



annulments:

Q & A

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Marriage is intended to form a lifelong family-building covenant between a man and a woman. A marital covenant is a bond between the husband, wife, and God that, once established, cannot be broken by any human means.

However, for a variety of reasons, it is possible to enter into a legal marriage without forming the sacramental covenant as intended by God. The Church, as a sign of Christ's mercy to His people, has spent much time in prayer and study to develop a means of determining the sacramentality of a marriage. When this process is entered into by a person or couple, they are often said to be seeking an annulment.

Although the word "annulment" is an inaccurate term for these proceedings, it is the common one used by most people. The correct terminology is either "nullity" or "invalidity" of a prior marriage. This booklet will use any and all of the words interchangeably.

The Church does not take lightly Jesus' definitive teaching on marriage, "what God has joined together, no human being must separate." (Matt 19:6b) However, she also seeks to share His mercy over abundantly with His people who are so hurt.

May God bless you!

The information in this booklet is general and not specific to any particular circumstances or cases. For more detailed information on your personal situation, please contact your parish.

What is an annulment and what isn't it?

An annulment (or declaration of invalidity) of a prior marriage is a statement made by a Church Tribunal that a marriage was not sacramental and no covenant was established.

This is not a civil law matter and has no bearing on the legitimacy of children or any other factors (such as property rights, financial responsibilities, etc) resulting from the marriage. The annulment process is strictly religious and falls under the guidelines of the Code of Canon Law, the laws of the Roman Catholic Church, and not under any civil authority.

What is the Tribunal?

The Tribunal is the court of the Catholic Church for the diocese whose major function is to determine the validity/invalidity of marriages. It uses the judicial procedures of the Code of Canon Law to, according to Pope Pius XI, “care for the dignity of marriage; to work for the good of persons.”

Why do I need an annulment if I got a divorce?

This process has nothing to do with the civil or state laws governing marriage. A legal divorce does not and cannot determine the covenantal aspects of a marriage.

Also, a divorce looks at the end of a marriage, what caused it to breakdown past the point of repair. In a nullity case, the Tribunal looks at the beginnings of the marital relationship, including the time prior to the marriage, to determine if, at the moment of consent in the wedding ceremony, a covenant was formed. If it determines that no covenant was established then the marriage is not valid in the eyes of the Church.

Finally, you don't *need* an annulment. Many people obtain a civil divorce and continue on with their Catholic faith life as a legally single person. However, if you choose to remarry or anticipate that you might someday want to remarry, seeking to determine the validity of your prior marriage sooner rather than later is a good idea.

Who do I talk to about an annulment?

The first step in the nullity process is to talk to the right person at the parish level. Often times this is the pastor or an associate priest, but it may also be someone the pastor has delegated and trained to serve this function for the parish called the Procurator/Advocate (P/A). Whomever your parish assigns to this role, they will usually want to sit down with you for a conversation before anything else.

Who will my priest or P/A discuss my situation with?

No one, except you and the Tribunal. In fact, if you are working with a P/A, they cannot even discuss your situation with the parish priest! Confidentiality and respect for the parties involved is taken very seriously. Think of it like doctor-patient confidentiality.

How long will a declaration of nullity take?

It may sound cliché, but that depends on the case. Every situation is different and the process to determine invalidity is very individual to each case. That being said, a good rule of thumb of about a year is average. Bear in mind that there may be some cases that go much faster than that and there may be some that go much longer.

It's never a good idea to compare your case to a friend or family member's experience or to take their word for how long it takes. The best answer is to simply talk to your priest or P/A about your situation and go from there.

I divorced and remarried outside of the Church, but now want to become Catholic. Do I need an annulment of my first marriage?

Probably. The Church assumes that all marriages are valid – meaning covenantal – even if celebrated outside of the Church unless proven otherwise. Therefore, any previous marriage would need to be dealt with as part of your process to join in full communion with the Catholic Church.

Why is my non-Catholic earlier marriage considered valid by the Church?

Non-Catholic marriages are considered valid unless proven otherwise because we didn't invent marriage, God did. The Church respects His divine plan for as described by Jesus in Matt 19. Because the Church holds God's law highest of all, even a non-Catholic marriage can be valid and is assumed to be so unless some canonical reason for nullity is proven.

My former spouse has passed away. Do I need to get an annulment?

No. Any bond of matrimony was severed at the time of death and so a declaration of invalidity would be unnecessary.

My civil divorce is not final yet. Can I start the annulment process?

No. You cannot begin to seek a determination of invalidity for a marriage that is still legally binding under civil authority. Why is that? Because one of the main objectives of a nullity case is to determine if there is any chance at reconciliation between the parties and if they are still legally married, then there is at least some potential for a reunion.

How much does an annulment cost?

The Diocese of Lansing does not charge for nullity cases. The entire cost is underwritten by the diocese through DSA funds. At the Tribunal level, a typical case costs the diocese approximately \$2000 and at the parish level it's usually about \$100. Donations to either/both the parish and the DSA are always graciously accepted, but no one will ever be denied any Church-based services due to an inability to pay.

Is an annulment for both spouses or just the one that filed?

A declaration of invalidity means that a covenantal marriage never took place. Since it takes two people to be in a marriage, if there was no covenant for one, there was no covenant for the other either.

Does an annulment make children illegitimate?

No. The basic answer is that whether a marriage is valid or invalid in the eyes of the Church does not alter the legitimacy of children born of that marriage. They are conceived legitimately in a civil marriage and are recognized as legitimate by the Church.

Is a request for an annulment an automatic “yes”?

No. While it may seem like everybody who asks for a marriage to be declared null gets an affirmative answer, that is not the case. “Only marriages that were null from the beginning can be declared null in the end.” (Peters, p124). Again, it is most important to discuss your situation with your priest or P/A.

What documents do I need to get started?

You will need to provide originals or certified copies of your Catholic Baptismal certificate (contact the parish where you were Baptized and request one be sent to the person assisting you with the case), marriage license (both former and current if you are civilly remarried), and all pages of any divorce decrees. Marriage and divorce documents are public record and you can get copies from the county clerk’s office where those events took place. Those official records will get you started, then your priest or P/A will advise you on what else you may need.

Resources:

Code of Canon Law. Washington, DC; Canon Law Society of America, 1983.

Foster, Michael Smith. *Annulment, the Wedding That Was: How the Church Can Declare a Marriage Null*. New York; Paulist, 1999.

Peters, Edward N. *Annulments and the Catholic Church: Straight Answers to Tough Questions*. West Chester, PA; Ascension, 2004.

<https://dioceseoflansing.org/Tribunal/frequently-asked-questions>