

RIGHTS — ALWAYS TO BE RESPECTED

Everyone involved has rights in an annulment case. These are carefully explained when a case is submitted, and are always conscientiously respected.

Among the most important of these rights is that of **confidentiality**. The information gathered in an annulment case is secret, available only to those responsible for that case and then only with special safeguards to protect the privacy of all concerned.

In particular, too, as a party to the marriage-in-question, the petitioner's former spouse, known as the **respondent**, always has rights in the process. The respondent's cooperation is always requested and is preferred; in fact cases in which the respondent does participate tend to be faster and more easily resolved. The respondent, notified of the case's progress every step of the way, can choose whether or not to participate, but this is his/her decision.

COST AND TIME

At Pope Francis' request, all Tribunal cases are now **free**. The entire cost is borne directly by the Diocese of Baton Rouge and indirectly by its individual Parishes.

The length of time involved for a Tribunal process varies from case to case, and depends on many factors. Many things, such as cooperation in acknowledging mail and returning questionnaires, are beyond the Tribunal's control. While some cases can be concluded fairly rapidly, the average formal case takes 5 to 8 months to complete. **No** guarantees or assurances are ever given that a case will be concluded by a specific date. As a result, plans for any new marriage "in the church" may never be finalized while an annulment case is pending.

TO GET STARTED

1. Whom do I contact? Over 100 persons throughout the Diocese of Baton Rouge (clergy and laity, men and women) have been trained to assist as Tribunal case sponsors. The Tribunal or your Church Parish Office can give you a listing of these: then call one for an appointment. It might be easier to contact one near your home, but there is no requirement to approach any particular case sponsor.

2. What papers should I bring? All marriage and divorce papers for you and your former spouse(s), plus baptismal certificates if Catholic. The names, mailing and email addresses and telephone numbers of witnesses on your behalf will eventually be needed too.

3. Who else must know? It is best if your former spouse and anyone to be named as a witness learn of it from you first. No one else needs to be informed.

FOR MORE INFORMATION

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MARRIAGE ANNULMENT — AN OVERVIEW





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MARRIAGE - A WAY TO GOD

Jesus Christ valued marriage highly. When He repeated the ancient Biblical words “They are no longer two but one flesh; therefore, let no one separate what God has joined,” the Catholic Church believes that marriage was given special dignity (Gn 2:24 and Mk 10:8-9). Marriage is a life-long and exclusive partnership in which husband and wife establish a loving and life-giving relationship. If they are baptized, their naturally holy bond is a **sacrament**, a special, exclusive, and unbreakable state in life (canons 1055-1056). Ultimately then, salvation is offered to them by Christ within their marital union.

For this reason the Church honors marriage, and views divorce very negatively. St. John Paul II called divorce “a last resort” when marital breakdown has made reconciliation impossible (*Familiaris consortio*, no. 83). Even then, a civil divorce cannot sever the actual bond of a valid marriage.

The Church presumes any marriage is valid, and its bond a lasting one, unless the contrary is proven (can. 1060). Still, not every marital relationship meets the standards established by the Lord: without certain intentions and capabilities on the part of the spouses their marriage would not be the kind of bond Christ taught was indissoluble (unbreakable). In other words, while a marriage may have been real, loving and legally binding, it may not necessarily have been a relationship which is ended only

by the death of one of the parties.

Pope Francis in particular has urged new efforts be made in offering mercy to persons who have suffered the tragedy of marital breakdown. In late 2015 he revised some procedural canon laws to help.

WHAT IS MARRIAGE ANNULMENT?

An annulment, more properly called a declaration of invalidity, is an official Church finding that a previous marriage no longer binds a person spiritually. Issued only after a thorough evaluation, it means that the marital union never had all of the essential elements required. These essentials, according to Catholic understanding, include sufficient maturity, free choice, and emotional capability on the part of the spouses, as well as other, more technical, elements. The investigation focuses on the beginning of the marriage, since only the actual **consent** exchanged at that time brings about a valid matrimonial bond or not.

The Church office entrusted with this special ministry of evaluation is the Tribunal. Internal Church law, known as canon law, strictly governs its procedures, which can begin after a civil divorce is final.

A Church declaration of invalidity is purely a religious matter. It has **no** civil effects in the United States. It does not affect children’s legitimacy, for example, nor does it affect property or inheritance rights. Experience has shown that most participants within the annulment process find it to be a **healing ministry**. Marital breakdown is always a painful thing, yet

the opportunity to consider it carefully and prayerfully often leads to personal growth and greater emotional health.

THE BASIC PROCESS

Each case is unique, involving different individuals and circumstances. Thus it is difficult to generalize about the Tribunal’s work. Only a broad picture of the basic procedure is possible.

First of all, a “case sponsor,” a trained pastoral minister, assists in drawing up and sending in the actual **petition**, which is accompanied by pertinent documents and a detailed “story of the marriage.”

At the Tribunal an initial **review** is made, to ensure that there is sufficient reason to proceed with the case. Then the parties are notified as to what the issues might be. Next, **additional information** usually is collected by means of **questionnaires** sent to the petitioner, the former spouse, and the witnesses. When needed, an **interview** follows with each of these parties to clarify issues and offer a chance for personal dialogue. A special Tribunal minister known as the “Defender of the Bond” notes any weaknesses in the case and offers reasonable arguments supporting the validity of the marriage, if there are any. In the end, a great deal of information usually is collected and studied, establishing the unbiased truth beyond any reasonable doubt.

The Tribunal, or in exceptional circumstances the bishop himself, eventually makes a **decision**. Then, unless the matter is challenged by a formal appeal, the declaration of nullity is issued.