



Divorce, Annulments and Remarriage in the Catholic Church

What is the status of the divorced Catholic?

The divorced Catholic remains completely in communion with the Church. Like any other Catholic who is not conscious of grave sin, he or she may receive Holy Communion. The only exception to full sacramental participation is that the divorced person may not enter a new marriage in the Church.

Why can't the divorced person remarry in the Catholic Church?

Although civil divorce may be a practical necessity when a marriage cannot be saved, in the eyes of the Church it does not break the indissoluble bond of marriage. If the divorced Catholic attempts to enter a new marriage apart from the Church, this presents an obstacle to reception of the sacraments of penance and the Eucharist.

Is there any way in which a divorced Catholic can enter a new marriage with the Church's approval?

For the bond of marriage to be permanent or indissoluble, the marriage must be valid. If the Church's Marriage Tribunal discovers that a key juridical element was missing from the marriage, the marriage is invalid and it may be possible for the person to enter a new marriage in the Church.

What are these "key juridical elements" that make a marriage valid or invalid?

First, there is the form of the marriage ceremony. Catholics are usually aware that they must be married in the presence of a duly authorized priest or deacon and two witnesses, otherwise, the Church does not recognize the marriage as valid. This is a law that applies only to marriages involving at least one Catholic.

Second, the persons who marry must be free of impediments to marriage. For instance, a prior valid marriage is an impediment to a new marriage while either spouse is still living.

Finally, a marriage may be invalid because the consent of the persons was defective. Giving consent to marriage is not merely a matter of saying the right words. In order to be valid, this consent must be freely given, respectful of the true meaning of marriage and backed up by the capacity to fulfill the responsibilities of marriage. If the consent of either party is gravely deficient, the marriage is invalid, and the permanent bond of marriage has not arisen. In the mind of the Church, free and informed consent is essential for every marriage, of Catholics and non-Catholics alike.

What is involved in proving that a marriage is invalid?

Proving that a marriage is invalid or null begins with an appointment with your pastor. He will explain what kind of process must be followed and the various documents and testimonies you will need. Usually, you will have to provide your marriage certificate, divorce decree, your former spouse's address, names and addresses of persons who have some knowledge of the marriage, and the name of the Catholic Church where you were married. Your pastor (or another pastoral minister) will assist you in "telling the story" of the marriage. This written account of your background and the history of the marriage has special significance in understanding the capacity of the parties to give consent to marriage.

Your pastor submits your documents and testimony to the Tribunal. This office requests testimony from the former spouse and witnesses. When all documents and testimonies are gathered, the Tribunal reviews the case and makes its decision. If the judge determines that the marriage is invalid, his decision is final unless it is challenged by either party. In this instance, it must be submitted to the Metropolitan Tribunal of Seattle for review. Both parties are notified of the outcome.

Does every petition for an annulment have to go through this entire process?

No. The procedure outlined above is called a "formal case" and is required when the consent of the marriage partners is the reason for nullity. When a Catholic has entered marriage without the proper Catholic form of marriage, or when a prior bond of marriage is the reason for nullity, proof by documents with a small amount of testimony is sufficient. There is also a provision known as the "Pauline Privilege" by which the Church allows a newly baptized convert to enter a new marriage if married life with an unbaptized spouse has become impossible.

What are the effects of an annulment?

The annulment granted by the Church has no civil effects. Provisions in a divorce settlement regarding property and obligations to children remain intact. In the law of the Church, the status of children is not affected. They remain legitimate because they were born when the union was regarded as a valid marriage. The only effect of the Church's annulment is that the parties are free to enter new marriages. The Tribunal may require the parties to receive counseling before permitting new marriages.

When should a person petition for an annulment?

The Tribunal requires persons to wait for a year after a divorce before petitioning for an annulment. The trauma of divorce needs time for healing. Oftentimes, the petition for an annulment comes about when a person is planning to remarry. Bear in mind that priests will not schedule a marriage until after the annulment process has been completed and a declaration of nullity has been granted.

How long does all this take?

With the cooperation of all involved, a case may be resolved within six months.

How much does this cost?

The Tribunal requests an offering of \$200 for formal cases. We ask fees of \$25 to \$100 for other cases. Service is not denied for want of money.

Can just about any marriage be annulled?

Not every marriage that fails is an invalid marriage. When the consent of the parties is the key element being investigated, proof of nullity requires evidence that one or the other party was gravely deficient in the understanding of marriage or in the capacity to assume essential obligations of marriage. Sometimes, this proof cannot be found.

What happens when a Catholic wants to marry a divorced non-Catholic?

The divorced non-Catholic who wishes to enter marriage with a Catholic must submit a petition for nullity to the Tribunal.

Can a divorced non-Catholic become a Catholic?

Yes, but if the divorced person plans to remarry, a petition must be submitted to the Tribunal.

Didn't Pope Francis reform the annulment process?

Pope Francis enacted new legislation intended to simplify and expedite the procedures for judging petitions for declarations of nullity. These FAQ's have been revised to incorporate these changes. Pope Francis undertook this initiative to encourage divorced Catholics who have remarried.

These persons may have acted with an upright conscience in remarrying, but the new marriage is not in compliance with the legal structures of the Church. That is to say, they know their marriage is not recognized by the Church. He earnestly desires that Catholics in this situation be helped as much as possible to bring the canonical status of their marriage into harmony with their conscience. The hope of the Tribunal is that something more important than legalism is at work. The thoughtful consideration of a broken marriage can bring unexpected spiritual benefits. The Tribunal invites you to courageously seek assistance from the Church's ministers in welcoming these graces.

For further information, contact your local parish or the Office of Canonical Services:

<http://www.dioceseofspokane.org/office-of-the-tribunal-1>

Diocese of Spokane

Office of Canonical Services

PO Box 1453

Spokane WA 99210-1453

(509) 358-7336