4. You will be responsible for getting your former spouse's current address to us. Every attempt will be made to contact your former spouse. He/she will be invited to participate in the Tribunal investigation by being interviewed, and possibly naming witnesses. While the Tribunal has a strict obligation to contact your former spouse, it also has a responsibility to proceed with a case, even without the participation or approval of the other party.

5. Your former spouse, your witnesses and the witnesses named by your former spouse, if any, may be interviewed. Please note, both of you will have the right to read the testimony of the case although you are not required to do so. It will be your responsibility to request professional reports if applicable.

6. All material will be typed and collated, then evaluated by a Defender of the Bond, a canon lawyer whose role is to defend the bond of marriage by raising any reasonable objections to granting a Declaration of Nullity.

7. The case will then be studied by three judges, qualified canon lawyers who, in view of all the information gathered, and based on the laws of the Church, make a decision to declare or not to declare nullity.

8. You and your former spouse will be notified by mail of this decision, and given a specific time period to appeal (to formally object to) this decision.

9. Each case, whether or not one of the parties formally appeals the first decision, is forwarded to the St. Paul Metropolitan Tribunal (St. Paul-Minneapolis). The St. Paul Metropolitan Tribunal reviews every Catholic marriage nullity case in this province, and either confirms the first Tribunal’s decision, or renders a contrary decision.

10. Both parties are notified, again by mail, of the decision of the St. Paul Metropolitan Tribunal. If the first affirmative decision is confirmed, the process is complete, and the parties are no longer bound by the first marriage. It is important to note that, even when a Declaration of Nullity is granted, there is no automatic permission for either party to remarry. The Church, entrusted with upholding and protecting the dignity of marriage, must be reasonably certain that any new marriage in the Catholic Church will not suffer from the same cause or defect which rendered the first marriage invalid, or from some new cause of defect.

Christ the Lord calls upon the Church to be a community of healing and reconciliation. The legal procedures of the Church’s Tribunals are based on the principle that our faith community cares about those who suffer from broken marriages. It is our hope this pamphlet will have addressed some of your questions and concerns about marriage, Declaration of Nullity, and the role of the Tribunal.

Anyone wishing to apply for a Declaration of Nullity, or wishing to inquire about their own marriage situation, is invited to call the Tribunal at the phone number listed on the front of this pamphlet.

In some situations, Declarations of Nullity are given for reasons other than inadequate consent. The Tribunal will indicate to the Petitioner if this is possible in a particular case.

The Tribunal also deals with the Dissolution of marriage for proven non-baptism of one or both parties and for cases of non-consummation. Different norms regulate these cases, which will be dealt with as they arise.

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The Catholic Church and the Nullity of Marriage

Fargo Tribunal
Pastoral Center
5201 Bishops Boulevard, Suite A
Fargo, ND 58104-7605

www.fargodiocese.org/tribunal
Phone: (701) 356-7940
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The Catholic Church teaches that marriage is an intimate, exclusive, equal, loving, and permanent partnership of a man and a woman, which exists for the good of the spouses and the procreation and education of children (CIC can. 1055). Marriage is brought into being by the voluntary and deliberate exchange of consent (marriage vows) of the parties (can. 1057). For the good of all concerned (spouses, children, families, society and the Church), every marriage (whether of Catholics or non-Catholics) is presumed valid (can. 1060). This is the constant teaching of the Church.

While the Catholic Church upholds the dignity, sacredness, and permanence of marriage (can. 1056), it cannot ignore the reality of separation and divorce in our society. The Church must reach out to those struggling with the pain of a broken marriage.

A Declaration of Nullity (sometimes called an “Annulment”) is a decision issued by the Catholic Church, through its Tribunal, that a given marriage is invalid (not binding) because some essential element of marriage was lacking at the time of the exchange of consent. Despite the presumption of validity (can. 1060), not every wedding, in fact, results in a valid marriage.

Declarations of Nullity are not Catholic divorces. A divorce is a civil legal action whereby the division of property and custody of children are settled, and a husband and wife are declared free to enter new unions with different partners. A Catholic Declaration of Nullity, on the other hand, has no civil effect in fact, results in a valid marriage.

First, there is no guarantee that a Declaration of Nullity will be granted. Each case is unique and is judged on its own merits. Plans for a new marriage in the Catholic Church are not to be made until the final decree of nullity is granted. The Tribunal cannot predict the length of time needed to process a case. Much depends on the cooperation of the parties, the availability of witnesses, and the complexity of the grounds. Also, most Tribunals have substantial case loads. Your patience is both necessary and appreciated.

The work of the Tribunal is only one of the many services of the Catholic Church. Most of the expenses for Tribunal operations are paid by the Diocese of Fargo. However, those who avail themselves of the services of the Tribunal are asked after the process has been completed, to consider a free-will donation. Everyone, however, is asked to pay the $25.00 filing fee.

SEVEN MOST COMMONLY ASKED QUESTIONS ABOUT DECLARATION OF NULLITY

1. **Does a declaration of nullity mean my children are illegitimate?**

**Absolutely not.** Church law expressly states that “children conceived or born of a valid or putative (i.e., at first considered valid and later declared null) marriage are legitimate” (can. 1137). Since virtually all marriages are entered into with good faith on the part of at least one of the parties, we can say with all confidence, the status of children is not affected by the granting of a declaration of nullity.

2. **If I apply for a declaration of nullity, does my former spouse have to be notified?**

**Definitely Yes.** The Tribunal’s task is to determine the facts of a marriage breakdown, and so both parties to the marriage (Petitioner and Respondent) must, in justice, be given the same opportunity to relate his/her experiences and views. Each party is interviewed separately and privately. **You are not required to have any direct contact with your former spouse.**

3. **Will everything I tell the Tribunal be kept confidential?**

**Definitely Yes.** All the information gathered in the course of this investigation is considered confidential. This information is not made available except as authorized by Church law. Church law states that both parties do have access to the information collected unless the judge determines that access to a particular part of the information may cause serious harm, or unless the information is protected by civil statute. The purpose of this access is to defend one’s position for or against the ecclesiastical declaration of nullity. No one else has access to the information contained in the case. The addresses of the parties are never given out, and all contact with the parties is done through the Tribunal. At no time do the parties have to appear before the Tribunal together.

4. **How long will it take to process my declaration of nullity?**

First, there is no guarantee that a Declaration of Nullity will be granted. Each case is unique and is judged on its own merits. Plans for a new marriage in the Catholic Church are not to be made until the final decree of nullity is granted. The Tribunal cannot predict the length of time needed to process a case. Much depends on the cooperation of the parties, the availability of witnesses, and the complexity of the grounds. Also, most Tribunals have substantial case loads. Your patience is both necessary and appreciated.

5. **How much does it cost to obtain a Declaration of Nullity?**

**Absolutely not.** Church law expressly states that “children conceived or born of a valid or putative (i.e., at first considered valid and later declared null) marriage are legitimate” (can. 1137). Since virtually all marriages are entered into with good faith on the part of at least one of the parties, we can say with all confidence, the status of children is not affected by the granting of a declaration of nullity.

6. **I've never been married before, but my fiancé(e) has and is now divorced. He (she) is not a Catholic, so is anything else needed?**

Your fiancé(e)’s first marriage will have to be examined by the Tribunal, since it is our belief that all marriages, and not just those of Catholics (or even other Christians), are also presumed valid (and binding) until proven otherwise. Christ’s teaching on marriage (see Mk 10:1-10, or Mt 19:1-9) was given to all people, not just Christians.

**Where Do I Begin?**

You can access the Tribunal website at www.fargodiocese.org/tribunal to review the process. The forms to apply for an annulment may be printed out or received from your parish priest. If you have questions, you may call the Fargo Tribunal at (701)356-7940. It is important you **call on your own behalf,** not on behalf of a friend or family member. You will be asked to provide your email address. This is kept strictly confidential. An updated baptismal certificate with proper annotations, final judgment of divorce decree, and your marriage certificate must be submitted with the preliminary application form.

**What Are The Steps Involved?**

1. After you have obtained the application form and filled it out completely, you will need to make an appointment with your parish priest to have him sign the form.

2. You will be asked to provide the names and addresses of witnesses familiar with you and your former spouse, especially at the time of your wedding. The number and relationship of these witnesses are explained on the form.

3. As part of the process, you will be formally interviewed, under Oath, by an Auditor who will ask about family backgrounds, reasons why you married, and problems encountered in the courtship, engagement and marriage.