

What is an annulment?

An annulment is a declaration, after an extensive investigation, that a marriage was in fact invalid. What is investigated is whether a valid marriage bond was created at the time of consent. It is not a divorce; it is a statement that the bond of marriage, as it is understood by the Catholic Church, was never created.

Why can the Catholic Church conduct such an investigation?

If you are Catholic, or you intend to marry a Catholic, the Catholic Church can perform such an investigation to determine your freedom to marry. The Catholic Church does not believe a person can divorce and remarry; the only option is to petition for an annulment to determine if a marriage bond exists as it is understood by the Catholic Church. If a decree of nullity is granted, you are then free to marry in the Catholic Church. This process has no civil effects.



Do I need to petition for an annulment?

You should apply for an annulment if you are:

- ☞ A divorced Catholic who is now remarried outside the Catholic Church
- ☞ A divorced Catholic who would like to remarry
- ☞ A divorced non-Catholic who is now married outside the Catholic Church to a Catholic
- ☞ A divorced non-Catholic who would like to marry a Catholic

Whom do I contact to start the annulment process?

You should contact the nullity minister at your local parish. Talk to your pastor if you are not sure who the nullity minister is for your parish.

Can a divorced Catholic receive the sacraments?

Yes, as long as there is no attempt at a marital relationship with another party and he/she is living in the state of grace, and his/her conscience is unaware of serious mortal sin, then he or she may fully participate in the sacraments of the Church.

What is a convalidation?

If at least one of the parties to a marriage is Catholic, the marriage must be performed according to canonical form for the validity of the marriage. If it is not, a convalidation must be performed. A convalidation is a marriage in the Catholic Church between two people who had been in a marriage not recognized by the Catholic Church. **THIS IS NOT JUST A BLESSING!** It is a new act of the will and you are considered validly married to this person for the first time. That means your anniversary date of your marriage is the date of your convalidation, or valid marriage in the Catholic Church.

ANNULMENTS



FREQUENTLY ASKED QUESTIONS



If you have more questions, please visit
www.diocesephoenix.org/tribunal or
contact the Tribunal at:

602.354.2275
400 E. Monroe
Phoenix, AZ 85004

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How long should I wait after my civil divorce to seek an annulment?

Generally, we would recommend waiting about six months after your civil divorce to begin this process. On the other hand, the longer you wait to submit your petition, the harder it is to find witnesses that can speak to the time of consent, i.e., the time of the wedding. The delay in finding good witness testimony is often responsible for delays in the annulment process.

How long does the annulment process take?

The process takes anywhere from 18 to 24 months to complete. The process can be lengthy when the Tribunal has to wait for the responses of the parties and/or their witnesses.

Do both spouses need to be involved in the annulment process?

Both parties must be notified that an annulment case has been started. However, if the other party does not wish to participate, or cannot be located, the case can continue without him/her. It is recommended that both parties participate by providing written testimony and naming witnesses.

What is the role of a witness in an annulment?

As in any investigation, there must be corroboration of the assertions of the parties. The goal of an annulment case is to discover the truth about the motives and intentions of the parties at the time of their wedding. Therefore, the testimony of witnesses who knew the parties at the time of the wedding is necessary to come to a decision in the case.

Does an annulment affect the status of children?

If an annulment is granted, it has no bearing whatsoever on the status of the children of the marriage.

Is there a financial cost associated with a petition for an annulment?

Yes. Please contact your nullity minister for the current cost. This nominal fee is essentially a filing fee and covers only a small percentage of the actual cost to the diocese to process these cases.

If I am not Catholic, why do I need to petition for an annulment?

The Catholic Church upholds the permanence and sanctity of all marriages, whether or not they are Catholic. Thus, any marriage of two non-Catholics is presumed to be valid whether it was contracted before a judge or a minister of another faith. Before you can marry a Catholic, you must petition for an annulment because it is assumed that you are still married and are not free to marry again until it is proven that your first marriage was invalid. According to Catholic teaching, divorce does not have any effect upon the binding nature of a marriage. Therefore, despite the desire of the couple to divorce civilly and to separate themselves and their belongings, in the eyes of the Church the bond of marriage is presumed to remain binding upon the two parties. As a result, in order to be free to marry it must be proven that the bond of marriage never existed. Thus, an investigation into the marriage is necessary.



I'm in RCIA and found out that I need to petition for an annulment. Do I need to petition for an annulment before I can be received into the Church?

Yes, if you are already remarried, you do need to petition for an annulment before entering the Church. The reason for this is twofold. First, it would not be prudent to bring someone into full communion with the Catholic Church while living in a situation that is contrary to the Church's teaching on divorce and remarriage. Secondly, since the Church presumes that all marriages are valid and binding until proven otherwise through the annulment process, the current civil marriage cannot be convalidated. Consequently, the parties cannot receive the sacraments of Holy Communion or the sacrament of Penance, since their marital status remains irregular.

What if I'm already in a marriage outside of the Catholic Church and either my spouse or I is Catholic and at least one of us has been previously married?

The Catholic Church considers you married until proven otherwise. Thus, if you were previously married you are not free to marry again unless a decree of nullity is obtained. If you have remarried and have not obtained an annulment, you are not married to your current spouse in the eyes of the Catholic Church. If a decree of nullity is granted, you are free to marry and can prepare for a convalidation with your local parish.

What if I have been married more than once?

All of the marriages will need to be investigated. Contact your nullity minister for more information on how each marriage will be addressed.

I am currently engaged. Can I set the date for a wedding before receiving an annulment?

No, you should not set a wedding date. In the eyes of the Catholic Church, you are still married to your former spouse and are not free to marry unless a decree of nullity is given. Because the annulment process can be lengthy and it is not guaranteed that you will receive an annulment, it is wise that you wait until the court has made its decision.

Do I need to be civilly divorced before petitioning for an annulment?

Yes. Because the annulment process is purely religious, it does not involve custody of children, temporal goods, etc. which must be settled before the investigation in the Tribunal may begin. In the United States there are no civil effects of the Catholic Church's annulment process. A civil divorce is a definitive separation of the spouses and serves as an indicator that the marriage and common life have, for all intents and purposes, ceased. If the Church were to declare a marriage no longer binding, while the couple still remained civilly bound to one another, it would create numerous problems with custody of children, financial disputes, and put the Church at odds with civil authorities.