

Usually four or more knowledgeable witnesses are sufficient.

Additional witnesses could include counselors, psychologists, psychiatrists, and physicians who have counseled or treated you, your former spouse, or both, for problems which caused or were indicative of marital maladjustment. If their input may be helpful to your cause, the Tribunal will assist you in arranging for the lawful submission of a report to the Tribunal, with proper consent as required by the counselor, doctor, or agency.

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 a 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 \$400. Paid in installments, this fee is the Petitioner's contribution toward the expenses incurred. *No Petitioner is ever denied a fair hearing because of an inability to pay this fee.*

As you can see, the process of declaring a marriage invalid is lengthy and the investigation in-depth. Simply because you apply for a declaration of invalidity 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 within 12 months from the date of the 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 dates for marriage in the church until a declaration of invalidity has been actually granted. The Tribunal is dedicated to dealing fairly with each case without undue delay.

Having studied these issues, you may want to complete the Formal Petition. Your priest can assist you in this. Each marriage needs a separate application. You may also contact the Diocesan Tribunal for assistance at the phone number or website listed below.

If you are recently divorced and contemplating a new marriage, you might consider attending programs sponsored by the Diocesan Office of Pastoral Services for the separated/divorced. Their phone number is (815) 965-5011.

Thank you for your careful attention to this important information. We want to help you and are here to serve you in every possible way.

Diocese of Rockford
Marriage Tribunal
555 Colman Center Drive
P. O. Box 7044
Rockford, IL 61125
(815) 399-4300
www.rockforddiocese.org

Do I Need A Declaration of Invalidity? (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 information contained in this brochure helpful in exploring the possibility of declaring a former marriage invalid.



Diocese of Rockford
Marriage Tribunal

Doctrinal Background: What Is Marriage And What Is A Decree of Invalidity?

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 or declaration of invalidity 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.

An “annulment” is more correctly termed a “declaration of invalidity.” Because the ecclesiastical declaration of invalidity 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.

Since the ecclesiastical judgment has no effect in civil law, children born to a non-sacramental union which is subsequently declared invalid are and remain legitimate in the eyes of the Church.

Competence

In order to hear your case the Tribunal must have competence. Competence is based on one or more of these criteria: the wedding in question occurred in this diocese; your former spouse resides in this diocese; you reside in this diocese; most of the witnesses reside within this diocese. If the Rockford Tribunal lacks jurisdiction to hear your case, we will put you in touch with the appropriate Tribunal.

Documents

In each case the following documents must be submitted with the Formal Petition: a copy of the civil marriage record and a signed and dated copy of the divorce decree. Civil documents are issued by the county court house at which the marriage or divorce was recorded.

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. We hope you find a sense of relief in relating your complete story to a caring Tribunal Advocate.

At no time are we intent on pointing a finger of guilt toward either you or your former spouse. Rather, we attempt to gather sufficient factual information so that an enlightened and just decision can be rendered.

The Respondent

At the outset of the investigation, the Respondent (your former spouse) must be cited so that he/she might provide input. Even if you have had no contact with your former spouse for a long time, you must use every reasonable means to determine his/her current address. There is, however, no need for you to have direct contact with that party.

Church laws respect the rights of your former spouse regarding these proceedings. The Tribunal must advise him/her of these rights, while simultaneously trying to enlist a cooperative attitude. A Respondent’s refusal to participate will not jeopardize the continuation of the case.

Generally the Respondent has these rights: 1) to review the documentary evidence offered in support of the Petition; 2) to respond in writing to the Petition; 3) to provide testimony; 4) to name witnesses; 5) to be advised of the decision of the case and to appeal it.

Advocate

Typically, the Petitioner agrees to assign the right to examine testimonies received in the course of the investigation to a Church official known as an Advocate. Similarly the Respondent has the right to request an Advocate. An Advocate assists a party throughout the process.

Witnesses

Every case requires witnesses. Witnesses are those relatives, especially parents, and friends who are willing to present information known to them about you, your former spouse, and the marriage. Since each witness is asked to respond to the Tribunal’s questions, any witness listed must be willing to testify, and must not be coached in any way.