

General Information Regarding Annulments in the Catholic Church and Canonical Procedures in the Diocese of Salt Lake City

Canonical Procedure

Mission Statement: It is the role of the Diocesan Tribunal to hear the cases of those who are divorced and who are petitioning the Church to make judgment on the possible invalidity of their marriage, due to some impediment, inadequate consent or the inability to fulfill the duties of the married state. The Tribunal makes every effort to carry out its pastoral ministry in this process.

What is an Annulment?: An Annulment is a judgment by the Church that a presumed valid marriage, which ended in divorce, was lacking from the very beginning the essential maturity or capacity required for valid marital consent. Consent may be proven defective if either or both spouses did not intend a permanent, faithful union or refused to have children. Or consent can be invalid due to some psychological impairment, which prevented one or both spouses from fulfilling the obligations of marriage.

An Annulment does not deny that a marriage existed. It only states that this "thought-to-be" marriage, which may have been entered into sincerely and with good will, may not have been valid because of defective consent.

A Church Annulment has no effects in the civil law of our country. Therefore, such matters as the legitimacy of children, property rights, alimony or child support, etc. are in no way affected by a Church declaration of nullity.

Why is an Annulment necessary?: Because the Catholic Church believes that marriage was intended by God to be a sacred and permanent bond, any divorced person seeking to marry again and in the Catholic Church, must first petition the Church for a declaration of freedom to marry based on an investigation of the previous union. This investigation, in each application for annulment, seeks to determine whether or not valid marital consent was exchanged and whether or not both spouses were capable of marriage, i.e. forming the covenant of faithful and permanent love that the Church defines marriage to be. An Annulment may also be sought for personal solace.

How does a divorced person petition the Church to investigate an Annulment case?

1. A completed DIVORCE DECREE or CIVIL ANNULMENT DECREE must first be obtained. The Catholic Church always maintains hope for reconciliation within the marriage until a divorce decree has been obtained.

2. A phone call or an interview to your parish is made to initiate the case. At this time some preliminary information will be taken by your canonical advocate (priest, deacon or religious), who will assist you in preparing your formal petition and gathering the necessary documents (baptism certificates, marriage certificate and a divorce decree). You must provide the last known address of your former spouse because the Tribunal is required by Church law to inform that person of this proceeding and give him/her the opportunity to present testimony. At no time will you be required to meet with your former spouse. If he or she refuses to participate in this investigation, the case will continue nonetheless. If your canonical Advocate has some concerns or questions about particular details or technicalities of your case, the Canonical Advocate will contact the Tribunal directly to clarify the issues before the case is submitted. In some circumstances the Tribunal may recommend a Canonical Advocate to assist you with your case.

3. You will be assisted by your Canonical Advocate at your parish in completing some forms and you will be asked to provide a report or testimony based on the family background of yourself and your former spouse, the courtship and engagement period, the wedding ceremony, the history of the marriage itself and what led to the breakdown of the marriage. Your Canonical Advocate will submit the case to the Tribunal. After the Tribunal has received these completed forms the Judge assigned to your case may ask that you and your Canonical Advocate contact him to discuss the grounds to be considered and/or the gathering of proof. Some judges employ this step; some do not (depends on the circumstances of each case).

4. Witness testimony is also required. Witnesses can be family or friends who knew you and your former spouse prior to the wedding. The witnesses will be asked by the Tribunal to submit their own reports based on what they know about the marriage in question and any problems that may have existed in the pre-marital history. Four witnesses are usually required.

5. Once the case has been submitted to the Tribunal, you may receive a citation for an interview with a member of the Tribunal (known as the "judicial hearing") so that the facts of the case can be discussed and clarified (If that is absolutely necessary). In cases being heard on the grounds of psychological incapacity for marriage, a court-appointed medical expert or psychologist is present for the hearing in order to assist the judge in evaluating some of the psychological aspects of the marriage in question. The interview or hearing is always conducted in a professional and pastoral manner. Unlike a federal or civil court, the Church does not hear cases in Open Court where anyone can walk in, listen or make notes about what is said. However, in this Church procedure, if requested both you and your former spouse may read the testimony of the case before a final decision in the first instance is taken (publication of the acts).

6. When a decision in the first instance has been reached regarding your petition, Church law requires a review of each case by a panel of three judges who will either ratify the decision in first instance or admit the case for re-trial. This process of ratification is process to the Diocesan Court of Appeal of Oakland, California.

7. It must be noted that NO PLANS FOR A CATHOLIC CHURCH WEDDING OR CONVALIDATION CAN BE MADE UNTIL A CASE HAS BEEN COMPLETED AND ANY PRE- MARITAL REQUIREMENTS, SUCH AS COUNSELING, MONITUM OR VETITUM, HAVE BEEN MET.

8. While there is a non-refundable fee of \$75 to begin the annulment investigation and a balance of \$150 to be paid in two additional installments, it must be understood that payment of the fee does NOT determine the outcome of the case, NOR does any inability to pay the fee prevent the case from being heard. All the Church Tribunal asks is that those, who avail themselves of the services of this office, assist us in meeting part of the expenses that are incurred in each case. The fees apply to each case in no way covers the expenses of staffing and operating our Diocesan Tribunal.

9. In some cases, given the facts described and the legal proofs provided by the parties, the Church has to uphold the validity of a marriage.

Rev. Langes J. Silva, STL, JCD

Judicial Vicar/Vice-Chancellor

**Diocesan Tribunal Office
Diocese of Sal Lake City
27 C Street
Salt Lake City, UT 84103**

Phone: (801) 456-9312

Fax: (801) 328-9680

e-mail: fr.silva@dioslc.org