

## **HOW TO OBTAIN A POPE FRANCIS' ANNULMENT**

**Please keep this sheet.** Use it to follow the progress of your case step-by-step.

**REMEMBER: The Tribunal may give information about a pending case only to the Petitioner or the Co-Petitioner/Respondent.** A status report cannot be given to an intended or current civil spouse, or to another person. The Case Number and Case Name are used to look up a case. Always refer to them if you write or call — see the top of our correspondence.

This outline describes and explains the canonical (legal) steps as simply as possible. Church or “canon” law governs this process. An overview is provided. Not every possibility can be treated fully, here. Call Patricia Thomas (318) 445-6424 x 263 to change your mailing address. You should receive regular updates by mail on the progress of your case from her. You should hear from Kathy Cole (318) 445-6424 x 262 to schedule any necessary appointments. Please call her if you have any difficulty keeping an appointment as soon as possible.

### **OUTLINE OF THE PROCESSES BEFORE THE BISHOP AND THE ORDINARY PROCESS**

\*Asterisks mark steps of the process when a Petitioner or Co-Petitioner/ Respondent will receive a letter from the Tribunal indicating the status of the case.

A Catholic “annulment” pertains to the marital consent of the spouses, not the marriage itself. It probably should never be called an “annulment”! The marriage is not erased. Nothing happens to the legitimate children as a result.

All marriages are presumed valid from the consent given by each principal at the wedding. The invalidity of marital consent of at least one principal at the time of the wedding must be proven if both principals are to become free to marry. The Tribunal process seeks to discover the truth about the marital consent of each party at the time of the wedding. The process is in the form of a trial, so that both principals have their rights protected; it is not about placing blame or giving rewards to either party.

The laws of the Catholic Church give equal rights to the parties in a marriage case. This means you can: give testimony, both written and/or spoken in an interview with Tribunal personnel. You may nominate witnesses. You may undergo a psychological evaluation (at no expense to you). You can submit documents to the Tribunal that add proof to your testimony: citations for **Driving Under the Influence** of drugs and/or alcohol, police or medical records, newspaper articles, phone records, etc. At a certain point in the trial process, you may review the evidence as presented by your spouse and his or her witnesses, and offer counter-arguments. A former spouse cannot stop the judicial process of investigation, but he or she can shed much light on the truth of the matter.

**STEP 1: Petition.** A principal to a marriage in question that has ended in divorce submits a Petition (an online form is provided for this purpose) asking that the consent to that marriage be declared invalid. That principal is called the Petitioner. Ideally, the other principal to the marriage in question would sign the Petition as a “Co-Petitioner” or at least would indicate that s/he would participate in the process as the “Respondent”. S/he would also answer the questions posed about the consent given at the time of the marriage. A Co-Petitioner is in agreement with the Petitioner that the consent to the marriage is certainly invalid (perhaps not for the same reasons). A Respondent objects to the idea that the consent to marriage in question is invalid (there is no reason in his/her mind to believe that the consent was invalid).

Church Law requires that every effort be made to notify the Co-Petitioner/Respondent of the petition for the invalidity of the consent of a marriage. On rare occasions, the Co-Petitioner/Respondent, usually a female whose last name has changed frequently in marriage without any children, cannot be found. In such unfortunate circumstances, the case must proceed after the judge is convinced that all possibilities to find the Co-Petitioner/Respondent have been exhausted. In those cases where the Co-Petitioner/Respondent have been notified, yet refuses to participate, the case must proceed without the benefit of his/her insight.

After giving information about the marriage and the other principal, the Petition asks that the consent to the marriage be declared invalid. The process is free of charge and donations are not accepted. Typically a decree of civil divorce accompanies the Petition for the declaration of invalidity of consent to show that there is no hope of reconciliation.

**STEP 2: Determination of Competence for, Acceptance of, Participation in the Case.** Church law requires that a Petition be presented at the Diocesan Tribunal that is authorized to hear it: 1. The Diocese in which the marriage took place, 2. The Diocese where either principal currently lives, 3. The Diocese where most of the witnesses willing to participate currently reside.\*

Once the Judicial Vicar (the chief judge of the Tribunal) verifies that the Petition is complete in its details and that this Diocese would have authorization to hear the case, he accepts it.\*

The Co-Petitioner/Respondent will be invited to express an opinion about the Petition. The Co-Petitioner/Respondent has 15 business days after receiving this notice to act.\* This notification is repeated if nothing is heard.\* Then, at this point, it is clear whether the other principal is a Co-Petitioner who contends that the consent was invalid at the time of the wedding or is a Respondent and believes that the consent was valid at the time the marriage began.

How will the Co-Petitioner act in the case: a) participates fully; b) does not participate, but receives notice of the procedural steps; c) elects not to participate or hear anything more about the case.

How will the Respondent act in the case: a) participates fully; b) does not participate, but receives notice of the procedural steps; c) elects not to participate or hear anything more about the case; d) after ignoring two proper citations, receives nothing else; e) cannot located and, therefore, has no participation.

Ideally, both the Petitioner and Co-Petitioner/Respondent will participate fully and individually complete the Assessment Previous Marital Consent (Step 5 on [www.diocesealex.org/offices-ministries/tribunal](http://www.diocesealex.org/offices-ministries/tribunal)).

The Defender of the Bond is similarly notified as the third party to the case. (The Defender of the Bond is a minister of the Tribunal who must review the case and present any reasonable arguments or observations that contribute to protecting the bond of marriage and the legal integrity of the process.)

**STEP 3: Was the consent to this marriage invalid, on what ground(s), and who will decide the case?** All marital consent is presumed valid in accord with the language of the words utilized in the wedding vows – this legal presumption is the starting point for all matrimonial cases.

A Petitioner and Co-Petitioner would claim that the consent at the time of the wedding was invalid. A Defender of the Marriage Bond and a Respondent wish to overcome any claims that the marital

consent was invalid — neither have to prove the marriage consent was valid, only that nothing as claimed made the consent invalid.

Therefore, the question is always: Was the consent to this marriage invalid? Next, there must be a specific reason as to why the consent is invalid at the time of the wedding – this precise reason is called the ground. There may be more than one ground alleged affecting either the consent of one or the other principal at the time of the wedding in the marriage at issue. There can be several grounds considered on the part of either or both principals to the marriage in question.

The Judicial Vicar in consultation with the Defender of the Bond **formulates the doubt** (“is this marriage invalid?”), **chooses the ground(s)** (the precise canonical reasons why the consent at the time of the wedding might be invalid), determines which process will be used (see below), and appoints the personnel required by that process.\*

Finally, the Judicial Vicar will determine who will decide the case and, therefore, the process that will be followed. For the process before the bishop there are two requirements: 1. Both of the former spouses must ask together that their marital consent be declared invalid, and 2. One or more of the following circumstances of things and persons renders the nullity rather obvious, for example: a faithless couple who have no concept of marriage for life; a very short period of actual cohabitation after the wedding; an abortion for the sake of birth control; stubbornly cohabiting with a third person at the time of the wedding or immediately following it; the deceitful concealment of sterility, grave contagious illness, children from a previous relationship, or incarcerations; marriage to obtain citizenship or for some similar extraneous motive such as an unexpected pregnancy or extortion; the defects of the use of reason proven by medical documents, etc. He informs those all who will take part of his decisions.\*

**STEP 4: “Instruction” of the case.** In legal usage, this phrase means to determine what is required to resolve the doubt on the grounds that have been established.

<b>Process before the Bishop</b>	<b>Ordinary Process (“formal case”)</b>
<p>a. If the information already gathered has been thoroughly prepared and is clear and well documented, and</p> <p>b. If the principals are a Petitioner and a Co-Petitioner, then the case can quickly be investigated within 30 days.</p> <p>The Judicial Vicar calls for a meeting with the Petitioner and Co-Petitioner within 30 days.*</p> <p>The Judicial Vicar names an Instructor to gather evidence and an Assessor to advise and assist the instructor. At this meeting, to the degree possible, more proofs are collected. After the meeting, a time limit of 15 days is set for the Defender of the Bond to give his opinion in support of the validity of consent and for the</p>	<p>a. If the matter appears to be more complicated and/or,</p> <p>b. If principals disagree about the validity of the consent, then the case requires greater scrutiny that may or may not take longer.</p> <p>The Judicial Vicar appoints a college of 3 Judges, or a sole Judge and Assessor(s) to examine and decide the case.</p> <p>The Judicial Vicar calls for two hearings: one for the Petitioner and his/her witnesses with a Judge during which each is deposed individually.* A separate hearing is scheduled for the Co-Petitioner /Respondent and his/her witnesses with a Judge during which each is deposed individually.*</p>

Process before the Bishop	Ordinary Process (“formal case”)
principals to present anything supporting their position (that the marriage is invalid).	The hearings are transcribed and studied by the Judge(s) and Assessor(s) to determine if it appears that the case is ready to be inspected by the principals and the Defender.

**STEP 5: Publication of the Acts (all the evidence and arguments), and Decision**

Process before the Bishop	Ordinary Process (“formal case”)
<p><b>Publication of the Acts to the Bishop</b> The Diocesan Bishop receives the Acts of the case, the counsel of the Instructor and the Assessor, the opinion of the Defender of the Bond and, anything the Petitioner or Co-Petitioner/Respondent wish to add by way of a written document. Either principal may waive or ignore this right.</p>	<p><b>Publication of the Acts to the Principals and the Defender of the Bond.</b> When the Judge believes sufficient proofs have been gathered for a decision, the principals are informed of the right to examine the acts of the case at the Tribunal in the presence of a staff person. Either principal may waive or ignore this right. After this review, they may offer comments or further proofs. Yet, there is a time limit for inspecting the acts and for offering any additional material. Once it expires or the principals have taken those actions, the case is said to be concluded. The acts are no longer open to inspection by the principals.*</p>
<p><b>Conclusion by the Bishop</b> He determines whether he will declare the nullity of the consent or will return the case to the Judicial Vicar for the Ordinary Process for a more in-depth study. There can only be a decision that the consent was invalid at the time of the marriage from the Bishop.</p> <p><b><u>However, this is not the decision itself.</u></b></p>	<p><b>Conclusion and Discussion of the Case</b> When the Judge declares the case to be sufficiently instructed, this means that enough evidence has been received to issue a proper decision.* Then, the Defender of the Bond must again review the case and present any reasonable arguments or observations that support the validity of marriage. If the principals have Advocates, they may give their opinions. The Judge(s) and Assessor(s) weigh-in.</p> <p><b><u>However, this is not the decision itself.</u></b></p>
<p><b>The decision of the Bishop</b> He applies the law on marital consent or jurisprudence to the facts of the case in order to render a decision. Then he composes a decision with the law, facts, reasons and his decision. Moral certainty, as understood by canon law and jurisprudence, is required to declare that a marriage is invalid. This is called an affirmative decision.*</p>	<p><b>The decision of the Judge</b> He applies the law on marital consent or jurisprudence to the facts of the case in order to render a decision. Then he composes a decision with the law, facts, reasons and his decision. Moral certainty, as understood by canon law and jurisprudence, is required to declare that a marriage is invalid. This is called an affirmative decision.* When a marriage cannot be proven to be invalid, the Judge must render a negative decision.*</p>
<p><b>Decision</b> The principals who have participated or asked to be informed of the decision, may study it at the Tribunal. Either principal may waive this right or</p>	<p><b>Decision</b> The principals who have participated or asked to be informed of the decision, may study it at the Tribunal. Either principal may waive this right or</p>

ignore it.* <b><u>An affirmative decision at this step does not give the right to marry. See Step 7.</u></b>	ignore it.* <b><u>An affirmative decision at this step does not give the right to marry. See Step 7.</u></b>
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**STEP 6: The Possibility of an Appeal**

<b>Process before the Bishop</b>	<b>Ordinary Process (“formal case”)</b>
The Bishop’s decision may be appealed within 15 business days to the Metropolitan Archbishop of New Orleans or the Roman Rota. The appeal is made to the Bishop himself or to the Judicial Vicar. <b><u>A Decision on Appeal cannot become effective.</u></b>	The decision of a Judge or Judges may be appealed within 15 business days to the Metropolitan Tribunal of New Orleans or the Roman Rota. The appeal is made before the Judge who pronounced the decision. <b><u>A Decision on Appeal cannot become effective.</u></b>

**STEP 7: The Decision Becomes Effective**

<b>Process before the Bishop</b>	<b>Ordinary Process (“formal case”)</b>
After 15 business days from the Publication of the Affirmative Decision, if there has been no Appeal, upon notice that the <b>Decision is Effective</b> , delivered to the principals, they are free to marry anyone who is also free to marry unless a prohibition has been placed on a principal because of some fault or failure discovered in the process. Then, once that issue is resolved the principal so inhibited would be free to marry, also. <b><u>No one should set a definite wedding date until the Bishop has declared the freedom to marry, and the proposed spouse is also free to marry.</u></b>	After 15 business days from the Publication of the Affirmative Decision, if there has been no Appeal, upon notice that the <b>Decision is Effective</b> , delivered to the principals, they are free to marry anyone who is also free to marry unless a prohibition has been placed on a principal because of some fault or failure discovered in the process. Then, once that issue is resolved the principal so inhibited would be free to marry, also. <b><u>No one should set a definite wedding date until the Judge has declared the freedom to marry, and the proposed spouse is also free to marry.</u></b>