



Understanding annulments

In attempting to get (or understand) an annulment, have you been neglected or even hurt by someone in the Church?

First, I'm so sorry that anyone has treated you without the patient and loving regard that is due you and your marriage situation.

Marriage, divorce, and annulments are complex issues--and deeply misunderstood within the Church, sometimes by clergy and laity alike. It is our sincere desire to help to heal this wound within the Body of Christ. Let us know if there is anything we can do to help.

Secondly, please understand that due to the complexity of this topic and the uniqueness of each couple, I may not be able to answer all your questions, or address every issue, in this brief article.

Thirdly, always make every attempt possible to first reconcile the marriage, with enough time or professional help as necessary. Reconciliation takes TWO and it takes TIME.

What is an annulment?

It's not to be confused with a civil annulment. The formal term is "Declaration of Nullity", and 'annulment' has become the common phrase. Some basics:

(1) Catholic annulment addresses the possible invalidity of the marriage bond due to defective consent. This usually means when the couple said, "I do," one of them really didn't mean it fully, or was unable to live up to the basic rights and obligations of marriage for some very serious reason.

(2) While a marriage may be valid in the civil dimension, it can be invalid in the Church dimension.

Think of it, in a certain sense, as our living in two worlds: one limited to civil law, and one concerned with God's law . This process concerns itself with God's law as given to us through Scripture and the Church.

(3) The Church presumes (and defends) every marriage bond as being valid until proved otherwise. Despite heartfelt and good intentions, some people simply aren't able to live up to the vows they exchange, due perhaps to an addiction, severe immaturity, or some grave pressure such as an out-of-wedlock pregnancy.

Some have placed conditions on the marriage or reserved the option of divorce even though they hope it never happens. That reservation invalidates their "I do", changing it to "I do... only certain conditions". And there's more.

What could make a marriage invalid?

The marriage bond is presumed to come into being when consent is exchanged. But that consent can be defective, and it involves the *who*, *what*, *when*, *how*, and *why* you said, "I do".

The Church recognizes - in her wisdom- that some people just aren't capable of entering into a valid union. They have known or unknown agendas, spoken or unspoken conditions, serious pressures or mental, emotional, or psychological problems. Some may truly be unable to marry the way the Church requires.

And the church also recognizes—with the same love of justice and desire for mercy as Jesus—that imperfect people enter into what are called “attempted marriages”. Despite their good intent, their best efforts, and maybe a very long time, something vital was missing or in the way that prevented a true marriage bond from forming on their wedding day.

Like what? Maybe one spouse was married before and not free to marry again. Or one was grossly immature, under-age, under grave fear or pressure to marry (shotgun weddings), severely addicted, or refused to remain open to the gift of children. These are areas where the union can't reflect the free, total, faithful, fruitful love of the Bridegroom for His Bride and therefore consent cannot create a valid bond.

How does the Church determine these things?

It's often a thorough, detailed process that requires gut-wrenching honesty and careful, deep thought. The annulment process requires the skills of trained clergy and laity who take a good, hard look at the situation—including detailed interviews and testimonies—and (to the best of human ability) brings generous doses of God's justice and mercy to the decision making process.

Those who worry that annulments are 'too easily granted' can rest assured that the marriage bond is always considered valid until proven otherwise. And that usually takes sufficient and reliable proof by competent witnesses. Canon law is very strict, protecting both the marriage bond and the dignity of persons, and is not easily manipulated.

But what if we were married for twenty years?

It sometimes doesn't matter how many children you had or how long you were married: it's more about the original state of mind and intent at the "I do's". If you or your spouse is granted a Decree of Nullity, you are both free to remarry according to church requirements. Once the children arrive, most people find ways to avoid, escape, or manage serious marriage issues and can do so for decades. A troubled marriage, however, is not the same as having a serious defect from the start. A competent and experienced advisor can help you sort through this.

Does it make our children illegitimate?

No. It doesn't make your children illegitimate. And it doesn't deny the love, affection, family ties, and other goods and bonds between you and your spouse (ex-spouse). Sadly, these are myths that many Catholics believe.

Is it just a Catholic 'divorce'?

No. According to the Catholic Church a valid marriage bond can never be broken. Why? Because marriage is meant to image that unbreakable bond of permanent love between Christ and His Bride, the Church.

The church has no power to break a consummated, sacramental marriage bond, but she does have the authority to determine—after thorough investigation—if that bond never formed to begin with.

This does not mean there were not many times of genuine caring, affection, and beautiful children. Due to SERIOUS REASONS, even if the parties wanted and hoped for a valid marriage, maybe one or both did not have the capacity or full intent to live it out.

One example is when a person stands at the altar and thinks,
Well, I hope we make it, but if he or she ever cheats on me, it's a deal breaker. I'm outta here!

In that case the person has decided against the permanency of marriage. Their outward "I do" is contradicted (invalidated) by their interior reservations. But that lack of right intent must be clearly proven.

Isn't every marriage bond valid?

Sadly, not always. At the time the two said "I do", there may have been a grave condition that trumped validity.

For example, most pre-nuptial agreements hold something important back from the other spouse. It's a limiting condition that is a counter-image to Christ's fullness of giving Himself to us.

Most pre-nups anticipate the possibility of divorce and are self-protective rather than self-giving. They turn the wedding "I do" into "I do NOT give you all". Most people are unaware of these conditions or the effect they have on the couple.

Do I NEED an annulment after civil divorce?

No. Your marriage bond is presumed valid by the Church until proved otherwise and you are required to live in a way faithful to your vows, even if your spouse left or you had to leave.

It can be a difficult time but a beautiful path to holiness and redemption by continuing to live faithfully to your wedding vows.

Annulment is required if you are thinking about attempting marriage again. But many who have never remarried, and have no desire to, have still found it helpful to go through the process to determine what happened and for a sense of closure. It can bring many levels of closure.

Considering nullity also helps prepare you to defend the marriage bond in the event your spouse files for an annulment.

Some say the US is giving too many annulments. Is that true?

Yes and no.

One reason so many annulments are granted is that the weaker cases (with insufficient supporting evidence) get thrown out in the initial stages

Another is that for many decades, our culture has produced some of the most selfish, entitled, addicted, and depressed "adults" who married too soon or for the wrong reasons, or who were utterly incapable of living out the rights and obligations of marriage.

Perhaps it is not so much about the US tribunals being free with annulments as it is their recognizing the sad state of our culture and the need for grace.

But I still feel an annulment is wrong.

It is difficult to understand; but with patience and understanding—and separating it from the personal pain of a failed relationship—one can see the beauty and gift this process can be.

Still, yes, some who seek annulment are doing it for the wrong reasons.

Some people fear, resent, or fail to investigate or seek an annulment because they do not first have a full understanding of what it is.

In rare cases, the other spouse has issued grave threats, and someone may fear for his or her life in petitioning for an annulment.

This is a complex situation but worthy of more research and an open mind. You do not have to seek an annulment if you do not plan to remarry. But please don't deprive yourself and others of a beautiful gift out of lack of knowledge and misunderstanding.

You might want to find an informed priest or lay person who (1) has a sufficient understanding of canon law , and (2) is faithful to the Church's teachings and seek his/her counsel.

I still feel married, and I don't want an annulment!

You don't need to seek one, but it would be wise to investigate it anyway.

There are many benefits to taking a deep look at what happened: to help with forgiveness, reconciliation, or explaining to the children when they get older.

If the other spouse filed for a Decree of Nullity and got one, is the marriage over? Or should the remaining spouse continue to live as married?

Each person must decide, but only after an honest and careful study of Church teachings, competent spiritual direction, an open mind, and a heart willing to be obedient, accepting and without bitterness.

Some people freely choose to offer their remaining lives as a gift for their broken family. You do not need an annulment to continue to be a happy, holy member of the church community.

What happens in the annulment process?

First a brief overview of what happens, showing how the marriage bond is assumed to be valid until clearly proven otherwise:

- In any proceeding, both parties must be given the opportunity to respond in detail, to present their case, for why they believe the marriage bond was valid (or not). Their testimony must be detailed, factual and of sufficient depth to support a claim. If not, the tribunal may not be able to move forward.
- Both bring in as many appropriate and relevant witnesses as necessary to corroborate their testimony.
- Both parties can read and review the other side's responses and witness testimonies and address with any rebuttals. Some information may be kept confidential if it can be shown that there is serious reason for doing so. This will be at the judge's discretion.
- Any party can request a thorough psychological examination of the other.
- The favor of the law goes to UPHOLDING the MARRIAGE BOND. That means the burden of proof is on the one who claims the marriage bond was not valid. *The tribunal is not deciding (and you don't have to prove) the bond was valid; it is already presumed so,*
- A tribunal member is assigned to serve in the case as the "Defender of the (Marriage) Bond". Like a defense attorney, his/ her job is to protect and defend the validity of the marriage.

If a competent tribunal has made a thorough and proper investigation and has found the marriage bond to be invalid, then a faithful Catholic should obediently accept the authority of the Church tribunal as he/she would accept the decision of Christ.

As Catholics, the answer is not about how we interpret laws, or how we feel, it's about surrendering in obedience to the authority Jesus gave His Bride, the Church. Even when it seems unjust.

Sometimes it hardly seems right or fair! This is a complicated cross to bear, but not impossible with grace, and one that can be spiritually fruitful. Obey the church; trust God.

Court decisions may be appealed to a second local court or to Rome. Consult with your tribunal experts on the details of your case.

In most dioceses, annulments take about 9 months to 2 years, depending on the local case load and other factors. Lack of form and some other cases are much shorter. Consult with your local tribunal.

I'm not going to get an annulment. How do I live out my vows after he/she has gone?

If you believe you had a valid marriage bond, then you can (and should!) continue to live a holy and happy life alone, albeit after some time of mourning, forgiveness, adjustments, and lots of God's grace.

You can learn to love your spouse on another level, a higher level, by keeping him/her in your prayers, remaining kind if you still have contact, and never bad-mouthing him/her to others--especially the children.

And every good Catholic makes a thorough examination of conscience to see where he/she needs to go to the other person (even if he/she left you!) If and when possible, it can be freeing and healing to seek forgiveness for all the ways in which you failed your spouse, no matter who left.

Why do non-Catholics have to get annulments to remarry in the Church?

Every man and woman who said, "I do" are presumed to have a valid marriage bond until proved otherwise--Catholic or not. Scripture also tells us there is one Lord, one Body, one Church and this *all Christians who have been baptized are presumed capable of a sacramental marriage bond*, again, until proved otherwise. This is the Church's beautiful efforts to defend, protect and uphold every valid marriage bond.

Should I pray for my spouse/ex-spouse?

Yes ...and maybe no.

We always pray for those we love, but for some who are deeply angry or bitter it may easily slip into a self-righteous way of reminding God how bad the other person is and how much they need His salvation! Hey, we ALL do.

Long, continued prayers for someone who hurt us may indicate we need to stop for a while and pray for our own humility. One, heart-felt commending of that person to God may be enough...for now. For the right answer, just check your motives.

What does SCRIPTURE Say? Whatsoever you bind on earth shall be bound in heaven; and what you loose on earth shall be loosed in heaven. Matt 16: 18- 20

What does The CATECHISM Say? . . . the Church, after an examination of the situation by the competent ecclesiastical tribunal, can declare the nullity of a marriage. CCC 1629

