

Annulments



“Without his help man and woman cannot achieve the union of their lives for which God created them ‘in the beginning.’”


Catechism of the Catholic Church, No. 1608

SPE
S/PAM

It all begins with marriage

The Catholic Church believes that the joining of a man and a woman in matrimony is a sacred act. When this act takes place between two baptized Christians, it is a sacrament. If neither or only one of the persons is baptized, then the marriage is not a sacramental marriage, but is recognized as a sacred bond.

The Church considers marriage, sacramental or not, a valid covenant when a man and woman freely express informed consent, without constraint and unimpeded by natural or ecclesiastical law.



Marriage as sacrament

The Sacrament of Matrimony is a perpetual and exclusive bond between a baptized man and woman through which the two are strengthened and consecrated for their marital duties. God established this bond in such a way that a sacramental marriage, once consummated, can only be dissolved by God through the death of one party. In the time-honored words of Our Lord, “What therefore God has joined together, let not man put asunder” (Mark 10:9).

The critical point is “what God has joined.” Only when God is the divine third partner in the union can the relationship truly be a sacramental marriage.

An ordinary example illustrates this point. Fill a bottle half full of water, then fill the other half with oil. When you shake the oil/water mixture, it will temporarily appear to be a new substance. But if you look closely, you will see that the particles of oil and water don't truly combine; after a few minutes, they will separate into layers. If you add a few drops of glycerin to that same bottle, however, the oil and water will recombine into a new substance. Even if you put the bottle on the shelf for months, the oil and water still will be united.

The same is true of marriage. Without the “glycerin” of God, the oil and water of a man and woman never truly become the “one flesh” of the marriage covenant.

Which of these statements are true?

- A divorced person is automatically excommunicated.*
- An annulment makes children illegitimate.*
- Only rich people can get annulments.*
- Protestant marriages aren't recognized because they are outside the Church.*
- Your former spouse has to agree before you can get an annulment.*
- A marriage with children cannot be annulled.*
- An affair is sufficient grounds for annulment.*
- An annulment is just "Catholic divorce."*

You may be surprised to learn that all are false.

What is an annulment?

An annulment is a declaration by the Catholic Church that after careful investigation, flaws were discovered in the relationship that prevented it from becoming a marriage. An annulment is concerned mainly with the personal and spiritual aspects of marriage. It does not "erase" the civil contract, and it does not render the children illegitimate. It merely states that after thorough investigation, the Church has decided that a marriage, as the Church understands marriage, was not valid.

Why is an annulment necessary?

According to Catholic teaching, marriage is a permanent partnership of a man and a woman (see *Catechism of the Catholic Church*, No. 1601). Because a marriage lasts “until death do us part,” no one can enter into a second permanent partnership while his or her first spouse is living. Even if the civil contract is dissolved through divorce, the spiritual bond continues. The couple remains married in the eyes of the Church.

However, the Church also recognizes legitimate reasons why a wedding may not have led to a valid marriage. If through the annulment investigation the Church comes to moral certitude that no valid marriage took place, then the parties are free to marry someone else.

But she's Protestant!

Marriages between two non-Catholics are presumed valid by the Church if neither partner had been married before. Therefore, the Church requires an annulment of that marriage before the person is free to marry in the Catholic Church. In doing so, the Church is acknowledging the sacred nature of all marriages. Just as baptism in a non-Catholic church is considered true baptism, so is marriage in a non-Catholic church considered a true marriage.

Is divorce a sin?

When the Pharisees asked Jesus if it was permissible for a man to divorce his wife, Jesus said: “Whoever divorces his wife and marries another, commits adultery against her; and if she divorces her husband and marries another, she commits adultery” (Mark 10:11-12). Because of that, many people think that divorce itself is a sin and grounds for automatic excommunication. In fact, divorced Catholics who have not remarried remain in good standing with the Church. They are not excommunicated. However, individuals who are divorced and remarried without an annulment are not permitted to receive Communion unless they agree to live as brother and sister. They are, nevertheless, encouraged to consider themselves Catholic, to remain in the Church, to attend Mass, and to raise their children in the Faith.

Grounds for annulment

A marriage can be declared invalid for several reasons related to the ability of one or both of the partners to understand and agree to the Catholic understanding of marriage before the wedding ceremony. Here are some common reasons:

1 The existence of an impediment, such as a previous marriage or religious vows or a close blood relationship between the couple (a brother and sister or first cousins). Some of these can be dispensed.

2 Psychological incapacity, at the time of the wedding, to assume the duties of marriage; for example, if one of the parties suffers from a serious mental illness that prevents him or her from taking up parental or spousal duties.

3 The presence, at the time of the wedding, of an intention contrary to marriage or something essential to marriage; for example, one of the spouses refuses to have children, does not intend to remain faithful to the other spouse, or believes in the possibility of divorce.

4 The presence of a future “condition” for marriage, such as one spouse demanding that the other spouse will achieve a certain level of income.

5 Psychological immaturity that did not allow one or both parties to understand the true nature of marriage at the time of the wedding. An example would be a teenage couple who hardly know each other, but who decide to marry because the girl is pregnant. They have not thought about how they will support each other in marriage, nor do they know each other well enough to make a lifelong commitment.

What is the process?

➤ If all hope of salvaging your marriage has been exhausted, you may inquire about the annulment process. In North America, most tribunals require that there first be a civil divorce before considering the case.

Many people wait until they want to enter into a second marriage to begin the annulment process. But it is best to know whether you will be granted an annulment before beginning another relationship.

➤ Next, contact your parish priest. He will direct you on how to start the necessary paperwork.

➤ Although the process may vary slightly from diocese to diocese, you will be asked to provide details — to the priest or a marriage tribunal representative — about your courtship, engagement, and wedding, and the breakdown of the relationship. Either spouse can initiate the process, but both may be asked to testify.

➤ You also will be asked to provide the names of two or three witnesses who can verify your information. If witnesses are not available (perhaps the marriage took place so many years ago that potential witnesses are deceased, for example), the annulment process still can proceed.

What does it mean?

Advocate

Cleric or layperson appointed by the tribunal or the party to the marriage to represent the party and safeguard his or her rights in a canonical court process.

Lack of Form

If a baptized Catholic marries outside the Church, it is invalid. The Catholic form requires marriage in front of a priest and two witnesses. A dispensation from this form can be granted, but without it the marriage is invalid.

➤ The petition is submitted to the tribunal, and the case is decided by a panel of judges who are experts in canon law and marriage. Their decision is then reviewed by experts in another diocese before you are informed of the decision.

The process takes anywhere from a few months to several years.

➤ When you begin the process you may be asked to pay a fee to help offset administrative costs. However, a review of the validity of your marriage is your right as a Catholic. Finances should never be an obstacle to exercising that right, and dioceses offer sliding scales, payment options, and financial assistance.

The blessing of healing

“Because I had dreaded the annulment process and found it painful to work through, I was astonished by the result. Like the grief process following a death, this rethinking and reliving of my failed marriage brought healing, understanding, and great peace of heart and mind. Whatever the final decision, I am grateful for the process itself.”

— Ann, who is waiting for her annulment decision

Pauline Privilege

When two unbaptized people are married, that marriage is non-sacramental and can be dissolved in favor of a new marriage after one party receives baptism. This presumes that the party seeking baptism is not the cause of the breakdown of the marriage.

Defender of the Bond

An official of the ecclesiastical (the Church's) court who defends the marriage bond.

Tribunals

The courts of the Church in every diocese that decide matters of canon law.

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Where to go for more information

Seeking an Annulment with the Help of Your Catholic Faith, Lorene Hanley Duquin, Our Sunday Visitor, 2007

Catechism of the Catholic Church, Second Edition, No. 1621 ff.

Gaudium et Spes, Pastoral Constitution on the Church in the Modern World, Nos. 47-52

Revised Code of Canon Law, 1055-1057, 1134, 1141-1143

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Nihil obstat: Rev. Michael Heintz
Censor Librorum

Imprimatur: ✠ John M. D'Arcy
Diocese of Fort Wayne-South Bend
September 11, 2003

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Inventory Number: P111

US \$14.95

ISBN 978-1-59276-060-2



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