

INTRODUCTION

Your former spouse has submitted a petition to this Church tribunal requesting that an ecclesiastical declaration of nullity be made regarding your marriage. Experience has shown that the other party (you, in this instance) often has many questions regarding this process and his/her rights during these proceedings. We hope that this brochure will clarify some of these issues.

THE CHURCH'S VIEW OF MARRIAGE:

The Catholic Church teaches that marriage is a life-long and exclusive relationship between a man and a woman in which they give and receive mutual help and love, and from their union bring forth and educate children. They create together an intimate partnership of the whole of life. Therefore, marriage is much more than a legal contract; it is a sacred bond in which a man and a woman totally commit themselves to the good of each other. Further, neither the number of years of cohabitation nor the number of the children born to the union, of themselves, make a marriage valid.

HOW IS AN ANNULMENT POSSIBLE?

People rarely enter marriage with an intention to divorce. Rather, they find that the living out of marriage is radically different than what they had anticipated. When a couple marries, each party must adequately understand the essential obligations of marriage and have the maturity to assume those obligations. If the lived experience of the marriage was so deficient that it did not correspond to the commitments made on the wedding day, and this is *clearly* proven to the tribunal, the Church declares that marriage to be null. An ecclesiastical declaration of nullity has no civil effects whatsoever.

THOSE PARTICIPATING IN THIS PROCESS:

THE PETITIONER: The person who

asks the Tribunal for a Declaration of Nullity. In this instance, your former spouse is the Petitioner.

THE RESPONDENT: This is the term used to identify the other party in the annulment process. In this instance, you are the Respondent.

WITNESSES: The names submitted by the Petitioner of persons who may be able to offer their own insights as to why a given marriage has failed. Witnesses are often parents, relatives, or close friends of the couple. Witnesses are contacted by mail and are asked to complete a questionnaire regarding the important elements that should be present in any marriage.

EXPERTS: Counselors or other professionals with whom one or both of the parties of a marriage consulted. Counseling and professional records are not requested without a release of information form signed by the party involved. Professional records are confidential.

PROCURATORS: Priests who represent the Petitioner and the Respondent before the Tribunal. You may designate a priest of your own choosing, or one will be recommended to you.

YOUR RIGHTS AS THE RESPONDENT:

Church law recognizes your right to make a statement regarding your former marriage and your right to introduce witnesses. You are allowed a reasonable amount of time to reply. You may make your statement either by responding to a questionnaire or by appearing at the Tribunal for a personal interview.

WHO REVIEWS THIS INFORMATION?

All material relative to the annulment process is treated confidentially as required by Church law and respected by civil law. Only those who have a right to the information are permitted to read it (the parties, their

Procurators, and Tribunal officials). You have the right to respond to the allegations of your former spouse, just as your former spouse has a right to review statements which you have made as part of this investigation. All officials of the Tribunal, including office personnel, are bound by oath to keep *all* information confidential.

WHEN IS A DECISION MADE?

When the information gathering phase of the annulment process is completed, the parties and their Procurators are informed and given a two week period in which they might review the evidence and offer additional data and/or observations regarding the case. The case is then forwarded to the Defender of the Bond who is required to argue for the validity of the marriage, if appropriate, and to guarantee the rights of both parties and the Church. The judge to whom the case has been assigned will render the decision after a thorough study of all the material. In more complex and difficult cases, a panel of three judges is appointed. The parties may also request a three-judge panel.

A decision may be affirmative or negative. An affirmative decision means that the marriage has been declared invalid. A negative decision means that the invalidity of the marriage has not been established; therefore, the marriage still binds in the eyes of the Church.

APPEALS:

Church law recognizes the right to appeal. The Petitioner has the right to appeal a negative decision. You, as the Respondent, as well as the Defender of the Bond, have the right to appeal an affirmative decision. All appeals are heard by the Tribunal of the Archdiocese of Philadelphia. An appeal may also be made to the Apostolic Tribunal of the Roman

Rota.

Even if a personal appeal is not made, Church law requires that every annulment decision which is made by this Tribunal be reviewed by an appellate court/tribunal. A When a marriage is declared invalid and the decision is confirmed by the appellate court/tribunal, and if there are no restrictions attached to it, the usual procedure of preparing for marriage in the Catholic Church may be started with the local parish priest or pastoral minister. No plans for future marriages should be made before that time.

WHAT ABOUT ANNULMENTS AND THE LEGITIMACY OF CHILDREN?

As was indicated above, there are no civil effects to a Church annulment in the United States. It does not affect *in any manner* the legitimacy of children. It cannot be used to question a child's paternity. It cannot be used to influence a civil court to set or change the terms of a civil divorce, child custody, support or property settlement. Church law has always protected the legitimacy of children because they were born into a *presumed valid marital relationship*.

HOW LONG DOES THE PROCESS TAKE?

It is impossible to predict the length of time because of a number of variable factors. No two cases are the same. One case may be completed in several months. Another may take a year or longer. Generally, cases can be completed within one year.

IS THERE A FEE FOR TRIBUNAL SERVICE?

The Eparchial Tribunal is subsidized by the faithful of the Eparchy. The Tribunal, which is staffed by both professional and secretarial personnel, investigates about 20 formal declarations of nullity a year. To help lower the amount of the subsidy, the standard fee assessed

new panel of three judges can either ratify/approve the first decision or admit the case to a further process of gathering information after which a second decision is made.

for court costs is presently \$300. This fee is the responsibility of *the Petitioner*. However, the outcome of a petition is *in no way* helped or hindered by the Petitioner's ability or inability to pay the suggested fee. If you, as the Respondent, would choose to appeal an affirmative decision by the Tribunal, the responsibility for subsidizing that appeal would be yours.

IF YOU HAVE ANY FURTHER QUESTIONS:

You are welcome to contact this office and speak with a member of the professional staff. Or you may wish to speak with a Catholic priest of a nearby Catholic parish.

Metropolitan Tribunal
Archeparchy of Philadelphia
827 N. Franklin St.
Philadelphia, PA 19123.2097
215.627.0143
215.627.0377 Fax
1/07

IS REMARRIAGE IN THE CATHOLIC CHURCH ALLOWED?

Procedure in Marriage Nullity Cases

INFORMATION FOR RESPONDENTS

