



Do both parties need to be involved in the annulment process?

Both parties must be aware that an annulment case has been started. However, if the non-petitioning party (Respondent) does not wish to participate, or cannot be located after a diligent search, the case can continue without him/her. It is recommended that both parties participate by providing testimony and witnesses.

What is the role of a witness in an annulment?

As in any investigation, there must be corroboration of the assertions of the parties. The goal of an annulment petition is to discover the truth about the motives and intentions of the parties at the time of their wedding. Therefore, the testimony of witnesses who knew the parties at the time of the wedding is critical to arriving at a just decision in the case.

Does an annulment affect the status of children?

If an annulment is granted, it has no bearing whatsoever on the status of the children of the marriage.

Are there financial obligations associated with annulments?

In the Diocese of Phoenix, there are no required fees for any annulment process.

I am currently engaged but divorced. Can I set the date for a wedding before receiving an annulment?

No, you cannot set a wedding date. According to the teachings of the church, you are still married to the person from whom you are civilly divorced.

Therefore, you are not free to marry someone else unless and until a decree of nullity from that marriage is obtained. Because it is not guaranteed that an annulment will be granted, you are prohibited from setting a date for a new marriage until the Tribunal declares you free to marry.

Can a divorced Catholic receive the Sacraments?

It depends. If the person understands that the Church still considers him/her to be married, despite the divorce, and lives according to that understanding, then he/she can approach the Sacraments. However, if a person is in a civil union or having sexual relations with someone who is not considered to be his/her spouse, then that person is not eligible to receive the Sacraments.

What is a convalidation?

If at least one of the parties to a marriage is Catholic, the marriage must be performed according to the form required by the Church for it to be considered valid. If it is not, then the couple must get married in the Catholic Church. A marriage in the Catholic Church of a couple in a civil union is often referred to as a convalidation. Despite its name, it is not a validation of a current civil union. It is also not a blessing of a current civil union. It is the couple's first and binding marriage. In fact, the anniversary date of the couple is the date of the convalidation and not the date of the civil union.

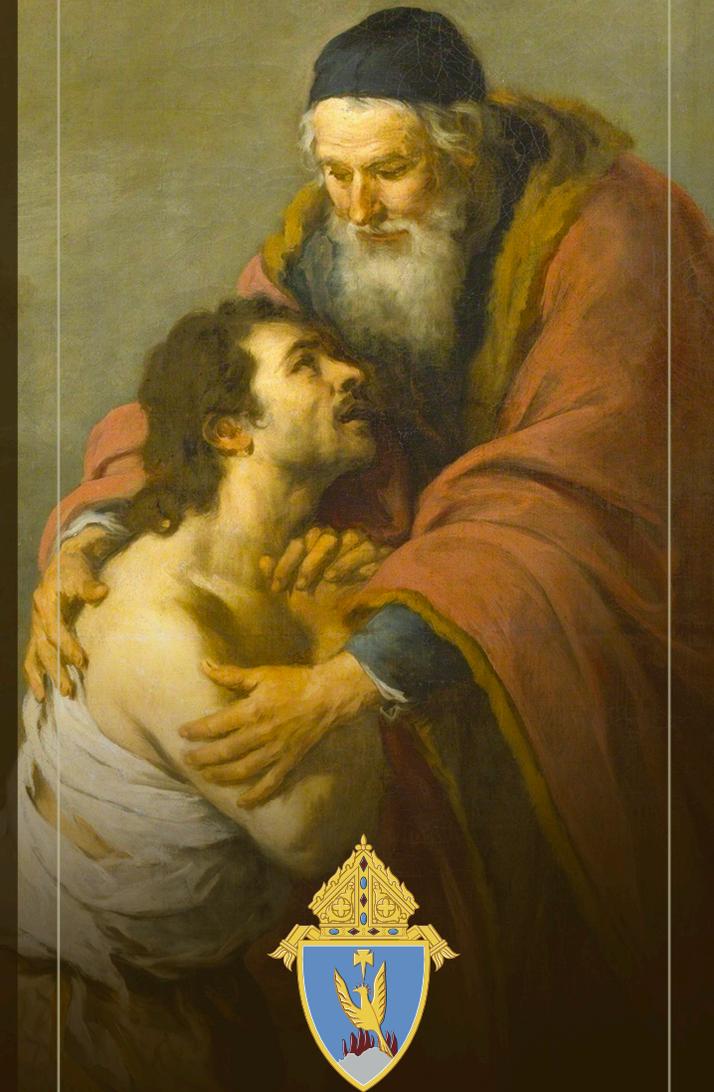
Whom do I contact to start the annulment process?

You should contact the Nullity Minister at your local parish. These ministers are certified by the Tribunal to assist people in submitting their petition.

602-354-2275
400 E. Monroe
Phoenix, AZ 85004
www.dphx.org/tribunal

ANNULMENTS

Frequently Asked Questions



DIOCESE OF PHOENIX
OFFICE OF CANONICAL SERVICES
& THE TRIBUNAL



Frequently Asked Questions

What is an annulment?

An annulment is a declaration, after an extensive investigation, that a marriage bond was not created at the time of the wedding. An annulment is not a divorce; it is a statement that the bond of marriage, as it is understood by the Catholic Church, was never created due to the presence of some factor recognized in law as preventing a valid bond.

Why can the Catholic Church conduct such an investigation?

The Catholic Church does not believe, due to the teaching of Jesus Christ (Matthew 19), that anyone, Catholic or not, can divorce and remarry. A marriage is considered valid and binding until death unless proven otherwise. However, the Church does believe that under certain circumstances the stated wedding vows, that should have created marriage, did not give rise to a valid and binding bond. The annulment process is an investigation into the consent of the parties to see if the marriage is valid and binding.

How do I know if I need to petition for an annulment?

If you have ever been civilly divorced and feel that your marriage is invalid, you would like to become Catholic, or would like to get married in the Catholic Church, you should petition for an annulment.

If I am not Catholic, why do I need to petition for an annulment?

The Catholic Church upholds the validity and permanence of all marriages, whether or not they are Catholic. Thus, any marriage of two non-Catholics is presumed to be valid whether it was contracted before a judge or a minister of another faith. Before you can marry a Catholic, you must petition for an annulment because it is assumed that you are still married and are not free to marry again until it is proven that your first marriage was invalid. According to Catholic teaching, divorce does not have any effect upon the permanent nature of a marriage. Therefore, despite the desire of the couple to divorce civilly and to separate themselves and their belongings, in the eyes of the Church, the bond of marriage is presumed to remain binding upon the two parties. As a result, in order to be free to marry, it must be proven that the original bond of marriage never existed. Thus, an investigation into the marriage is necessary.

I'm in RCIA and found out that I need to petition for an annulment because I am divorced and remarried. Do I need to petition for an annulment before I can be received into the Church?

Yes, if you are divorced and remarried, your marital situation must be resolved before being received into the Catholic Church. The Catholic Church does not believe divorce and remarriage is a possibility for anyone due to the words of Jesus Christ in the Gospel (Matthew 19). In the case of divorce and remarriage, it is a person's first marriage that is considered to be the valid one until proven otherwise. In order to receive the Sacraments, you must not be living in a state contrary to the teachings of the Church. Therefore, the annulment process must be completed and your current marital situation resolved before you can be received into the Church.

What if I'm in a marriage outside of the Catholic Church, and either my spouse or I am Catholic, and at least one of us has been previously married?

The Catholic Church considers you married until proven otherwise. Thus, if you are married you are not free to marry again unless a decree of nullity is obtained. If you enter a civil union following a divorce from someone else, that civil union is not considered to be valid and the

Catholic parties to the civil union are not eligible to receive the Sacraments until an annulment from the previous marriage is granted and the couple in the civil union gets married in the Catholic Church (convalidation).

What if I have been married and divorced more than once?

Every marriage and subsequent divorce must be investigated. Contact your parish's Nullity Minister for more information on how each marriage will be addressed.

Do I need to be civilly divorced before petitioning for an annulment?

Yes. Because the annulment process is purely religious, it does not involve issues such as the custody of children, shared assets, etc., which must be settled before the investigation in the Tribunal may begin. In the United States, there are no civil effects of the Catholic Church's annulment process. A civil divorce also serves as an indicator that there is no hope for the reconciliation of the parties. If the Church was to declare a marriage to be invalid while the couple remained civilly bound to one another, it could create numerous problems with the custody of children, financial disputes, and civil authorities.

How long should I wait after my civil divorce to seek an annulment?

Generally, we would recommend waiting about six months after your civil divorce to begin this process. On the other hand, the longer you wait to submit your petition, the harder it is to find witnesses that can speak to the time of consent, i.e., the time of the wedding.

How long does the annulment process take?

This depends on the type of case and the particular circumstances of the marriage. In general, the formal annulment process takes 12-18 months once the Tribunal receives the case.