

## Common Misconceptions about Divorce and Annulments in the Catholic Church

Once people divorce, they are no longer part of the Church. Divorced people are excommunicated and no longer able to receive the Eucharist or other sacraments. (FALSE, NOT FULLY ACCURATE)

Divorce in itself does not prevent Catholics from receiving the sacraments, though if the individual in question is responsible for the breakup of the marriage through some sinful action (infidelity, spousal abuse), there may be questions about his or her ability to receive. These questions are best handled in the confessional. Catholics who divorced and remarried outside the Church are not under the penalty of excommunication, but they are in an *objective* state of sin and must refrain from reception of the sacraments until their irregular marital status is corrected. An objective state of sin does not mean that this is a bad person, it's simply a state that is not consistent with what Jesus and the Church teaches and believes. Catholics in this situation must still participate in Mass, but may not receive Eucharist until their marriage situation is regularized according to the teachings of Jesus Christ and his Church. (See St. Mark 10:2-12; St. Matthew 5:31-32 and 19:3-9.)

An annulment wipes away all vestiges of the past relationship, and children from that relationship become illegitimate. (TOTALLY FALSE)

If a declaration of nullity is made regarding a past marriage, the Church is saying that a permanent bond of marriage *did not* arise at the time of the wedding. This means that both people of the prior union are free to celebrate a marriage in the Church. On the other hand, Church law acknowledges that though a marriage might be declared null, it is considered a *putative marriage* since, though it was not a valid marriage, the good intention of the parties at the time of the wedding cannot be simply forgotten. An annulment means that a previous marriage did not fulfill all the requirements for a valid marriage in ecclesiastical law. It does not say that the relationship was nothing or that there was nothing good in the relationship.

An annulment has no effect on the status of children in the Church. Obviously, the children exist as a gift of God. Legitimacy is a legal category that is properly the realm of the civil law. Church law states: "Children who are conceived or born of a valid or of a putative marriage are legitimate" (Canon 1137). The annulment is based on the fact that an ecclesiastical, Church marriage did not exist, but that a civil marriage did exist.

Children are obviously affected by the annulment of their parents' marriage, just as they are when their parents' divorce. Parents seeking an annulment should reassure their children – whatever their age - that they were conceived in love and they are loved. We should all help children to see and understand that nothing the Marriage Tribunal does affects the status of children born to a marriage presumed to be valid at the time.

Annulments are expensive, and the more you pay, the quicker your annulment will go through. The rich and famous get preferential treatment. (COMPLETELY FALSE)

The cost of running a tribunal is a burden on any diocese. The Archdiocese of Detroit is fortunate to be able to refrain from charging on a case-by-case basis for an annulment proceeding. The work of the Tribunal is fully funded by the CSA collection. Some expenses can be incurred if the case is appealed to the Roman Rota, and there may be some miscellaneous expenses in obtaining the

necessary documents (marriage license, divorce decree, counseling records). Some dioceses do charge for the process, but no Tribunal will refuse to hear a case if the party cannot afford the fee.

The simple fact is that the vast majority of declarations of nullity are not given to the rich and famous. Media only reports high profile cases and this gives the distinct impression that only rich people get "annulments".

Annulments take years to be decided. (FALSE)

It is very rare that a case takes more than two years. Our stated time frame is one year, though many cases are resolved in less than a year. The availability of good, solid witness testimony is essential. If the witnesses cooperate in a timely fashion, then the case is generally resolved more quickly. If a case is appealed to the Roman Rota though, it can take years before an answer is given; however, appeal to the Roman Rota is rare.

It should also be noted that no time frame is definitive and no affirmative decision is guaranteed. Hence, concrete plans for a subsequent marriage cannot be made until a definitive decision is given by the Tribunal.

### **Other questions often asked about Marriage, Divorce and Annulments in the Catholic Church:**

How do I start the procedure for a Declaration of Nullity?

Does my former spouse have to cooperate?

How are the allegations proved?

Can anyone be a witness?

Does everyone who applies receive an annulment?

Why would an annulment not be granted?

Does a Declaration of Nullity have any effects in civil courts?

If I receive an annulment does that mean that my former spouse can remarry?

What does an annulment say about my past life -- was I living in sin when I thought I was married?

**ALL THE ABOVE TO BE DISCUSSED AND ANSWERED AT THE PRESENTATION AT ST. CLARE OF MONTEFALCO PARISH ON THURSDAY, JANUARY 10, 2019.**

All are welcome to attend. Please invite anyone whom you think would be interested in such a presentation.