

## Annulments and Divorce

- *An Annulment is not Catholic Divorce, it is a Church investigation and judgment as to whether your marriage was sacramental or not.*
- *It is properly called a decree of invalidity*
- *It does not make your children illegitimate*
- *Divorce is a Civil process; Annulments are a Church process and do very different things*
- *The purpose of the Annulment process is to help heal, and to restore a Catholic to the Sacraments*
- *Because you are divorced, it doesn't mean you are free to have another relationship. In the Catholic Church, Sacramental Marriages endure until death.*
- *Divorce alone does not prohibit one from Communion.*

meeting, you will need to have a copy of your marriage license/certificate, a copy of your divorce decree, and a new original copy of your baptismal certificate as well as one for your former spouse. Other documents may be needed depending on the type of case you will be trying in the Marriage Tribunal of your diocese.

The purpose of the annulment process is to help Catholics to return to the sacraments and to heal them of the wounds of divorce. Your Parish Priest is there to help you navigate these processes so that you can present your case in the most effective way. Still, the decision is out of his hands, and so no guarantees can be given—especially in formal cases. Go talk to your priest, and see if this process is likely to benefit you. And of course, it would be better for you to fulfill your Sunday obligation by attending Mass, even if you cannot yet receive Communion because of your state in life.



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Serving the People  
of God

## Annulments are not Catholic Divorce



Returning to the Sacra-  
ments through the  
Annulment process

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## What Is The Difference Between Divorce And An Annulment?

When Jesus was asked about Divorce, he quoted the passage from Genesis where a man and a woman become one flesh, and that this is God's original intent. However he acknowledges that people do divorce. That Moses allowed for divorce was known, but for Jesus, this was not going to be His intention for His Kingdom. So how do we deal with failed marriages?

Among non-churchgoing Catholics, the divorce rate is the same as the general population, and so there are many Catholics who feel that they are no longer welcome at Mass. To this, the Bishops and the Pope say, "perish the thought!" All Catholics are welcome at Mass. However, if you have a relationship other than that of your spouse, you may not receive Communion until the prior marriage is investigated and proved an **Invalid sacramental attempt**.

### Decree of Invalidity

When a Catholic marriage ends in divorce, we ask "What went wrong if it was supposed to be a sacrament?" That is the exact question that is investigated through the process commonly called an annulment. The real term is "Decree of Invalidity." Actually, in this juridical process of the Church, what we are determining is whether the sacramental bond was *possible*, given the attitudes and ideas in the hearts and minds of the couple who is now divorced.

When people marry, many times they have beliefs or notions that are not compatible with Catholic marriage because of their familial, religious or community culture. Divorce may have been a fact of life in their family and they may think that this is a solution to their problem. Or a person may not want children and do something artificial to elimi-

nate the possibility of children. Consent may be conditioned on some past, current or future condition. What is always considered for a declaration of nullity is whether the consent was defective, or the form (vows and celebration) was lacking, or the ministers were without legal standing in the Church to attempt a sacramental marriage.

There are two worlds that come together in the U.S. with regard to marriage: the civil and the ecclesial (church). Whereas the civil world deals with legitimacy of the couple living together in society, sharing goods and legal responsibilities with regard to debts and children, the Church deals only with the sacramental or spiritual truths of the marriage. Therefore an annulment does not address the legitimacy of children, nor does it impact their own personal sacramental standing in the Church.

### Some Laws That Govern Catholics And Marriage

In Church Law, every Catholic has the right to marry; once, and well. Every Catholic is required to be married in the presence of an ordained minister of the Catholic Church, if one is reasonably available. This is so important that Catholics not "married in the Church" automatically have the penalty of not receiving any sacraments imposed when they break this law. Yet, it doesn't excuse them from the obligation of attending Mass.

To have legal standing to marry in the Catholic Church one of the pair must be baptized and both must never have been sacramentally married before. The only way the question of a prior marriage's sacramentality can be answered is through the process of the decree of invalidity. Also, the Catholic priest or deacon who marries them must have delegation to perform marriages in the parish where the wedding is to take place.

### What Kinds Of Cases Are There For Invalidity?

There is a group of cases that are proven simply by documents, and others are proven by testimony. The so-called "documentary cases are:

- Lack of Form—A Catholic attempts marriage without a Catholic minister, the vows are irregular, there are not enough witnesses, the minister has not been delegated by the Pastor or Bishop.
- Prior Bond—One of the pair was married before (civilly or churchly) and there is no decree of invalidity in place.

Privilege cases—though not decrees of invalidity, rely on documents for proof. They give a formerly married person who could not have been in a sacramental marriage and who is converting to the Catholic Faith the benefit of marrying a specific Catholic person upon their baptism or reception into the Church. For this to be granted, there are some rather complex requirements regarding the baptism of one or both of the prior spouses, and regarding scandal that may effect the decision.

The other cases are called formal cases.

A formal case is one that requires documents, But focuses on the validity of the consent itself. To do this ample testimony, and corroboration of witnesses are solicited in a guarded process. The point is to prove the case for invalidity to the level of moral certitude on the part of the Marriage Tribunal judge. Therefore it is a lengthy process. And it requires that all contributors to the case be absolutely free and honest with their testimony. Almost the entire process is done on paper—there is no "in court" testimony before a panel of judges. The Diocesan Tribunal provides blind questionnaires to the petitioner, the respondent, and the witnesses to protect their testimony from being tainted.

### So, If I Am Divorced, How Do I Begin The Process?

The first thing to do is to contact your Pastor or Parish Priest or Deacon and make an appointment to meet about an annulment. To prepare for that