

## **FREQUENTLY ASKED QUESTIONS**

### **1. WHAT IS AN ANNULMENT AND WHY IS IT NECESSARY?**

The Church teaches us that a marriage is permanent. If a sacramental marriage is created, no human can separate what God has joined together. No civil government can terminate a sacramental marriage.

When two people stand in front of God and contract a marriage, they enter into a marriage covenant as defined by the Catholic Church, and thus this covenant cannot be dissolved until death. Anyone who has entered a genuine marriage remains bound to that spouse. **The spiritual bonds of marriage, if formed, cannot be ended by civil divorce. In the eyes of the Church, divorce ends the civil and legal bonds previously contracted between spouses, but does not end the spiritual bonds.**

Therefore, the Tribunal investigates the facts/evidence presented by both the Petitioner and Respondent along with their corresponding witness testimony to determine the validity or invalidity of the marriage in question.

### **2. WHERE DOES THE FORMAL ANNULMENT PROCESS BEGIN?**

The formal annulment process begins at your parish. The Petitioner must make an appointment with the parish priest or deacon to begin the preliminary paperwork for the annulment.

### **3. WHAT DOCUMENTS ARE REQUIRED FOR THE FORMAL ANNULMENT PROCESS?**

- Original or certified copy of the Divorce Decree
- Original or certified copy of the Marriage License
- Petitioner and Respondent Baptismal Certificate with notations (issued within the last six months)
- Marriage Certificate from the Church

***\*\*\*\*\*Please note, all documents required above must be taken to the priest or deacon prior to your scheduled appointment.***

### **4. DO WE NEED THE RESPONDENT'S (FORMER SPOUSE) CONTACT INFORMATION?**

Yes, the Respondent (former spouse) will be contacted in writing by the Tribunal. Canon 1659, requires a copy of the Petition be communicated to the Respondent, notifying him/her that an annulment investigation has been started in the Diocesan Tribunal. The Respondent will be sent a Mandate by certified mail giving him/her the opportunity to participate in the process. The Respondent is given 15 business days to decide whether or not they will be participating in the process. Even, if the Respondent chooses not to participate in the case, the Tribunal will proceed with the case, but the Respondent must be aware of the process.

**5. IF I CANNOT LOCATE THE RESPONDENT (FORMER SPOUSE) WHAT DO I DO?**

If the Petitioner cannot locate the Respondent, we recommend they conduct an online people search through any **trusted search website**. (***\*\*\*Please note: some websites may charge a fee to do conduct a search***). Thereafter, the Petitioner must provide the Tribunal with a copy of their search outcome.

**6. HOW MANY WITNESSES ARE NEEDED IN THE PROCESS?**

The Petitioner will need 3 to 5 witnesses. **WITNESSES CAN BE ANYONE EXCEPT THEIR CHILDREN OR CURRENT SPOUSES.** The Petitioner must provide us with the names, current address, and phone number of the people who are familiar with the couple in question and thus have observed the couple during the earlier years of the Petitioner/Respondent marriage. Witnesses must be able and willing to complete a detailed questionnaire about the marriage in question. Petitioner must call and confirm participation of witnesses before submitting names to the Tribunal.

**7. WHAT IS THE COST OF THE FORMAL ANNULMENT PROCESS?**

There is no cost to the annulment process. All Tribunal processes are free.

**8. HOW LONG DOES THE FORMAL ANNULMENT PROCESS TAKE?**

There is no time limit how long the formal annulment process will take. Many factors contribute to the duration of the process: Return of the Petitioner/Respondent Declarations, Return of Petitioner/Respondent Witness Questionnaires, the time Advocate takes on formulating a brief for the Petitioner/Respondent, etc. If all documents are returned in a timely manner, most annulments should be finalized within 6 months to a year.

**9. WHAT IS REQUIRED TO PROCESS A CASE THROUGH THE BRIEFER PROCESS?**

To process a case through the briefer process both the Petitioner and the Respondent must participate and complete a formal questionnaire. **A VERY GRAVE REASON SHOULD EXIST**. Both parties must be in agreement declaring their marriage was invalid. If the Respondent participates and is not in agreement, the case will be processed through the regular process.

**10. DOES AN ANNULMENT MAKE THE CHILDREN ILLEGITIMATE?**

No. The parents, now divorced, presumably once obtained a civil license and entered upon a legal marriage. Children from that union are, therefore, their legitimate offspring. Legitimate means legal. The civil divorce and the Church annulment do not alter this situation. Nor do they change the parents' responsibility toward the children. The Tribunal reminds both the Petitioner/Respondent of their moral obligations to provide for the proper upbringing of their children.

## **11. WHY DO I HAVE TO FILE FOR AN ANNULMENT IF I AM NOT CATHOLIC OR IF I MARRIED IN A NON-CATHOLIC CHURCH?**

If you're a Non-Catholic, but plan to marry a Catholic, you might have to go through an annulment process even though neither person from the first union was Catholic.

Because of Natural Law, the Catholic Church presumes the validity of **ANY MARRIAGE** between two people who are free to marry at the time of their wedding. (Both parties must have no previous marriage bonds.) If the non-Catholic religious community of either spouse recognizes the marriage, so does the Catholic Church. Since marriage, as God created it, is permanent, then the Catholic Church must also investigate these marriages. Therefore, if the non-Catholic wishes to marry a Catholic, then the Church's law apply to the proposed marriage, since canon law still binds the Catholic whom the non-Catholic wishes to marry.

Overall, the Catholic Church teaches us that the properties of marriage bind all people, regardless of whether or not they are Catholic, but as part of God's natural law.

## **12. WHAT IS A DECLARATION OF NULLITY FROM LACK OF CANONICAL FORM?**

For a person who was either Catholic or married to a Catholic, and did not marry according to the canonical form of marriage (in front of a Catholic priest or deacon with two witnesses), and if the Catholic Church's permission was not obtained for this marriage (called a "dispensation from canonical form"), then the Tribunal could process this case as a "Lack of Form." The Church refers to this as an administrative process.

## **13. WHAT IS A LIGAMEN?**

For a person previously married to someone with a prior marriage, provided the Tribunal has not dealt with the prior marriage, a documentary process exists. This is called "Ligamen," or prior bond.