

# Frequently Asked Questions about Marriage Annulment in the Catholic Church



Office of the Tribunal  
Diocese of Fargo  
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## What does the Catholic Church believe about marriage?

The Catholic Church believes that marriage is characterized by unity (monogamy) and indissolubility (permanence). Marriage is between one man and one woman, who promise to be faithful to each other. Marriage is a partnership for the good of the spouses, who are open to the procreation and education of children. It is a partnership of life and love in which a man and a woman mutually and freely accept each other and bestow on each other the very gift of themselves.

## Is marriage a sacrament?

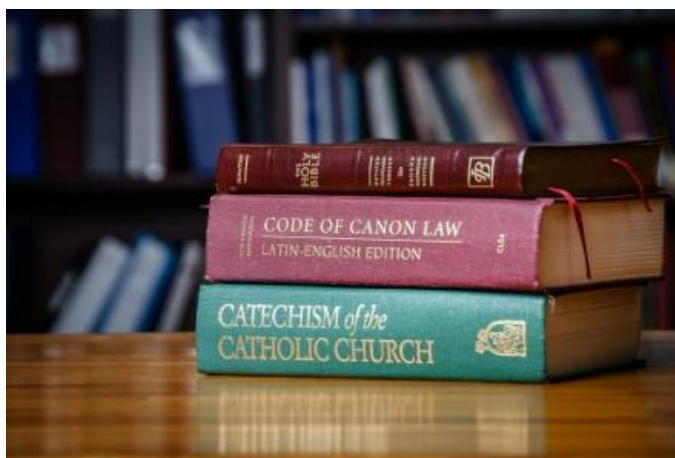
If both spouses are baptized, the marriage is a sacrament.

## Does the wedding have to take place in a Catholic Church?

If both of the spouses are Catholic, the wedding ceremony would take place in one of the parishes of the Catholic couple. Using the Catholic ritual in a Catholic Church is called the “**form of marriage**”. If one of the spouses is non-Catholic, the couple can request a “**dispensation from form**” from the bishop. This allows the couple to have the ceremony in a non-Catholic Church or some other location.

## Can non-Catholics receive the sacrament of matrimony too?

Yes. Any two people who are validly baptized give the Sacrament of Matrimony to each other through the exchange of their mutual consent.



## **What are we consenting to in a marriage?**

We consent to being open to the procreation and education of children, committing to a permanent relationship, and to being faithful to your spouse.

*What are we consenting to in a marriage?*

## **Does a priest have to be present?**

The requirement for a priest or deacon to witness a marriage is normally necessary for Catholics. The priest or deacon acts as the official witness for the Catholic Church. A dispensation from this requirement may be obtained from the bishop through your parish.

## **What about a marriage in which one or both are not baptized?**

These marriages are considered a “natural bond” and presumed to be valid, although not sacramental, by the Catholic Church.

## **Isn't marriage forever?**

The Catholic Church believes that every valid, sacramental and consummated marriage is absolutely indissoluble. No government or person can dissolve such a marriage. Not even the pope.

## **How then, is it possible to declare a marriage invalid?**

Marriages are presumed to be valid. This presumption can be overturned if one or more of the essential elements or properties of marriage are proven to be absent from the beginning of the marriage. Each marriage is studied based on testimony gathered. The judges then issue a judicial sentence regarding the validity of the marriage. This decision is not a moral judgment on the lives of the parties involved, and it does not attribute blame to either party.

## My spouse was unfaithful and my marriage ended in divorce. Isn't infidelity grounds for an annulment?

Sometimes applications for an annulment (declaration of invalidity) fail. Many applicants believe that infidelity in a marriage will automatically prove that the marriage was invalid. This assumption is not correct.

It must be remembered that the marriage study is based upon your intentions *at the time of consent*. There is a big difference between never intending to be faithful from the beginning of the marriage and an indiscretion that occurs years into the marriage. An episode of infidelity does not necessarily invalidate a marriage.

## Does getting an annulment mean I was never married?

Civilly, you were married. You went through a ceremony, pledged yourselves to each other, perhaps had children and built a home and a life together.

The Church attempts to determine whether all the elements of the bond as the Church understands it were present on the day you consented to marriage.

*Does getting an annulment mean I was never married?*

- Did you intend to be faithful?
- Did you intend to offer your life for the good of your spouse?
- Did you intend to be open to children?
- Did you intend your relationship to be permanent?
- Were you willing to hand over conjugal rights?

All of these intentions **MUST** be present for both parties for a valid bond.

In addition, you must have been mature enough to understand what you were agreeing to, and not have been overly pressured into the marriage. Was there a pregnancy or a military obligation that compromised your ability to make the decision? Was there family pressure? Consent must be the result of a free and adequate decision in order to bring about a valid marriage.

The Church determines through a judicial process whether or not all the elements of a valid bond were present at the time of consent.

### **What about couples married for many years? How can a long-term union suddenly be declared invalid?**

We meet some couples who have stayed together for decades for the sake of their children, social appearances, personal business, or family pressure. Merely “staying together” is much different than what the Church expects of a true partnership. Again, the question is always regarding the intentions and dispositions of the party *at the time of the wedding*.

### **What is a Tribunal?**

A Tribunal is a Church court made up of canon lawyers (people who have advanced degrees in the Church’s legal system) who are appointed by the bishop to review, prepare and judge marriage cases. Judges decide the outcome of each case based on the facts and testimony presented.



## **What is the purpose of the Tribunal?**

Everyone has the right to know their status in the Church. The Tribunal, like any court, examines facts, circumstances, and testimony. Unlike most other courts, we do so in order to come to moral certainty about a person's "state of life", and whether they can be considered free to marry or pursue a religious vocation.

## **What happens if a marriage is declared invalid?**

If a marriage is declared to be invalid, the parties to the marriage, and certain court officials have 15 days to appeal the decision. If there is no appeal, the Tribunal's sentence becomes "executable" and a person is no longer considered bound by the previous relationship.

## **Do all cases receive an affirmative decision?**

No. Just like in any court, evidence, testimony, and established facts determine the outcome of a case. Sometimes invalidity simply cannot be proven.

## **If an affirmative decision is granted, does that mean both parties can marry?**

Provided that there are no other relationships which must be adjudicated, both parties are free to marry once they have fulfilled the conditions set forth by the Tribunal.

## **Why would conditions to marriage be attached?**

The Church wants to be certain that the same factors which caused the invalidity of the previous marriage are no longer

present. Professional counseling is sometimes required. The Tribunal might require an evaluation by a priest or counselor to verify that both parties have the proper intentions and are capable of assuming the obligations and responsibilities of marriage. In all cases, pastoral counseling in marriage preparation will be required.

### Are annulments expensive?

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**No.** In the Diocese of Fargo, **the marriage nullity process is free.** Because it is very important to the Diocese that applicants are fully able to live out their lives as practicing Catholics, the Diocese of Fargo absorbs the cost of the annulment process. After the completion of the process, a free-will donation is requested. Any psychological assessments or counseling is at the individual's expense.

### Why would a negative decision be given?

The law protects the Catholic Church's teaching that marriage is permanent and indissoluble. Canon law states that all marriages are presumed to be valid until proven otherwise. A negative decision means that the judge did not have enough evidence to overturn the presumption of validity in a particular marriage.

### Does a decision by the Tribunal have any civil effect?

In the United States there is no civil effect from an annulment. All of the civil effects of the divorce should have been settled in civil court; therefore a Tribunal decision has no effect on child custody, property rights, alimony, etc.

## Does a Declaration of Invalidity affect the legitimacy of our children?

**Absolutely not.** Children are legitimate. The Catholic Church believes each child to be a gift from God; therefore, the law of the Catholic Church explicitly states that children born of a marriage that is later declared invalid are legitimate.

## How do I begin the annulment process?

Generally speaking, a person contacts their local parish and speaks with their pastor. Together, the petitioning party (applicant) and his or her pastor fill out the application for a study of the marriage. Once all the forms have been completed, they are sent to the Tribunal office.

## How long will the process take?

Each case is different. There are many factors involved. It is impossible to predict the length of time a particular case may take. It is important for the parties and witnesses to finish any paperwork promptly. We try to hear cases as quickly as possible.

***No plans for a future marriage in the Catholic Church may be made until the parties are declared free to marry.***





## **Must the other spouse be contacted by the Tribunal?**

Yes. The citation of the Respondent is a critical part of any judicial or administrative action by the Tribunal. Canon Law requires the citation so that the rights of all parties are protected.

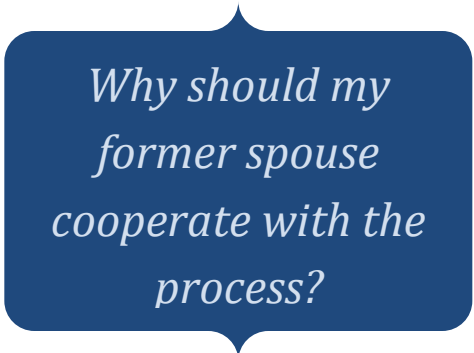
## **What if the whereabouts of the former spouse are unknown?**

The Tribunal will ask the Petitioner to make every effort to discover the present whereabouts of the former spouse. However, if he or she cannot be contacted, the case may proceed in the absence of the Respondent spouse.

## **Why should my former spouse cooperate with the process?**

The Respondent is one of the principal parties to the marriage being reviewed. The Tribunal wants to obtain a clear and objective picture of what happened in the marriage, why the union ended and what elements, if any, were missing from the outset. The cooperation of both spouses would obviously help in this endeavor.

Secondly, the process is potentially beneficial to both parties, and so it is in their best interest to cooperate fully and honestly.



*Why should my former spouse cooperate with the process?*

## **What if a former spouse refuses to cooperate?**

Because this procedure affects both parties, the former spouse must be cited and given the opportunity to participate. If he or she does not wish to cooperate, the Tribunal will make a decision on the basis of the information available.

## Are witnesses necessary?

Yes. The Tribunal will ask both parties to provide names and contact information of people who are willing to assist the Tribunal in gaining a better understanding of the marriage and the reasons why the union ended.

## Can anyone be a witness?

Witnesses should be chosen on the basis of their objective knowledge about either one or both of the spouses, or the former marriage.

Since the time of consent is being reviewed, the witnesses should be persons who have known them since the marriage began. This could include parents, family, friends or counselors. Citing children of the marriage or a present spouse is discouraged.

## Who makes the final decision?

The Law of the Catholic Church normally requires that three judges be assigned to each case to make the final decision. However, in some circumstances, only one judge may be assigned.



## Is a divorced person excommunicated from the Catholic Church?

No. A Catholic is not excommunicated when he or she is divorced. A divorced person is fully and completely a member of the Catholic Church.

*Can a divorced Catholic receive Communion?*

### Can a divorced Catholic receive Communion?

**Yes.** There is nothing in divorce itself that prevents divorced Catholics from receiving the Eucharist and the Sacraments of Penance and Anointing unless they re-marry outside the Catholic Church.

### Does that mean a divorced and remarried Catholic can receive Communion too?

No. Catholics who remarry civilly without having their marital status reviewed by the Tribunal should not receive Communion.

### Why should a person whose marriage has ended in divorce seek Tribunal assistance?

There are many reasons. First, all Catholics have a right to know their canonical status in the Catholic Church. Secondly, the process can be a profoundly healing experience – healing within one's self, with the Church, with significant others in one's life, and, above all, with the Lord.

## What happens if we don't receive a Declaration of Nullity?

The parties should contact their pastor and talk to him about their marital status in the Church. The pastor may suggest one of several alternatives:

- If new grounds can be established, the case can be re-submitted in the local Tribunal. However, new evidence must be added.
- The original case may be appealed to the Court of Second Instance, or the Roman Rota at the Vatican.
- A person may remain single and in full communion with the Catholic Church.

**If you have more questions about marriage annulment in the Catholic Church, please contact your pastor or the Office of the Tribunal in the Diocese of Fargo at:**

**(701) 356-7940**  
**[tribunal@fargodiocese.org](mailto:tribunal@fargodiocese.org)**



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