

## **QUESTIONS and ANSWERS Regarding CHURCH ANNULMENT**

### **What is marriage?**

The Catholic Church teaches that marriage is a covenant relationship in which a man and woman establish between themselves a partnership of love and life. It is ordered toward the well-being of the spouses and to the procreation and education of children.

If both parties are baptized, this marriage becomes a **sacrament**. If one or both parties are not baptized, although not sacramental, the marriage is considered to be a natural, good and valid relationship.

The Catholic Church believes that every valid, sacramental and consummated marriage is indissoluble. The Church does not accept the fact that divorce can sever the bond of a valid marriage. Church law presumes that every marriage is valid until the contrary is proven.

### **What is an annulment?**

The precise term is “declaration of nullity.” A declaration of nullity is a judgment by the Church that what seemed to be a marriage never was in fact a valid marriage. A declaration of nullity is granted when it can be clearly proven that at least one of the elements seen as essential for a binding marriage was not present in a particular relationship from the beginning.

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

The Marriage Tribunal Office handles the annulment process. This office is part of the Catholic Diocese of Dodge City under the auspices of the Bishop of the Diocese. Persons with special training in Canon Law administer the Tribunal. Staff members who are competent in enabling the petition to proceed from the first to last step assist them.

(NOTE: The following information pertains to what is called a “Formal Process”)

### **What does the process involve?**

The initial step for the Petitioner (the person who initiates the case) is to contact a priest, deacon or any lay person designated as an “advocate.” This person will assist you in “telling your story” which will encompass the details of your marital difficulties. The time of courtship, engagement and early marriage is most significant.

Once a case has been accepted, the Petitioner is asked to complete a detailed questionnaire covering their early home life, the former spouse’s home life, the courtship, wedding, honeymoon and married life.

The Petitioner is also asked to supply copies of the following documents: the baptism certificate(s) of the Catholic party(ies), marriage license or certificate and the final divorce decree.

### **Must the former spouse be contacted?**

Yes. As a matter of justice and to assist the Tribunal in gaining a completely objective perspective, the other party to the marriage (called the Respondent) is contacted after the case has been accepted. The Respondent, who has a right in law to be heard, is sent a letter explaining that his/her former marriage partner is petitioning a Church court for a marriage annulment. The Respondent will be sent a questionnaire giving him/her the opportunity to present their side of the story.

### **What happens if the former spouse won't cooperate?**

Because the annulment procedure affects both parties, the former spouse **must** be informed of the process. The Tribunal must have evidence the Respondent was cited and "has been heard." It is not necessary that the Tribunal have the consent of the Respondent. If he/she does not wish to cooperate, the Tribunal proceeds toward making a decision on the basis of the information available.

### **Are witnesses necessary?**

Yes. Since marriage is never a totally private relationship but encompasses family, friends and society, other persons are called upon to serve as witnesses. The Petitioner is to supply the names and addresses of six or more witnesses. The Respondent is also given the opportunity to provide a list of witnesses.

The basic requirement is that the persons named as witnesses are people who knew you and your former spouse during your married life, preferably from the **beginning** of your married life. The witnesses will be asked to complete a set of questions. It is very important that the witnesses write a concise and clear set of answers. The object of this testimony is not to find fault with either party but to assist the Tribunal in gaining a better understanding of the marriage and its difficulties.

### **Once the testimony is gathered, then what?**

When it has been determined that all necessary information has been collected, the complete profile of this marriage is presented to the Defender of the Bond. The Defender is a member of the Tribunal staff who examines the testimony and assures the Court that the rights of both the Petitioner and Respondent have been safeguarded.

When the Defender has completed his review of the case, the profile is given to a panel of three Judges, or to a single Judge, for a decision. The Judge has the most difficult and tedious work of examining all of the testimony and looking at it in the light of the teachings of the Church and Canon Law.

If, with moral certainty, the Judge or Judges determine that there was *never* a valid union between the couple, the Petitioner and Respondent are informed of this decision. Another Tribunal must review all cases before a decree of nullity is officially granted. The Appellate Court of the Diocese of Dodge City is that of the Archdiocese of Kansas City, Kansas. Freedom to marry in the Catholic Church is not possible until an affirmative decision by the Appellate Court is rendered.

**Are there any civil effects to a declaration of nullity?**

No. There are absolutely no civil effects to a declaration of nullity. The annulment **does not** effect the legitimacy of children, property rights, names, etc. The purpose of a declaration of nullity is to serve one's conscience and spirit and to reconcile persons to full sacramental participation in the community of the Church.

**Is there a fee for Tribunal services?**

There is not a charge for an annulment itself, but it is expected that the Petitioner pay in part the costs of the investigation. A large portion of the Tribunal's expenses is borne by the Catholics of the Diocese of Dodge City. The Petitioner is expected to contribute toward the remaining costs (\$250). The Tribunal will forward a stipend from this amount to the Archdiocese of Kansas City for the mandatory review. However, a person's ability or inability to pay in no way affects the progress or outcome of a case.

**How long does the process take?**

Each case is different and the average time for reaching a conclusion greatly varies. Some factors, such as the cooperation of the witnesses, are beyond the control of the Tribunal. The Tribunal can never guarantee beforehand a favorable decision since the decision must rest on the facts that surface during the investigation. Therefore, do not make any plans for remarriage until a final declaration of nullity has been issued.

Please notify the Tribunal Office in writing if you change your address or telephone number.

***If you have further questions, you are welcome to contact our office.***

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