
WHAT IS THE SACRAMENT OF MARRIAGE?

The teachings of the Catholic Church describe marriage as a community of life and love, an enduring and exclusive partnership between a man and a woman for the giving and receiving of love and for the procreation and education of children. Every marriage between two baptized persons is a sacrament. In addition, the Church recognizes the validity of the marriages of non-baptized persons. The Church teaches that certain elements must be present in order for a marriage to be valid. Some of these elements are: adequate maturity; a personal commitment to marriage and to the other party; emotional stability; a belief that marriage is a lifelong and faithful union; an openness to children; and sufficient evaluative judgment in entering marriage.

WHAT IS A TRIBUNAL?

The Church is aware of the stress and suffering experienced by separated, divorced and remarried people. The Church expresses its pastoral concern in different ways, especially through the ministry of the Diocesan Tribunal. The Tribunal is comprised of trained personnel whose responsibility is to determine whether the divorced person, who may be civilly remarried or intending marriage, is bound by a valid, previous marriage bond. The law of the Church requires that each diocese have a functioning Tribunal.

WHAT IS AN ANNULMENT?

An annulment, or in Church language, a declaration of matrimonial invalidity, is a decision of the Tribunal concerning the invalidity of a particular union. It means that in the eyes of the Church, an essential element was missing from the union in question from the very beginning, thus invalidating the

marriage from the start. This declaration does not deny that a real relationship may have existed, nor does it always imply that the union was entered into with ill will or moral fault. Rather, an annulment states that the union lacked at least one of the elements seen as essential for a true, valid Christian marriage. An annulment does not seek to establish guilt or innocence, but rather validity or invalidity.

In the United States, a Church annulment has absolutely no civil effects. The granting of an annulment will not affect anything that is determined by civil law such as alimony, child custody, visitation rights, division of property, etc. Church law itself ensures the legitimacy of children born of a marriage that has been declared invalid (canon 1137).

While recognizing that divorce occurs, it is most important to realize also that not every marriage can be declared invalid. In fact, Catholic Church law protects the marriage bond and favors it.

WHO MAY APPLY?

Every divorced Catholic has the right to apply for a declaration of matrimonial invalidity. Persons who are not members of the Catholic Church often pursue an annulment in order to establish their freedom to marry a Catholic.

The individual applying for an annulment is called the PETITIONER and does so through the Church witness at the parish level. The other party is called the RESPONDENT. In order to make an application, the Petitioner submits an application to the Tribunal that has the proper jurisdiction for the case. This can be the Tribunal of the diocese where the marriage took place, the Tribunal of the diocese where the Respondent lives, the Tribunal of the diocese where the Petitioner lives, or the Tribunal of the diocese where the majority of proofs can be gathered.

HOW DO I BEGIN?

Parties who believe that their marriage is invalid should contact their parish priest or another parish minister for the initial interview. You will be asked to submit a typed report drawn up according to the outline printed in this brochure. In addition, the church witness will fill out an application with you to introduce the case and forward it to the proper Tribunal.

WHAT DOCUMENTS ARE REQUIRED?

The following documents must be submitted with the annulment application form:

- Your baptismal record (if baptized);
- The other party's baptismal record (if available);
- The civil marriage license application/record (long form);
- The civil divorce/dissolution decree (final decree with legal seal);
- The Church marriage record.

These documents, along with your case history and application, must be given to the church witness at the parish.

WHO MAY BE WITNESSES?

Church law requires that the testimony of the Petitioner be corroborated by witnesses. Witnesses in a marriage case are not character witnesses. Rather, they are individuals who knew the parties before the marriage and can testify concerning the union from its beginning. Six or more people are to be listed as witnesses. The Tribunal will contact the witnesses directly by mail.

The Petitioner is responsible for submitting correct and complete addresses of witnesses. The Tribunal will send questionnaires to witnesses regardless of where they live.

The following may be witnesses: experts (e.g., counselors, psychiatrists, etc.); parents and relatives; neighbors; friends; employers and co-workers; wedding party; and clergy. The names of expert witnesses should be submitted only if seen within the last seven years. The Tribunal will send the Petitioner a release form before contacting any expert witness.

The Petitioner is responsible for listing witnesses on behalf of the Respondent also. These should not be the same witnesses who are listed for the Petitioner.

Children born of the union of the Petitioner and Respondent may not be listed as witnesses even if they are adults at the time the petition is presented to the Tribunal.

DOES THE RESPONDENT PARTICIPATE?

The other party in a marriage case is known as the Respondent. Church law requires that every possible effort be made to contact the Respondent and give him/her the opportunity to testify. The Petitioner should provide the last known address of the Respondent. If this proves to be impossible, the Tribunal will request that the Petitioner submit the name and address of a parent or close relative of the Respondent. The Tribunal will write directly to the Respondent with information about the proceeding, giving the Respondent an opportunity to testify.

The Respondent, along with the Petitioner, will be permitted to review testimony within a case. The Respondent has the right to object to the annulment and may appeal the final decision of the Tribunal.

HOW LONG IS THE PROCESS?

The Tribunal is unable to promise that a case will be completed within a specific time frame. Moreover, not every petition results in an affirmative decision. Many different factors may delay its conclusion, such as the ability to secure the testimony of witnesses or an increased workload for the Tribunal. The better prepared your case is at the parish level, the more efficiently it will proceed at the Tribunal. Inquiries regarding a case should be made through your church witness at the parish.

WHAT IS THE EXPENSE?

While the Tribunal is subsidized generously by the Diocese of Youngstown, in an effort to make access to the annulment process less burdensome, as of July 23, 2015, all fees for the annulment process are eliminated. With the elimination of fees, it is hoped that anyone who may have been reluctant to approach the Tribunal will now feel welcome to submit their case.

WHEN CAN A WEDDING BE PLANNED?

At times the Tribunal will place a prohibition on a person's right to marry in the Church because of testimony presented in the case. This prohibition may require that the person receive professional counseling, along with careful remarriage preparation at the parish, to insure, with the grace of God, the success of a future union. The officiating priest of a future marriage should contact the Tribunal as to the reason for the prohibition. After the requirements have been met, only the Tribunal may lift the prohibition and declare the person is free to marry.

PLEASE NOTE

No wedding date can be set until the Petitioner receives written notification from the Youngstown Tribunal that a declaration of matrimonial invalidity has been issued here.



A SUGGESTED OUTLINE FOR THE CASE HISTORY

The case history should be six pages, typed and double spaced.

Petitioner's life and personality:

- Childhood; adolescence; school experiences; military life; health (physical and mental); parental influences; relationships with siblings and friends; emotional problems in family.
- Any unusual fears as a child, teen or adult; selfishness; self-confidence; suspiciousness; misinterpretation of others; nervousness or moodiness; ability to make or keep friends; inappropriate fits of anger; tantrums; outbreaks of crying; stubbornness; lying; stealing; etc. *(Please illustrate comments by examples.)*
- Life goals; job history; problems with gambling, drugs, alcohol; handling of money; arrests; imprisonments.

Respondent's life and personality:

- Same as Petitioner's outline.

Courtship:

- When you met; length of courtship; what attracted you to one another; problems; breakups; reconciliations; attitudes toward children; doubts about marriage; hesitancy to wed; wedding preparations; opposition to marry; pressures to marry; previous courtships and why terminated; overall attitudes and beliefs about the institution of marriage, e.g., beliefs about the permanence of marriage, children and fidelity within marriage.

Wedding day and honeymoon:

- Any unusual circumstances or events.

Marriage problems: (Be specific)

- Initial signs of marital discord; physical/emotional mistreatment; money; alcohol; gambling; infidelity; irresponsibility; communication; in-laws; sex; attitude toward children; separations; when problems arose; professional help.

Children born of the union:

- Names(s); date(s) of birth; civil custody.

Breakup of marriage:

- Details of reasons for breakup; life of each party since breakup.



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The Declaration of Matrimonial Invalidity (Annulment Process)

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