

ABOUT ANNULMENTS IN THE CATHOLIC CHURCH:

First of all, there are many misconceptions about how the Catholic Church handles divorced and separated Catholics. One of the most troubling of these misconceptions is the perception that divorced or separated Catholics are no longer welcome as members of the Church, or that in order to remarry in the Catholic Church people need to pay large sums of money to get remarried in the Church and that the process is very very difficult.

But the worst misconception is that somehow, after a process of handling a previous marriage that ended in divorce, the Church then declares the children that were born in the family from that marriage as illegitimate.

These perceptions are simply untrue but have resulted in many people turning from their faith. This is why we are posting this information for you.

The pastorate of Church of the Resurrection and St. Paul would like to reach out and WELCOME YOU and to help you with any blessing of a marriage in the Catholic Church if you have divorced and have remarried in a non-Catholic ceremony, or would like to marry again.

The cost of anything involved in this, from the annulment process to a blessing of your marriage after the process is completed is zero, nothing.

And I'd like to say: We look forward to worshiping with you and to welcoming you home. Please look into the annulment process if you are divorced and need to get help with either blessing a non-Catholic wedding or in getting remarried in the Church. We want to help you.

At the bottom of this document is some information about getting an annulment and how to start. Below is some information on: "What is an annulment?" and "Fourteen Myths About Annulments."

WHAT IS AN ANNULMENT? HOW IS AN ANNULMENT DIFFERENT FROM A DIVORCE?

A divorce is a legal action that dissolves a civilly valid marriage for any number or reasons. An annulment is a church ruling stating that one or more elements necessary for a valid marriage in the Church did not exist at the time of the marriage, when both parties exchanged vows at a wedding. So that the marriage is declared null (or not valid) and the parties are free to enter into a valid marriage in the Church (continued below).

WHAT IS THE CATHOLIC TEACHING ON DIVORCE?

In the New Testament Jesus did talk about being opposed to divorce. In Matthew 5:31-32, he opposes divorce. He does the same in Mt 19:3-9 and Mark 10:2-12. Because of this, the Church has wrestled, through the centuries, with how to deal with the issue of marriages where there were significant problems. So that the Church wondered how to handle the case of a twenty-one-year

old young woman who married a spouse abuser, and wanted out of that marriage. Was she to remain single the rest of her life after leaving him? Or, worse yet, to stay in the marriage and be abused?

A couple of generations ago we had the Second Vatican Council (1962-65), and during this council, some statements were agreed upon by all the bishops of the world that enhanced the traditional Church definition of marriage. Traditionally, before that time, the main definition of marriage, by the Church, was for "the procreation and education of children." Therefore, before that time, getting annulments pretty much revolved around not consummating the marriage, a lack of openness by one party to engage in sexual intercourse, or if informed consent to get married had not been freely given. But a document from Vatican II, *Gaudium et spes* (on the Church in the Modern World), spoke of Marriage as "a communion of life," and told us that:

"Through this union they experience the meaning of their oneness and attain to it with growing perfection day by day. As a mutual gift of two persons, this intimate union as well as the good of the children imposes total fidelity on the spouses and argues for an unbreakable oneness between them."

So, the Church adopted a definition of marriage that did include that it was open to new life and procreation, but also that it was a relationship through which two persons were to grow, in a covenant relationship, to lift one another and their family up in love, and to grow together spiritually.

Work then began to change the laws of the Church to reflect the work of the Holy Spirit at Vatican II (which was a worldwide council of the bishops of the Church acting in union with the Pope – and so at the highest level of Church teaching). A new Code of Canon Law was then introduced in 1983. And you can see the difference in the definition of marriage from how it was defined earlier.

1917 Code of Canon Law

Canon 1013 §1. The primary end of marriage is the procreation and education of children; its secondary end is mutual help and the allaying of concupiscence.

§2. The essential properties of marriage are unity and indissolubility, which acquire a particular firmness in Christian marriage by reason of its sacramental character.

1983 Code of Canon Law

Canon 1055 §1. The marriage covenant, by which a man and a woman establish themselves a partnership of their whole life, and which of its own very nature is ordered to the well-being of the spouses and the procreation and upbringing of children, has, between the baptized, been raised by Christ the Lord to the dignity of a sacrament. (English Canon Law Society translation)

With this change, the Church, worldwide, began to grapple with many new grounds by which a marriage can be declared invalid. And maybe now we are at a typical place in which the Church finds itself when trying to be, on the one hand, faithful to the teachings of Jesus Christ, and on the other hand, attempting to be faithful to the needs of honest, good Christian people who simply

want a new start after a marriage that did not work out.

Sometimes ex-spouses are hurt that the Church has granted an annulment to someone to which they were married. This happens. Sometimes other people, on the other hand, are offended that the Church even asks any questions of a person attempting to remarry in the Church, that the Church is being too pushy or controlling or bureaucratic. But, in the end, the Church is trying to find a way to be faithful to Christ AND his people.

As a priest of the Archdiocese of Baltimore, I myself have seen a change in my view of annulments over the years. For a while, on the one hand, I once thought of them simply as a barrier to people which we needed to remove, I now would not want to be part of a faith community that simply asked no questions of those seeking to remarry. A person could be violent or incapable of fulfilling the vows they were about to profess, and we could be missing an opportunity to save another person a great amount of trouble simply by doing a little paperwork. So we do that. And also, someone might be neglecting to give proper respect to previous commitments in their life (child support? etc.) which we would also want to remedy before having a public event, sponsored by the faith community, for all to witness.

But, in the end, I am sorry if anything in the annulment process seems off-putting to you, and I simply ask that you maybe find a place in your heart to still love this flawed, imperfect Church and the flawed imperfect processes it has. I also invite you to read below to see if we might help you better understand this process. It's interesting to note however that fewer than twenty percent of divorced Catholics actually do petition for an annulment. The vast majority of divorced Catholics simply do not.

On top of that, since over eighty percent of divorced individuals remarry, one can only assume most do so outside of the faith community. This is a reality which undermines the faith community, and I pray for the continued commitment of bishops, canon lawyers and dedicated personnel who staff our tribunals to reach out to as many in our Church as is possible.

PEACE! Fr. Andy

Fourteen Myths About Annulments in the Catholic Church

There are many misconceptions surrounding declarations of nullity. You may have heard some of them: The process takes years to complete! It costs thousands of dollars! It only matters who you are, or, who you know! Misconceptions need to be confronted. So let me address some of the more prevalent ones and refute them.

MYTH NUMBER ONE:

“A Divorced Person is Automatically Excommunicated from the Catholic Church.”

The truth is that divorce does not change, in any way, a person's status in the Catholic Church. Although it has been a widespread misconception for many years, it is a myth that a divorced

Catholic is "excommunicated," this is, not able to receive the sacraments within the Church.

MYTH NUMBER TWO:

“An Annulment Costs Thousands of Dollars.”

This is not true. Annulments are free in our Archdiocese. Pope Francis decreed during his time as Pope that all annulments around the world should be free.

MYTH NUMBER THREE:

“If an Annulment is Granted the Children will be Illegitimate.”

A declaration of nullity does not affect the legitimacy of children born of that union. Any statement or belief to the contrary is simply wrong. The laws of the Catholic Church clearly state that legitimacy is not called into question (cc. 1137 & 1138). Tragically for children, this misconception is too common. For the dignity of our children this fallacy needs to be confronted.

MYTH NUMBER FOUR:

“It Takes Three to Five Years to Get an Annulment.”

The truth is that every annulment case is different, and some processes are longer than others, but few cases ever take more than 12 months from start to finish. Decades ago, it did take several years, but today the longest process is usually finished in 6 months. And some types of cases can be finished in a month or less. Pope Francis made some modifications of the process that have helped to shorten the amount of time needed to complete the process as well.

MYTH NUMBER FIVE:

“Anyone who Applies (and Waits Long Enough) Will Get an Annulment.”

This complaint is sometimes made by an ex-spouse who is unhappy that the Church is allowing their ex-spouse to remarry in the Church after having granted an annulment. The truth is that Tribunals do give negative decisions. The burden of proving a case rests on the person asking for the annulment, and the opinions of the other party in the marriage is always considered. The representatives of the Catholic Church who work on these cases look for sufficient grounds for declaring a marriage invalid. The Tribunal will help the person asking for an annulment to understand what's needed to develop a case, but if there isn't enough proof, the Tribunal will give a negative decision.

MYTH NUMBER SIX:

“The Ex-Spouse Has to Agree to an Annulment Or It Can't Be Granted.”

The truth is that both spouses have equal rights in an annulment proceeding, but that doesn't mean that the ex-spouse of the person who starts the annulment process has to agree to an annulment. The truth is that the Tribunal judges can grant an annulment even if the ex-spouse is adamantly opposed to the idea of an annulment.

MYTH NUMBER SEVEN:

“An Annulment is Just "Catholic Divorce".”

A declaration of nullity is not a dissolution of marriage. It is not a "church divorce." Rather, it is a decision by representatives of the faith community of the Church that a valid marriage had not happened, after all, in a marriage under discussion. Through getting testimony from the ex-

spouses, and those who knew them during their marriage, they try to get a sense of what happened in the marriage, and what that says about their real ability to commit to one another in marriage. Church Law (Canon Law) states that marriage is brought about (c. 1057) through: (1) the consent of the parties (the bride and groom), (2) legitimately manifested, (3) by those qualified according to the law (again, the bride and the groom). If a tribunal investigation determines: (1) the consent was defective, then marriage was NOT brought about, (2) if the consent was NOT legitimately manifested, then marriage was NOT brought about, (3) if one or both of the persons was unqualified according to law, then the marriage was NOT brought about. In each situation there is a judicial determination that marriage had not been brought about as had been presumed. There is no dissolution of a marriage bond.

MYTH NUMBER EIGHT:

“An Annulment Means The Marriage Never Took Place.”

The truth is that an annulment can't erase history. An annulment in the Catholic Church deals only with the sacrament of marriage, and not the legal, historical, emotional experiences that two people had in a marriage. An annulment states that the couple were not able, in some way, to give themselves to each other in a sacramental marriage: That is, in the kind of marriage that was defined above in Church/Canon Law, A union of two persons that is open to making a family and also is about lifting one another and their family up spiritually. An annulment does not say that the marriage never took place.

MYTH NUMBER NINE:

“The Tribunal is Like a Courtroom, With Judges, Witnesses, lawyers, & Cross-Examinations.”

The truth is that the Tribunal is a Court of Law for the Church, but it is very different from a civil courtroom. Instead, all of the work is done in writing, and there is never an emotional courtroom scene as in television dramas.

MYTH NUMBER TEN:

“The Idea of An Annulment Is Pure Legalism in the Catholic Church.”

The truth is that an annulment is "packaged" in a legal environment, since that is the best way to protect the rights and interests of everyone involved, but it is far more than a "legalistic process." Many people who've gone through an annulment have found peace and insight into themselves and their marriages. It is a myth that the only concern of the Church in an annulment is legalism, but through the Tribunal process the Church invites you to find healing, forgiveness, and new joy. In some churches remarriages are performed with no questions asked, and that may seem “more pastoral” or “tolerant” or “kind” at first glance, but the Catholic Church doesn't want its' members subjected to physical or emotional abuse, or a host of other serious problems in a marriage simply because of the community's (the Church's) lack of energy or interest to try to help the couple have the best new marriage they can have. It would be easier for the Church to simply perform marriage ceremonies, at will, for everyone who asked of them. But the community wants to help. Maybe look at it that way, even if it is a bit of a pain in the neck.

MYTH NUMBER ELEVEN:

“In granting a declaration the Church doesn't care about all I endured in my marriage.”

The Church cares a great deal for persons who have suffered in marriage. Petitioners, Respondents and witnesses are treated with pastoral care and sensitivity by tribunal personnel. In addition, when a declaration is granted, both parties are free to marry again in the Church UNLESS either is restricted from doing so (cc. 1684 & 1685). The right to marry is based in the natural law. However, it is not a limitless right - certain restrictions may be placed upon its exercise (for example, the diriment impediments discussed in a previous part of this series). A tribunal investigation may surface patterns of physical, sexual, chemical, or emotional abuse. Patterns of self-destructive behavior may also be evident. Individuals may suffer from untreated, though diagnosed, psychological illnesses. These instances, and others, may warrant a restriction regarding a future marriage until the issues are satisfactorily addressed. The good of the individual, future spouse and children, and the sanctity of the sacrament demand this cautionary tool.

MYTH NUMBER TWELVE:

“In granting a declaration the Church doesn't care about all the children endured.”

The Church is very concerned for the welfare of the children of divorce. The Church insists that parents do all in their power to provide for the physical, social, cultural, moral and religious upbringing of their children (c. 1136). Judges admonish parents to fulfill both their civil and ecclesial obligations to children when a declaration of nullity is granted (c. 1689). Parents must also verify that their obligations to children are met before they remarry in the church (c. 1071.1).

MYTH NUMBER THIRTEEN:

“There are too many declarations granted in the United States.”

The United States vs. other countries. In the last twenty years, the numbers of declarations are much higher in this country than they had been in the past. Yet this is due to the fact that the procedural laws governing marriage cases were expanded in the late 1960's. Cases no longer had to go to Rome. They could be adjudicated locally. The appellate system was also somewhat streamlined. Furthermore, Roman jurisprudence was expanded in the light of the teaching of the Second Vatican Council. Cases could be heard on new grounds of jurisprudence. Tribunals across the United States are operative so that individuals may vindicate their rights. The bishops of our country have invested personnel and resources to ensure the church's jurisprudence and procedural law are fulfilled. Unfortunately, such an investment in justice is not as evident in other parts of the world. This is why the numbers in the United States appear high. In fact they are skewed.

MYTH NUMBER FOURTEEN:

“It only matters who you are, or, who you know.”

This is not true. It does not matter the name or position of the Petitioner, Respondent or any witness. Everyone is treated with the same procedural rights in law. No one is penalized for being well known. No one is penalized for being unknown. Everyone is treated fairly and in accord with the norm of law. No officer of the court is permitted to take part in a case in which there is a family relationship, close friendship, animosity, or desire to profit or avoid a loss (c. 1448).

How to start the process

To start just call the office that handles these cases (the Tribunal of the Archdiocese of Baltimore) at 410-547-5533. They will get you started with a form to fill out that you can download from the Archdiocesan website.

Or you can go online:

1. Go to www.archbalt.org
2. At the top of the home page, click on “ABOUT US.”
3. Once the long list of options appears, click on “marriage tribunal.”
4. Then you’ll see a whole page, click on where, in a different color, the text says “Intention to Petition for Nullity.” You can fill out form and EITHER mail, snail mail, to the address for the Tribunal of the Archdiocese of Baltimore shown there, OR you can open up, also in a different color, where it says “email” and attach your form and send by email.

If you still have any worries about this process after reading this form, please contact the pastor of Church of the Resurrection and St. Paul. We know that there are some extreme cases where even contacting an ex-spouse might be something you aren’t sure you want to do.