

DO I NEED A CHURCH ANNULMENT?

If a couple wants to marry in the Catholic Church but there has been a previous marriage for one or both parties, we believe you will find the following information helpful in exploring the process of a Church Annulment.

Doctrinal Background: What is Marriage and What is a Church Annulment?

According to Church Teaching, a marriage between two baptized persons is perpetually binding and cannot be dissolved. It is a sacred covenant, more than a mere contract, whereby the parties truly and totally commit themselves to each other as persons. However, the Church also teaches that a marriage can be called “real and genuine” only when it is founded on the kind of relationship that Christ intended when He raised marriage to the dignity of a Sacrament.

Over the course of the centuries, the Church has learned that certain intentions and capacities must be brought to this relationship by the parties involved, in order that their union might indeed be a foundation for the sacrament of Matrimony. Without these intentions and capacities, there can be no sacramental marriage. In such a situation regardless of external appearances or subsequent events, the parties who were involved in a broken union of this sort have a true right to have it recognized publicly that they are free to enter a sacramental marriage in the Church.

The purpose of this proceeding is to establish that there never was a previous sacramental marriage in the true sense of the word. An ecclesiastical annulment is a formal statement of a Church Tribunal that a particular marriage never was a sacramental marriage in the true sense according to the teaching of the Catholic Church.

Since the ecclesiastical annulment has no effect in civil law, it is required that a civil decree of complete divorce or civil annulment be granted. Our investigation will not begin until the civil action is completed. Also, children born to the union under investigation are and remain legitimate in the eyes of the Church.

COMPETENCE

In order to hear your case, the Tribunal must have competence or jurisdiction. Competence is based on one or more of these criteria: the wedding in question took place in the Diocese of Rockford, you live within the jurisdictional boundaries of the Diocese of Rockford, your former spouse lives within the jurisdictional boundaries of the Diocese of Rockford, or the majority of the witnesses that have information regarding your former union reside within the jurisdictional boundaries of the Diocese of Rockford. If the Diocese of Rockford lacks jurisdiction to hear your case, we will put you in touch with the appropriate Diocese.

DOCUMENTS

In each case the following documents must be submitted: a copy of the civil marriage record, a signed (by the Judge) and file dated copy of the divorce, a current copy of your photo ID, i.e.

driver's license, and \$100.00 filing fee. Civil documents are issued by the county court house in which the event occurred.

YOU, THE PETITIONER

As you prepare your testimony, you may find parts of the questionnaire inquire about very intimate details of the life of you and your former spouse. Other questions may cause you to recall some aspects of the relationship which were not pleasant. Our intent is not to assign guilt toward either you or your former spouse. Rather, we attempt to gather sufficient factual information so a decision can be rendered.

YOUR FORMER SPOUSE, THE RESPONDENT

Church laws respect the rights of your former spouse regarding these proceedings. The Tribunal must advise him/her of these rights. A Respondent's refusal to participate will not jeopardize the continuation of the case.

The Respondent has these rights: to respond in writing, to provide testimony, to provide witnesses, to review the evidence in the case, and to be advised of the decision and opportunity to appeal the decision.

ADVOCATE

The Petitioner and Respondent are each assigned an Advocate to take their testimony in the case.

WITNESSES

Every case requires witnesses. Witnesses can be relatives, especially parents, siblings and friends who are willing to present information known to them about you, your former spouse and the marriage. Usually four or more knowledgeable witnesses are sufficient.

Additional witnesses could include counselors, psychologists, psychiatrists and physicians who have counseled you.

CONFIDENTIALITY

Church law dictates that any testimony not protected by confidentiality is open to inspection by the Petitioner and the Respondent just prior to the final decision on the marriage case. Counseling/Medical testimony is always confidential, to be seen only by the Tribunal. A legitimate request for confidentiality by a party or witness on some issues will be honored. Also, the Judge on his own authority may declare any sensitive material confidential. These provisions thus adequately protect everyone's desire for privacy.

FEES

The Diocese of Rockford assumes most of the costs; the Tribunal assesses a fee of \$500.00. This includes the filing fee of \$100.00. Paid in installments, this fee is the Petitioner's contribution toward the expenses incurred. No one is ever denied a fair hearing because of an inability to pay this fee.

As you can see, the annulment process is lengthy and the investigation in-depth. Simply because you apply for an annulment does not guarantee a favorable decision. Because of the scope of the examination of each marriage in question and the number of pending cases, a case can usually be concluded in seven (7) to nine (9) months from the date of acceptance at the Tribunal. Permission to remarry in the Catholic Church cannot be granted before the completion of the entire process. To avoid problems, no plans for a future marriage should be made before that time. By Church Law, priests are not permitted to set a date for marriage in the Church until a declaration has been actually granted.

Having studied these issues, you may want to complete an Application. Your priest may assist you in this or you can contact the Diocesan Tribunal for assistance.

Diocesan Tribunal of the Diocese of Rockford
P.O. Box 7044
Rockford, IL 61125
(815) 399-4300 - Ask for Tribunal Office