

WHAT IS THE ANNULMENT PROCESS?

The annulment process begins when a party petitions the Tribunal for a declaration of nullity by challenging the validity of his/her marriage. The party who initiates the process is referred to as the Petitioner; the other party is referred to as the Respondent. The Tribunal then conducts an investigation into the circumstances surrounding the marriage, especially when the couple exchanged their vows. The investigation seeks to establish whether there was ever a marital bond as understood by the Catholic Church. If not, the marriage is considered invalid. A declaration of nullity does not dissolve a bond which already exists, but declares that the bond did not exist. For this reason, an annulment cannot be considered a Catholic divorce.



DO I NEED TO APPLY 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

STEP 7: Second Instance and Appeals

If the judge(s) renders an Affirmative decision, the case is automatically sent to a second court, or an appellate court, for review. Canon Law requires that every Affirmative decision be ratified by an appellate court.

There are three possible outcomes when a case is sent to an appellate court for review.

The court can:

- 1) Ratify the decision
- 2) Give it a Negative. This means that the appellate court believes the marriage was valid
- 3) Open it to a new case if they feel the first investigation was insufficient

If the appellate court also gives an Affirmative, both parties are now free to marry. But, if the case receives a Negative, the Church still considers these parties to be married; they are not free to marry another party. However, an appeal of the Negative decision is possible.

If the first instance judge(s) renders a Negative decision, the Church still considers these parties to be married; they are not free to marry another party. The Petitioner or the Respondent may appeal this decision to a higher court.

- THE - ANNULMENT PROCESS



A STEP-BY-STEP GUIDE



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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STEP 1: To petition for an annulment, contact the nullity minister at your parish or your pastor.

You and the nullity minister will set up a time to meet and go over the procedures to submit your case. These are some of the items you will need:

☞ Baptismal certificates for both parties in the marriage

- Baptismal Certificate must have been issued within the last 6 months from the Parish of Baptism

☞ A certified copy of the Marriage License

☞ A certified copy of the Divorce Decree

Marriage and divorce abstracts are not accepted.

You will also be asked to complete a Petitioner questionnaire. Since this process is an investigation, be as detailed as possible, avoiding “yes” or “no” answers. The more detailed your testimony is, the stronger your case will be. This testimony will also determine on what grounds the case will be submitted. Grounds for an annulment are the reason(s) why you believe the marriage is invalid. The nullity minister will assist you in selecting the grounds.

Another very important aspect in submitting your case to the Tribunal is your witnesses. We require that you submit at least 2 witnesses; we prefer 3 or more. The more witnesses you have, the easier it is for the court to come to a decision in your case. Furthermore, these witnesses should be people who know you well and can give testimony regarding your courtship, the time of the wedding, and the life of the marriage. Please tell your witnesses that you have submitted their names to the Tribunal.

STEP 2: Petition is forwarded to the Tribunal

Once all the paperwork is complete, the nullity minister will submit the case to the Tribunal. The Tribunal will then decide if it has competency to hear the case. In Canon Law, competency refers to jurisdiction, and the consequent ability to hear a case. A Tribunal may have competency in four ways:

- 1) It is the Diocese in which the marriage was celebrated
- 2) It is the Diocese of the place in which the Respondent lives
- 3) It is the Diocese of the place in which the Petitioner lives, provided that both parties live in the same Episcopal Conference and the Judicial Vicar of the Respondent's Diocese gives his consent
- 4) It is the Diocese of the place in which most of the proofs must be collected, provided that consent is given by the Judicial Vicar of the Respondent

Once the Tribunal determines competency, the case is accepted. A judge and case coordinator are then assigned to the case.



STEP 3: The Respondent is contacted

At this stage of the annulment process, the Respondent must be cited. As a party to the marriage, he/she must be contacted about the investigation of the marriage. However, the Respondent does not have to participate.

If the Respondent chooses to participate, he/she has a right to:

- Read testimony
- Provide testimony
- Provide witnesses

The Tribunal communicates with the Respondent; you do not have to have any contact with him/her. We only ask that you provide us with any contact information you might have for him/her.

STEP 4: Evidence gathering

After the grounds are accepted, the case is moved to the evidence gathering phase. This is when questionnaires are sent to the named witnesses and the Respondent if he/she is participating. Then, the Tribunal waits for the completed questionnaires. Cases are often delayed because the witnesses do not respond in a timely manner. An auditor, a person assigned to further investigate and gather supplemental evidence, will be assigned if the testimony is weak. This can also significantly delay an annulment case. Therefore, be sure your witnesses are punctual and very thorough in their answers!

STEP 5: Publication of the Acts

When all of the testimony has been collected, the Acts, or evidence, are published. This does not mean that they are open to the public domain. Rather, the Petitioner and Respondent have the right to read all of the acts gathered regarding this case. If there is a question of confidentiality, the person's name on the testimony may be removed. But in order for testimony to be used by the judge(s) in reaching a final decision, the witness must allow both of the parties to read it.

STEP 6: Decision

The judge(s) now examines the evidence to determine whether the marriage was valid. In every petition for an annulment, the marriage is presumed valid until proven otherwise. The judge(s) must reach moral certitude, a high burden of proof, to justify that the marriage was, in fact, invalid. The case can receive an Affirmative or Negative decision. An Affirmative means it was determined the marriage was invalid; a Negative decision means the presumption that the marriage is valid was not overturned.