

### **What does the Catholic Church believe about Marriage?**

The Catholic Church believes that Christian marriage is so sacred and holy a bond that we call it a “Sacrament.” A Sacrament is a sign, instituted by Christ, to show God’s love to the world and bring grace, joy and comfort to us. The Sacrament of Marriage is intended by Christ to be a life-long commitment.

Marriage is a great sign of God’s love. The love of a married couple like a letter to us all from God, a sign to the world that God loves us all with a deep, abiding and boundless love.

### **What is an *annulment*?**

An annulment (sometimes called a “declaration of nullity”) is a formal statement by a Church Tribunal that a particular marriage lacks one or more of the essential qualities or “grounds” that are required in order for it to be considered valid.

### **What is a Marriage Tribunal?**

There is usually a Marriage Tribunal set up in each Arch/diocese to deal with petitions for declarations of nullity (annulments). A Marriage Tribunal consists of people-- priests, religious sisters and lay people—who have some knowledge and expertise in the process. These people fulfill several different roles.

A Tribunal operates according to the Canon Law of the Church and, in some ways, functions like a court. But the difference is that—unlike a civil court—a Tribunal exists for pastoral reasons, and you will be treated with as much sensitivity as possible. The concern of the Tribunal is never to assess guilt. Rather, the role of the Tribunal is to gain a clear understanding of why a marriage failed, in order to free the parties and empower them to move on with their lives and pursue the possibility of marriage in the Church.

### **How does the annulment process work?**

If a marriage breaks down, either of the spouses may petition, or ask, the Church for a declaration of nullity (annulment). A Church Tribunal (something like a court) examines the circumstances that led to the marriage and

any problems that followed. This usually involves interviewing the spouses and some witnesses that the spouses name as having some insight into what went wrong. Following this investigation, the Tribunal may conclude that the marriage was not a valid one.

Every marriage that is validly celebrated is presumed to be valid until it is proven otherwise.

### **How long does the annulment process take?**

An annulment case moves through two distinct phases:

1. The gathering of evidence.
  - Persons are interviewed
  - Any pertinent documents, letters, medical records or psychiatric assessments are obtained.
2. The case is studied and a judgment is made.

After a judgment is given, the decision must be reviewed by an Appeal Tribunal. The Canadian Appeal Tribunal in Ottawa performs this role for all the arch/diocesan tribunals in Canada.

The entire process takes approximately 1-2 years, depending on the availability of witnesses and the complexity of the case.

### **Is there a cost for the process?**

Yes. Because of the expenses involved in maintaining the Tribunal Office, paying the salaries of staff members and sometimes enlisting the service of various experts, such as doctors or psychiatrists, the cost can range from \$1000.00 - \$1500.00. In the Archdiocese of St. John’s, a standard fee of \$900.00 is requested. This is normally paid by the person who asked to begin the process, the petitioner. For those in financial difficulty, this charge may be reduced or waived entirely.

### **Will a declaration of nullity (annulment) affect the status of any children born of the marriage?**

No. There is no way of denying that the couple were married for a period of time, during which the marriage was presumed to be valid. Children born of this marriage remain legitimate in the eyes of both Church and Civil Law.

### **Are people who separate or divorce prevented from receiving the Sacraments?**

No. People who separate or divorce for reasonable cause are free to receive the Sacraments. This means that people who are separated or divorced, as long as they are not re-married outside the Church, can freely come to Mass and receive the Eucharist, celebrate the Sacrament of Reconciliation, or ask to receive the Sacrament of the Sick in times of illness.

### **Why would I need an annulment?**

While the Catholic Church believes that marriage is a life-long commitment, it is a reality that some marriages break down. At some later point, either of the two parties may wish to re-marry in the Church. A declaration of nullity would permit them to celebrate a new marriage in the Church and to continue to participate fully in its Sacramental life.

### **What is the difference between an annulment (declaration of nullity) granted by the Church and a divorce granted by a civil court?**

Well, the first difference is just that. an annulment, or declaration of nullity, is granted by the Church. A divorce is granted by a civil court.

In Canada, a church wedding fulfills not only the Church’s requirements, but also the requirements of civil law, and so is recognized by both authorities. If the marriage should break down, the civil law permits a new marriage if a divorce is granted by the competent court of law. In a similar way, the Church will only permit and recognize a new marriage if one of its tribunals (or courts) grants an annulment or declaration of nullity.

Marriage takes place on two levels –the civil contract and the sacramental bond. When a couple marries in church the sacramental bond is created between them by God as they declare their vows. The civil contract is created as they sign the legal papers. Both are done in the same ceremony. When a marriage is dissolved it must be done at both levels by the relevant authority: the civil courts dissolve the legal contract and then the church courts declare that the sacramental bond of marriage would not have been created by God if there was something lacking

in the consent given by either one of the couple. Therefore the sacrament of marriage was not 'created' by God, and so it is said to be null – an annulment.

The questions asked by a Tribunal will be somewhat different than those asked by a civil court. The intent is to determine whether there was any factor that limits full and informed consent. Some of the factors could be:

- Youth and immaturity;
- External circumstances (e.g. pregnancy, family or other pressures);
- Insufficient knowledge of the other person;
- Insufficient knowledge of the responsibilities that marriage really entails.

**What are some of the “grounds” on which an annulment (declaration of nullity) could be granted?**

There are a number of “grounds,” on which an annulment (declaration of nullity) might be granted. It is best to discuss these from the perspective of what is required for a marriage to be considered valid in the eyes of the Church. So... the Church considers that there are four characteristics that work together to make a valid marriage. They are:

- It is permanent, enduring until the death of one of the parties;
- It is open to having children, and to supporting and educating them;
- It is a faithful and exclusive relationship, and
- It is a relationship of love and trust.

A Tribunal would examine how both parties in the marriage responded to these four characteristics. The Tribunal would ask:

- Did each have sufficient freedom and maturity to properly judge whether they were ready for the responsibilities of marriage with this particular person *at the time the marriage began?*
- Did one or the other intend to exclude one or more of these characteristics *at the beginning of the marriage?*
- Were the parties *psychologically capable* of living a marriage that would express, to an adequate degree, these four characteristics?

**Who can ask a Church Tribunal for an annulment (declaration of nullity)?**

Any Catholic who has separated or is divorced from his/her spouse may apply, provided that all possible means of reconciliation have been tried and failed. It sometimes occurs that a non-Catholic who is divorced now wishes to marry a Catholic. Because the Catholic Church upholds the validity of most marriages, it would be necessary for that person to have his/her earlier marriage examined by the Catholic Marriage Tribunal and to obtain a declaration of nullity so that he/she may now marry a Catholic.

**How do I begin this process?**

If you want to begin the annulment process...

- You should contact your parish priest or another pastoral leader in your parish.
- He/she will ask you to fill out some forms.
- He/she will write up a short “case history,” or a summary of the problems that were encountered in the marriage.
- You will be asked to provide the names of at least three (3) people, other than you and your former spouse, who would have some knowledge of the circumstances of your courtship and married life, and would be willing to be interviewed by a member of the Tribunal.
- The file will then be sent on to the Archdiocesan Marriage Tribunal.

**What information will I need?**

You will need the following information (if it applies):

Baptism (and Confirmation) certificates  
Marriage certificate  
Divorce certificate (Decree Absolute)  
Contact information for you and your former spouse

**Does my former spouse have to be informed?**

Yes. Your former spouse has to be informed, because a declaration of nullity will affect them and their freedom to re-marry in the Church. It should be noted that, while a former spouse may assist in this process, their objection to the process cannot prevent it.

# ANNULMENTS

## IN NEWFOUNDLAND AND CANADA

### SOME FREQUENTLY ASKED QUESTIONS



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