

WHAT IS AN ANNULMENT?

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Perhaps you or someone you know is divorced and civilly remarried. Is there any way that you could have your civil marriage “validated” (made valid) in the Catholic Church? In some cases, a person might need to make use of the formal marriage case process through the Diocesan marriage tribunal. This process is sometimes referred to as an “annulment.” What IS an annulment?

First, we begin with the premise that the Church presumes that a marriage is valid unless there are reasons to believe otherwise. If a baptized Catholic fails to marry in the Catholic Church observing canonical form then the marriage is clearly invalid and the Church would need to officially declare that through a declaration of invalidity due to lack of form (please see last week’s bulletin for details about that process).

If a baptized Catholic marries another person in a Catholic church, however, the marriage is presumed to be valid. However, **it is possible, that there may have been something lacking at the time that the man and woman exchanged consent that would have prevented a valid marriage bond from forming.**

There are many conditions that could prevent a valid marriage bond from forming. Perhaps the man or the woman did not freely enter the marriage, perhaps feeling pressured to marry. One of the parties may not have really intended to be faithful and married for life. Maybe one of the spouses never intended to be open to new life. One or both parties may have lacked sufficient maturity to commit to a lifelong union. Psychological issues such as borderline personality disorder, extreme narcissism or addiction could prevent a person from being able to relate to another person in a manner that is required for genuine mutual love. It is even possible that a person could conceal something important from their fiancé before the wedding.

If a person was married before and subsequently divorced and they think that something necessary to a valid marriage may have been missing then they can have their prior marriage investigated by the Diocesan marriage tribunal. This process is also open to non-Catholics, as well.

How does the process work? First, an individual would meet with a local priest. The priest will help them collect the key documents (civil marriage certificate from the county where the wedding took place, a copy of the divorce decree, and an application form for the tribunal to accept the case). The person who initiates the process (called the “petitioner”) then has to write a narrative about their own life, their ex-spouse’s life, their courtship, and their marriage. The petitioner is provided with a series of questions to help them write their narrative. They also provide four individuals who knew them and their ex-spouse before their marriage to serve as witnesses. The Diocesan Tribunal contacts the ex-spouse (aka “the respondent”) to let them know that the process is under way. The respondent has a right to be involved in the process if they wish. However, if they do not wish to be involved, the process continues without them. An advocate and a defender of the bond are assigned to each marriage case. The advocate will examine the “facts” of the case by studying the narrative, interviewing the petitioner for more relevant information, and also interviewing the witnesses. The advocate will try to make the best argument for the marriage being invalid based on the evidence presented. The defender of the bond will examine the same evidence and try to make the best case for the marriage being valid. You can think of the process like a court case that happens behind closed doors. It is more a documentary process. Neither the petitioner nor the respondent are present for the presentations of arguments as they are primarily written. This process usually takes a year or more.

The Tribunal also assigns a judge to make the final decision. The decision will either be that the prior marriage is ruled to be valid or that it is declared to be invalid. An declaration of invalidity states that a valid marriage bond never formed. Please keep in mind that such a decree has no bearing on civil law. It has no bearing on the “legitimacy” or value of any children who were born from the union.

If a person then receives a declaration of invalidity (annulment) then they would be free to enter into marriage. Because the Marriage Tribunal needs a full time staff to process cases, they do ask for a fee for the process (I believe that it is around \$500). However, no one will be denied the process for financial reasons. If you think that the marriage tribunal formal case process might be relevant to your situation please make an appointment with one of our priests.

Brothers and sisters, let us take advantage of the treasure trove of graces that are available through a Church-sanctioned marriage!