time of the wedding?

### HOW DOES ONE BEGIN THE ANNULMENT PROCESS?

Either spouse may seek a Church annulment by obtaining an application from their local parish priest or from the Tribunal office.

Application forms are also available for downloading

on the website of the Diocese of Venice. Completed applications are processed according to substantive and procedural norms established for the entire Catholic Church. Before both parties would be free to enter a new marriage recognized by the Catholic Church a case must receive an affirmative decision.

### WHAT ABOUT THE FORMER SPOUSE?

Universal Catholic Church Law, and basic human justice, require the Tribunal to notify the other party, called a Respondent in the process to a submitted application. Likewise, each Respondent is notified when the decision is rendered. Every reasonable effort must be made to locate the former spouse or any decision of the tribunal may be invalidated. The Respondent has the same rights as the Petitioner in the annulment process and the participation of the Respondent is strongly encouraged. An affirmative decision frees both parties for a new marriage recognized by the Catholic Church if they should so desire.

### WHAT ARE THE RIGHTS OF THE PARTIES IN THE ANNULMENT PROCESS?

Church Law identifies the rights that must be extended to the Petitioner and the Respondent; 1) The right to be informed of the grounds and to object to the grounds or to propose other grounds; 2) The right to be represented by an Advocate (a priest, deacon or approved pastoral minister who represents the party before the tribunal); 3) The right to offer declaration (in writing and/or in a taped interview at the tribunal office); 4) The right to offer witnesses (relatives, friends, counselors who are asked to complete a questionnaire); 5) The right to review the Acts or information submitted in investigation of the grounds; and 6) The right to review the sentence/decision of the tribunal and to appeal.

The annulment process does not require that the former spouses have any direct contact with each

other. All officials of the Tribunal, including office personnel, are bound by oath of office to keep materials relative to the annulment process confidential. The parties are also asked to keep information confidential

#### **HOW IS A DECISION REACHED?**

When the evidence gathering phase of the process (declarations of parties and testimonies of witnesses) is completed, the parties and their Procurator-Advocates are informed and given 15 working days in which they might review the evidence and offer additional observations. The case is then forwarded to the Defender of the Bond who examines gathered materials, makes observations and ensures that the rights of both parties have been respected. The appointed sole Judge, or a college of three Judges, makes the final decision (render a ASentence@) after a thorough study of all the written material.

The decision may be affirmative or negative. An affirmative decision means that both parties are free of the bond of marriage to each other in the eyes of the Catholic Church. A negative decision means that the invalidity of the marriage has not been established; therefore, the marriage still binds the parties in the eyes of the Church.

#### **APPEALS:**

Church Law recognizes the right to appeal a decision. The Petitioner has the right to appeal a negative decision while the Respondent and the Defender of the Bond have the right to appeal an affirmative decision. If an appeal is launched a panel of three new judges can approve the first decision or overturn it.

Appeals for the Diocese of Venice are heard by the Appeal Court in the Archdiocese of Miami. An appeal may also be made to the Apostolic Tribunal of the Roman Rota.

#### **HOW LONG DOES THE PROCESS TAKE?**

It is impossible to predict the length of time because of a number of variable factors. No two cases are the same. One case may be completed in a few months, and another case may take a year or longer. Generally, the Tribunal of the Diocese of Venice seeks to complete marriage nullity cases within twelve months from start to finish.

#### **WHEN IS REMARRIAGE IN THE CATHOLIC CHURCH ALLOWED?**

When a marriage is declared invalid, and if there are no restrictions attached to it, the usual procedure of preparing for marriage in the Catholic Church may be started with the local parish priest or pastoral minister. No plans for future marriages should be made before that time.

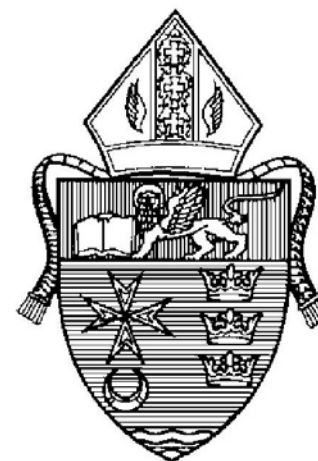
#### **WHAT ABOUT ANNULMENTS AND THE LEGITIMACY OF CHILDREN?**

Canon 1137 states that children born of a couple who marry and divorce remain legitimate sons and daughters in the eyes of the Catholic Church regardless of the outcome of the investigation. There are no civil effects to a Church annulment in the United States. It cannot be used to question a child=s paternity. It cannot be used to influence a civil court to set or change the terms of a civil divorce, child custody, support or property settlement. Church Law has always protected the legitimacy of children because they were born into a *presumed valid marital relationship*.

#### **IS THERE A FEE FOR TRIBUNAL SERVICE?**

The Tribunal of the Diocese of Venice has no fees for processing an annulment.

# ANNULMENTS AND YOU



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