

Annulment

Overview

One of the misunderstood elements of the Church is the subject of Annulment. This issue is intended to clear up any misconceptions in the short space we have here.

What is an Annulment?

When a man and woman who were once married obtain a civil divorce, there can be some issues related to that marriage that may not have been “correct”. At the outset, it must be understood that an annulment is not limited to the Catholic Church, as other marriages have been “annulled” for various reasons. For example, if the marriage was never consummated, often the legal process will declare the marriage to be invalid and therefore nullified.

In the Catholic Church, an annulment is a declaration by the church tribunal system that the marriage was not canonically or sacramentally valid. Marriage is one of the Seven Sacraments of the Church and is treated with great respect.

Reasons for invalidity

There are a few reasons why a marriage can be annulled – in that something was not sacramental about the marriage. This usually takes the form of a law or defect in consent and I list just a few as follows:

For example if the couple made an agreement with each other prior to getting married that they would not have any children this would make the marriage non-sacramental since procreation is a part of marriage. Another reason can be a lack of the two required witnesses – even if married before a qualified minister (priest, deacon, minister, rabbi, etc.). Using the marriage process as a business arrangement such as to get citizenship is a defect and the marriage is invalid. A genuine mental disorder may not have the intent of consent – making the marriage not valid.

The facts and fallacies

There are many misconceptions about an annulment and I list just a few as follows:

An annulment is not a Catholic divorce. If a person obtains a civil divorce and does not get an annulment, they are still married in the eyes of the church. The annulment merely renders the marriage as being non-sacramental and is not a divorce.

It is not true that a divorced person must seek an annulment after a civil divorce in order to be in communion with the church and receive Holy Eucharist. As long as the person remains in a single status this does not preclude them from Holy Communion.

It is not true that children born of the couple become illegitimate following an annulment. If they were married in any way prior to the annulment, those children are certainly legitimate.

It is false that the Catholic Church does not recognize a marriage of two non-Catholics before any other type of minister.

Procedures

The process can be either informal or formal – depending upon the circumstances. Both require some paperwork and the informal process has some limitations. The more formal process requires extensive testimonies from both the petitioner and the respondent. As mentioned in the following paragraph, your parish office can help you with the process and with any paperwork required by your diocese.

What should you do?

There are only two reasons why anyone would want to pursue an annulment. Firstly, if you are divorced and wish to marry again in the Catholic Church, you must clear up any other marriages. Secondly, if you are interested in the religious life, most seminaries require that you do not have any impediments such as a marriage.

In the limited space here, I have tried to provide an overview of this annulment process. If you are in these categories, I encourage you to contact your parish office and ask to speak with an annulment advocate. They will help you with determining if you may have a case and with the process.