

### *The Effect on Children of the Marriage:*

The declaration of nullity does not affect the legitimacy of the children. The children's status is in no way affected by the process or outcome of the nullity. Church law has always protected the legitimacy of children because they were born into a presumed valid marital relationship.

### *Confidentiality/ Rights:*

All officials of the Tribunal including the office personnel are bound by an oath to keep material relative to the annulment process confidential. The process does not demand that the spouses have any contact with each other at any time.

### *Is There a Fee for Tribunal Service?*

The marriage tribunal is a ministry of the Archdiocese and, as such, is subsidized by the archdiocesan budget. However, those who benefit from this ministry are encouraged to offer a donation towards tribunal operations. However, no members of the faithful will be turned away due to lack of funds. The tribunal is a registered charity with CRA.

### *When Is Remarriage in the Catholic Church Allowed?*

When a party receives a letter from the Tribunal informing them of an affirmative decision, then the parties involved can, if they intend to remarry, begin the usual preparations for a wedding in their local parish.

### **Roman Rota**

"I understand the grief of people who have to endure great suffering, yet slowly but surely we all have to let the joy of faith slowly revive as a quiet yet firm trust, even amid the greatest distress: "My soul is bereft of peace; I have forgotten what happiness is... But this I call to mind, and therefore I have hope: the steadfast love of the Lord never ceases, his mercies never come to an end; they are new every morning. Great is your faithfulness... It is good that one should wait quietly for the salvation of the Lord"

*Pope Francis*

*"Because you are God's chosen ones, holy and beloved, clothe yourselves with heartfelt mercy, with kindness, humility, meekness, and patience. Bear with one another; forgive whatever grievances you have against one another. Forgive as the Lord has forgiven you. Over all these virtues put on love, which binds the rest together and makes them perfect."*  
Colossians 3: 12 -14

**Catholic Diocesan Center  
1559 Brunswick St., Suite 101  
Halifax, NS B3J 2G1**

**Tel. 429-9800 ext. 321**

**E-mail: [ctargett@halifaxyarmouth.org](mailto:ctargett@halifaxyarmouth.org)  
<https://www.halifaxyarmouth.org/pastoral-services/marriage-tribunal>**



### **Ministry for Divorced Catholics and The Process for Declaration of Nullity**



**Halifax Regional Marriage Tribunal  
St. John's Branch**

## **Introduction:**

Marriage is a lifetime commitment. The decision to marry is perhaps the most serious decision most people make about their personal lives. So much of the person is invested in the decision that when a couple marries divorce is unthinkable. Yet the unthinkable has happened to so many couples. The reality of divorce is so full of stress and pain, the Catholic Church seeks to reach out to divorced people in an effort to help heal the wounds, while affirming its teaching on the permanence of marriage. Here is some basic information concerning nullity.

However, many confirm that though the process may sometimes be painful, it has a healing effect as it enables the parties to put closure on the breakdown of the marriage.

## **Marriage According to Church's Teaching:**

Marriage is a lifetime exclusive and permanent relationship between a man and a woman in which they give and receive mutual help and love and from their union bring forth and raise children. Marriage according to the Church's understanding is a sacred bond and a covenant of love. For baptized persons, a valid marriage is at the same time a sacramental marriage in which Christ confirms the union of the couple with his love.

## **How Long Does the Process Take?**

As each case differs, the time to process cannot be assured. However, the Tribunal does its best to complete a case within a year as recommended by Church law.

## **What is a Church Declaration of Nullity?**

Nullity of a valid sacramental marriage is a formal declaration by a Church Tribunal that the particular marriage in question lacks some important essential element, which would then make the marriage invalid. It does not mean the marriage never existed. It means that a true and valid bond is missing because of some defect in the consent of either the man or the woman on the day of the wedding.

## **How to Begin the Process:**

Anyone interested can contact the Marriage Tribunal located in the Diocese where one lives. The Marriage Tribunal is an Ecclesial, (Church) court, which operates under the direction of the diocesan bishop. The staff of the Tribunal will guide anyone interested through the process. The Marriage Tribunal is located within the Catholic Diocesan Center at [1559 Brunswick St. Suite 101, Halifax, NS.](#)

Please see our website for further details: <https://www.halifaxyarmouth.org/pastoral-services/marriage-tribunal>

## **The Outcome of the Process:**

The Tribunal reaches a decision after it completes its investigation. The decision may either be affirmative or negative. An affirmative decision means the marriage lacks an essential element required by the Church and is therefore declared invalid. A negative decision means the invalidity of the marriage has not been established; therefore, the marriage is still binding in the eyes of the Church. An Affirmative decision cannot be assured by anyone until the Tribunal actually arrives at one.

An affirmative decision may have restrictions placed on one or both parties regarding entering into another marriage and so freedom to enter another marriage after a declaration of nullity is not automatic and cannot be presumed. A **vetitum** may be imposed to delay the celebration of a future marriage until a given condition which might have caused the failure of a previous marriage has been fulfilled or addressed. A **monitum** is a caution or a warning regarding a future marriage. Both restrictions are pastoral and can be imposed by the judge in a marriage case and are noted in the Final Decree of Nullity.

There are no civil effects to the decision of the Tribunal. The process only seeks the spiritual well being of the people involved. The Tribunal does not put blame on either of the parties for the break down of the marriage.

## **Steps**

†The Petitioner begins the process. A libellus/petition is created. Next, the Respondent and Defender of the Bond are cited, which indicates the nullity process has begun.

†Both Petitioner and Respondent are interviewed and may call 3 witnesses. All interviews are audio recorded by an Auditor and then transcribed.

†Next, the Petitioner and Respondent receive an invitation to view the Acts (testimonies) under oath of confidentiality.

†The file is prepared and sent to the Defender of the Bond for observation and notation.

†The file then goes to the judge who makes a decision based on the grounds of the libellus/petition, the testimonies, and the observations of the Defender of the Bond.