

## **An Introduction to the Annulment Process**

### **What Is an Annulment?**

The term “annulment” refers to an official declaration by the Tribunal of the Catholic Church that what appeared to be a marriage was, in fact, not a sacramental marriage. Such declarations are made after an extensive investigation of the marriage by judges in the Tribunal. The investigation must focus on ground of nullity which are recognized by the Church and which can be proven as existing from the very beginning of the marriage. It is important to denote that an annulment does not deny that an actual marriage existed, nor does it imply that the marriage was entered into with ill will or moral fault. It means that the marriage fell short of at least one of the essential elements for a binding sacramental union. The purpose of this process is not to find fault in either party. Whereas, a civil divorce dissolves the legal bond existing in marriage, an annulment is the recognition that a valid sacramental bond was never entered into by one or both parties (as understood in Canon 1055 of the Code of Canon Law).

### **Are There Any Civil Effects On an Annulment?**

In the United States, a Church Declaration of Nullity of Marriage has **NO** civil effect, whatsoever. Church law specifically states that children born of a marriage that has been declared null **REMAINS** legitimate. An annulment does not have any affect in civil matters. For this reason, no case is accepted by the Tribunal until all civil matters (child custody, property, etc.) are finalized. These issues are under the jurisdiction of the civil courts. The purpose of the annulment procedure is to serve one’s conscience and to reconcile persons to full sacramental participation in the Catholic Church.

### **A Note About Confidentiality:**

Statements made by the two parties may be revealed to each other according to the directions issued by the Judge. The testimony of witnesses is safeguarded with anonymity. Only the Petitioner, Respondent and the Tribunal staff have access to the case material. Otherwise, the information is strictly confidential.

### **How Long Will Does It Take?**

Since no two cases are alike, the time can vary from case to case. The cooperation of the Petitioner, Respondent and witnesses and the quality of their testimony, as well as the caseload of the Tribunal, have a significant effect on the length of time. There is no way that any member of the Tribunal staff can predict when a case will be finished. With the timely cooperation of all involved in the case, the process could take as little as six (6) months.

### **The Steps of the Annulment Process:**

- 1) Complete and submit the Basic Data Form, which is located on this website site.

- 2) Complete the online Assessment of Previous Marital Consent, which is located on this website.
- 3) Submit an official marriage license application, which can be obtained from the Clerk of Court's Office where the marriage occurred. (If this is not the first marriage for either party, all marriage license applications must be submitted)
- 4) Submit Final Divorce Decrees from all of your previous marriages
- 5) Submit current copies of baptismal certificate with all notations from the Church of Baptism
- 6) Request two individuals that are not related to you and have known you well to submit a handwritten character reference. In a short paragraph, each character reference should state that you are an honest and trustworthy person and that your sworn testimony about the marriage in question should be considered truthful. These individuals should mail these letters directly to the Tribunal office. Make sure they include your complete name.

Once all the above information has been submitted, and only then will your case be officially opened. The first step that occurs once your case is opened is notify your former spouse by mail; who is referred to as the Respondent. Your former spouse **will be sent a copy** of your completed Basic Data Form by Priority Mail and asked if they would like to participate in the case. Church law demands that the former spouse be offered equal opportunity to share their perspective of the marriage in question. The Respondent cannot not stop the process, but we have to ensure they know about the annulment process and their rights are protected. If they chose not to participate or respond, your case will continue to proceed without interruption.

After the level of participation of the respondent has been determined and your file has been reviewed, you will be called to set up a meeting with the Tribunal officials for the purposes of hearing your story. This is your opportunity to provide your narrative about the marriage you have petitioned to be annulled. You are also requested to bring at least one witness to the interview who has knowledge about the marriage in question at the time of the wedding. If your former spouse also wishes to have a meeting with the Tribunal Staff, a separate meeting time will be scheduled.

Following the interviews, and once all the data had been reviewed, the Judge in your case will render a decision. Subsequently, you will be notified by Priority Mail the final decree, "Decree of Effectiveness". This is the document the priest will need for any new marriage in the Catholic Church. It is also important to note that our Diocesan Policy does not allow a clergyman to discuss marriage plans, dates or preparation until a "Decree of Effectiveness" has been issued.