

7. Both parties have the right to inspect the testimony which was submitted in the case. The Judge may withhold some testimony only for a just cause.
8. A panel of Judges (or a single Judge) carefully studies the testimony submitted. If the Judge reaches moral certitude that invalidity has been proven, then a Declaration of Nullity is issued. If the Judge does not reach moral certitude, then the validity of the marriage bond stands.
9. Each party has the right to appeal the Judge's decision.

#### **IS THE PERSON THEN FREE TO MARRY?**

After an affirmative decision and if there are no restrictions placed on the parties involved, both spouses are free to marry or have a civil marriage convalidated, after completing the necessary marriage preparation. This is normally conducted by the parish priest. ***Please note that Church law stipulates that no preparation for another marriage can begin or wedding date be scheduled in any Catholic parish until the annulment process is complete.***

#### **WHAT ABOUT CONFIDENTIALITY?**

Statements made by the two parties may be revealed to each other according to the directions issued by the Judge. The testimony of witnesses is safeguarded with anonymity. Only the Petitioner, Respondent and the Tribunal staff have access to the case material. Otherwise, the information is strictly confidential.



#### **HOW MUCH TIME IS INVOLVED?**

Since no two cases are alike, the time can vary from case to case. The cooperation of the Petitioner, Respondent, and witnesses and the quality of their testimony, as well as the caseload of the Tribunal, has a significant effect on the length of time. The Tribunal is required by law to give a specified amount of time to various steps in the process. Cooperation and patience are important. There is no way that any member of the Tribunal staff can predict when a case will be finished. With the timely cooperation of all involved in the case, a case is normally completed in one year.

#### **IS THERE A FEE FOR THE SERVICES OF THE TRIBUNAL?**

As mentioned above, there are several types of annulment procedures. A donation, which varies depending on the type of marriage case, is asked with each case to help defray the expenses of the Tribunal. A \$500 donation for a formal annulment case (the most common procedure) is requested at the conclusion of the case.

***It is important to know that the progress of one's case or the eventual decision is never affected by one's inability to offer a donation.***

*If you have any further questions, please contact your parish priest or the Tribunal.*

Office of the Tribunal  
 Diocesan Pastoral Center  
 2620 Lebanon Avenue – Bldg. #5  
 Belleville, IL 62221-3002

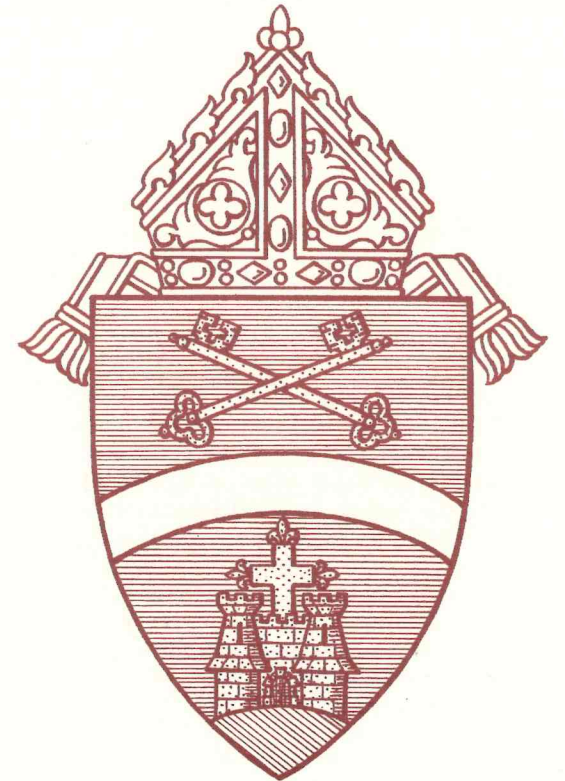
Admin. Asst. Phone: (618) 722-5029  
 Email: [jjamison@diobelle.org](mailto:jjamison@diobelle.org)  
 Fax: (618) 722-5030

Website: [www.diobelle.org/Tribunal](http://www.diobelle.org/Tribunal)  
 Diocesan Phone Directory: (618) 277-8181

Office Hours:  
 Mon. 9am-4:30pm, Tues. & Thurs. 9am-4pm



# **The Annulment of a Marriage in the Diocese of Belleville**




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The Ministry of the Tribunal

### **WHAT IS MARRIAGE?**

The Catholic Church understands marriage to be an exclusive and permanent partnership of life and love, whereby spouses, through an irrevocable personal consent, mutually bestow and accept each other for their own good and for the procreation and education of children. Marriage is more than a legal contract; it is a sacred bond whereby the parties truly and totally commit themselves to each other. For the baptized followers of Christ, marriage is also a sacrament.

### **HOW THEN IS AN ANNULMENT POSSIBLE?**

The Church also teaches that a marriage can be called "genuine and valid" only when it is founded on the kind of relationship that Christ intended when He raised marriage to the dignity of a sacrament. Not every marital relationship meets that standard established by Christ. Certain intentions and capabilities must be brought to this relationship by the parties involved. Without these intentions and capabilities, there can be no true marriage, regardless of external appearances.

### **WHAT IS AN ANNULMENT?**

The term "annulment" refers to an official declaration by the appropriate Tribunal of the Catholic Church that what appeared to be a marriage was, in fact, not a true marriage. Such declarations are made after an extensive investigation of the marriage by judges in the Tribunal (a court which is under the direction of the Bishop and his delegate, the Judicial Vicar). The investigation must focus on grounds of nullity which are recognized by the Church and which can be proven as existing from the very beginning of the marriage. Only for certain grave reasons will the Tribunal declare that a marriage was never truly a marriage as understood in the Church's teachings.

An annulment does not deny that a real relationship existed, nor does it imply that the relationship was entered into with ill will or moral fault. It means that the relationship fell short of at least one of the essential elements for a binding union. An annulment is not a divorce under another name. Whereas a divorce breaks the true, legal bond existing in marriage, an annulment is merely the recognition that a valid bond never existed in the first place.



### **ARE THERE ANY CIVIL EFFECTS OF AN ANNULMENT?**

In the United States, a Church Declaration of Nullity of Marriage has NO civil effect whatsoever. Church law specifically states that children born of a marriage that has been declared null ARE legitimate. An annulment does not affect in any manner the legitimacy or custody of children, property rights, inheritance rights or names. These issues are under the jurisdiction of the civil courts. The purpose of the annulment procedure is to serve one's conscience and to reconcile persons to full sacramental participation in the Catholic Church.

### **WHO MAY SEEK AN ANNULMENT?**

Any person, whether Catholic or non-Catholic, who considers his or her own previous marriage to be irretrievably broken and who has reasons to question its validity according to the norms of the Church, may petition for an annulment. The Tribunal does not accept an annulment petition until a civil divorce has been granted.

### **HOW IS THIS PROCESS BEGUN?**

The initial step is for the PETITIONER (the person seeking the annulment) to contact his or her parish priest or pastoral associate. Since there are a number of distinct types of annulment procedures in Church law, they will assist in determining the appropriate annulment process. A field advocate may be appointed to help the Petitioner complete the forms required by the Tribunal.

*The packet for all cases consists of:* A PETITION; DATA PAGES (names, addresses, etc.); and a LIST OF REQUIRED DOCUMENTS (copies of marriage licenses, divorce decrees, baptismal certificates, etc.). *Some cases also require:* WITNESSES (people who knew both parties prior to and throughout the marriage and who would be willing to testify); and a MARRIAGE HISTORY (a narrative from the perspective of the Petitioner) of both parties' lives before marriage, their courtship, engagement, and marriage).

When the forms have been completed, the priest or field advocate will review them (making sure they are complete) and present them to the Tribunal.



### **WHAT THEN DOES THE TRIBUNAL DO?**

The work of the Tribunal staff is governed by the laws of the Catholic Church. These are intended to protect the rights of all the parties involved and to safeguard the integrity and sanctity of marriage. The major steps of the process include the following:

1. The Judicial Vicar reviews the information submitted and decides whether there are sufficient grounds on which to try the case.
2. The Tribunal informs the Petitioner by letter as to whether or not there are sufficient grounds to accept the case. If proper grounds and proofs do not exist, further information will be requested. If proper grounds and proofs appear to exist, the case will be accepted and personnel will be assigned to the case. Because of the volume of cases, there may be some delay before the Tribunal can begin the formal investigation. Each case is handled in its turn.
3. After a petition is received, the Tribunal contacts the RESPONDENT (the former spouse) in order to inform him or her that the marriage is under investigation and to request his or her cooperation. The Respondent has the right to be informed and to participate. However, failure to participate does not necessarily impede the progress of a case. The former spouses are never asked to appear in the Tribunal together.
4. The WITNESSES are sent questionnaires to help in the investigation. The Respondent has the right to present witnesses.
5. The Petitioner may be asked to go to the Tribunal for a personal interview with a Judge who will seek clarification and, perhaps, further information.
6. Every case is evaluated by a DEFENDER OF THE BOND whose responsibility is to protect the integrity and sanctity of the marriage bond by presenting all the significant reasons that argue in favor of a valid marriage.

