

MYTHS AND TRUTHS

ABOUT DIVORCE, ANNULMENT AND REMARRIAGE IN THE CATHOLIC CHURCH

(Please note the word annulment is commonly used jargon, but the proper term is declaration of nullity.)

	Myth	Truth
1	A person's divorce does not have to be final in order to apply for a declaration of nullity.	To petition for a declaration of nullity you need to be civilly divorced. The Church presumes that all marriages are valid until proven otherwise and hopes that a couple in a troubled marriage will work at reconciliation.
2	Divorced or separated Catholics may not receive the sacraments of Eucharist and Reconciliation.	Divorce alone does not affect a Catholic's status in the Church. Divorce is a function of civil law and secular courts. Separated and divorced Catholics may receive the sacraments as long as they are not involved in a dating relationship and otherwise being faithful to the marriage vows they originally took.
3	Divorced or separated Catholics may not be a sponsor at Baptism and Confirmation.	Any Catholic in good standing may be a sponsor at Baptism and Confirmation. A Catholic who is separated or divorced remains in good standing as long as they are not involved in a dating relationship and are otherwise being faithful to the marriage vows they originally took.
4	Divorced Catholics who remarry without an annulment may not register in the parish, attend Mass, or participate in Church activities.	A divorced and remarried Catholic is still Catholic, may belong to a parish, and participate in various Church activities. However, they are not to function at mass or other parish liturgies as a Reader, EMHC, or other leadership positions in the parish.
5	A divorced Catholic must receive a declaration of nullity even if they are not going to be remarried.	A Catholic who is civilly divorced does not have to obtain an annulment if they are not dating or planning on remarrying in the Church. However, they may petition for an annulment. In many cases a divorced Catholic without plans to immediately remarry make a petition because they are open to a future marriage.
6	Children of parents who received a declaration of nullity are considered illegitimate.	The parents who are now divorced or whose marriage is civilly annulled once obtained a civil license and had a legal marriage. Any children of that legal marriage are legitimate offspring. A civil divorce, a civil annulment, and a Church annulment do not change the legitimacy of the children. Also the parents' responsibility toward the children remains the same as before the civil divorce and annulment.
7	Children of divorced or remarried Catholics may not be baptized or receive any other sacrament.	Children of divorce may be baptized and receive any other sacrament providing that the parents of the children intend to raise their children in the Catholic Faith.
8	You have to know someone important to receive a declaration of nullity.	The Tribunal does not permit anyone on the staff to have a conflict of interest in any case. If you have a personal relationship with someone on the tribunal staff that member of the Tribunal will not be involved in judging or processing your case.
9	The respondent has to agree to the annulment process or an annulment cannot be granted.	The respondent does not have to agree to participate in the process or being in favor of annulment being granted in order for a petitioner to receive an affirmative decision. Also, if the respondent is in favor of receiving an annulment that does not necessarily mean it will be granted. Decisions are made based on the facts and circumstances of the case as they are known. The respondent cannot stop the proceedings even if opposed to the process. However, the respondent can appeal the final decision.

10	Someone married a long time could never get a declaration of nullity.	The length of the marriage does not determine whether a marriage is valid or invalid in the Catholic Church. All marriages are presumed valid until proven otherwise.
11	It takes years to process a declaration of nullity	The length of time that an annulment takes depends on the individual case. A formal case <u>usually</u> takes 18 months. For Catholics, marriages that were contracted outside the Catholic Church without a dispensation are processed immediately after the proper documentation is submitted to the Tribunal.
12	It costs thousands of dollars to receive a declaration of nullity.	The Archdiocese of Omaha has eliminated the fees for all marriage cases (effective 9/9/15).
13	An annulment is a Catholic divorce.	Civil divorce and church annulments are two different things. A divorce is concerned with the legal realities of the marriage only. Divorce focuses on the end of a marriage and legally dissolves the civil aspects of the marriage. Judgments made in annulment cases revolve around the time when couple gave marital consent in the wedding ceremony. When an annulment is granted the Tribunal makes a declaration that what appeared to be a valid marriage was not due to a grave defect on the part of the petitioner and/or the respondent regarding their intentions or ability to enter marriage at the time of the ceremony.
14	If you receive a declaration of nullity from the Church it means you never had a marriage.	The Church still recognizes that a legal marriage took place. Annulments do not erase history nor do they try to. The process only looks at whether or not the marriage in question is a valid one according to canon law.
15	Anyone that appeals and waits long enough will get an annulment.	Tribunals do give negative decisions. The burden of proving a case rests on the petitioner. The Catholic Church presumes that every marriage is a valid union. There must be sufficient grounds for declaring otherwise.
16	If a marriage is declared null, remarriage is always allowed in the Catholic Church.	If a marriage is declared invalid a second marriage is not permitted until it has been shown that the cause which nullified the first marriage has been eliminated. If the marriage is declared null and there are no restrictions (vetitum or monitum) concerning remarriage, the usual procedure of preparing for marriage in the Catholic Church may be started with the local parish priest or deacon.
17	A declaration of nullity must be processed in Rome.	Annulments are processed at the First Instance Court at the diocesan level. Effective 12/8/15 , the additional review by the Second Instance Court of Appeal at Archdiocese of St. Louis will no longer be required. The Roman Rota only gets involved when a case is directly appealed to it or in other relatively rare situations.
18	Only divorced Catholics need to have a declaration of nullity to remarry or validate an existing marriage in the Catholic Church.	Any person who has received a civil divorce, regardless of their religion or where they were married, and wishes to get married or validate their present marriage in the Church must petition for a declaration of nullity for their prior marriage if their previous spouse is still living. The Church believes that the marriage contract involves the consent of a man and a woman and is permanent according to Divine law. The Catholic Church has laws about what Catholics must do in order to contract a valid marriage. Catholics must marry in a Catholic Church before an approved witness, ordinarily a priest or deacon. If a Catholic wants to marry a non-Catholic with a non-Catholic minister witnessing the marriage vows then a dispensation from canonical form must be obtained from the bishop in order to contract a valid marriage. In summary, marriages between two non-Catholics are considered by the Catholic Church to be valid regardless if they took place in a civil or a religious setting.