

At this point, people often say that they “got an annulment.” This is misleading and faulty terminology, though. It implies that one can get an annulment like one can “get” a new car or a new suit. It is more accurate to say that a declaration is made that the marriage was null from the start. The Tribunal merely states what is there already, the truth. It does not grant an annulment, it makes a Declaration of Nullity. The decision may also be negative, that is, that the nullity of the marriage was not proven.

CLEARING UP MISCONCEPTIONS

LENGTH OF PROCESS

How long does it take? Recently our Holy Father, Pope Francis, made some changes to the process. The whole process is now going to be shorter since a mandatory appeal to an Appeals Court was eliminated. Additionally, there may sometimes be the possibility of an expedited process in some cases and under certain conditions, two parties agreeing that both want the marriage investigated, for example. Certain grounds also must apply for the expedited process to be used, as well. While some people have called this expedited process a “Catholic Divorce,” it is not a divorce at all. That is because the same kind of investigation into the possible nullity of the consent is involved. It is not simply something for which someone can apply. All in all, the normal process should be complete within a year.

FINANCES

How much is the fee? In accord with the Holy Father's wish that the process be made readily available to people, there is no fee charged. The Tribunal previously had a fee which helped to cover the expenses which were incurred in the running of the office and in paying for the services of professionals. As we enter into the year of mercy, proclaimed by the Holy Father, this fee is being eliminated. Although there are always expenses associated with work such as this, the elimination of the fee is an opportunity to allow all people in need of God's mercy as expressed through the Tribunal's ministry to experience it. If you are able to make a donation to help to defray the cost of operating expenses which are now being fully subsidized by the Diocese, it will be greatly appreciated.

The work of the Tribunal is the work of mercy and reconciliation. Those who are in this ministry do it with these goals in mind. The supreme law is the salvation of souls and it is the desire and hope of the Bishop that through the ministry of his Tribunal, the people of God are brought closer to the experience of salvation, that they grow in holiness by being able to pursue their vocation to marriage in a Christian way, faithful to the ideals of Christ Himself.

Reverend Monsignor Steven J. Aguggia, J.C.L.
Judicial Vicar



THE TRIBUNAL
DIOCESE OF BROOKLYN
7200 DOUGLASTON PARKWAY
DOUGLASTON, NEW YORK 11362

718-229-8131

tribunal@diobrook.org

ANNULMENTS: FACT AND FICTION

Is there anything more misunderstood by Catholics about something that goes on in their own Church than annulments?

-An annulment is just a "Catholic Divorce."

-If you have the money or know someone, you can get an annulment.

-Annulments cost about \$15,000 and take years.

All of the above statements are false. These and other fictions often cloud Catholics' understanding of a process that is intended to be one of mercy, reconciliation and new beginnings. An often-quoted principle in the church is that the supreme law is the salvation of souls. This goes for the annulment process as well as all of the church's laws. It is the holiness of people that is the aim of the annulment process and it is accomplished by allowing people to return to the fullness of a sacramental life in the church.

The marriage of a man and woman is the foundation of the family life. Jesus clearly showed how much marriage is valued in the mind of God by raising marriage to the level, to the dignity, of a sacrament. When a marriage is good and holy it builds upon the grace that is received in the sacrament. Sometimes, however, a marriage which may look for all intents and purposes to be a valid marriage is not. This is what the process of the Tribunal is all about.

Let us take the example of the men and women who, after getting to know one another over the course of years, decide to be engaged and continue to grow in knowledge of one another and in love with one another. They decide to marry totally understanding what Christian marriage is all about, understanding the sacramental nature of what they will be doing, making the right decision regarding the person that they are marrying, and, in a mature way, enter into the married state of life. Their love is fruitful and they begin to raise a good Christian family. This Christian home is a domestic church where the love of Jesus is taught and lived.

Such a marriage is valid because all of the conditions which were required for the valid celebration of the sacrament were present. The effects of this are seen in the fruit that the marriage produces.

Certainly, such a marriage is permanent. No one can separate what God has joined. In the case of two Christians, it is a "sacramental marriage."

Sometimes, however, all of the things which necessarily go into making a marriage valid are not present. When this happens, the marriage is invalid or null. It means that even though it may look like it happened, it did not. Something essential to its coming into existence was not there.

When a Catholic who is bound to observe the law of the church regarding marriage does not do so, that marriage is obviously not valid. Here we can envision Catholics in civil marriages, for example. Such marriages can be declared null through evidence presented to the Tribunal by documents: baptismal certificates proving the party was Catholic at the time of the marriage and a marriage certificate proving that the marriage was not a Catholic ceremony.

In cases where a ceremony took place in a Catholic Church, however, the possible invalidity is not obvious and there must be an investigation and process. A person asks the Tribunal to investigate a marriage to see whether or not nullity can be declared. Any person has a right to petition a Church court to examine his or her marriage if that person suspects it may be invalid. A marriage is presumed to be valid unless it is proven otherwise.

A declaration that a marriage was invalid is not automatic. No one "applies" for an annulment and no one pays for an annulment. The process can take some time because the Tribunal must be certain that there was something which invalidated the marriage from the start.

It does not matter how long a couple might be together or even if they were in love for a while because the examination is to determine whether the consent (the vows), through which a marriage comes into being, is valid or not. An annulment is not a declaration of the invalidity of a relationship; it's the declaration of the invalidity of consent.

This is why it does not affect any children the couple may have had. The relationship between the parents was there and the civil marriage (which ended by civil divorce which the Church cannot recognize) was there. Children born within the context of civil marriage are considered "legitimate" by civil standards. This is an important point since many people misunderstand this fact. A declaration of nullity has no effect on the status of children at all.

Is the process painful? Are old wounds reopened? Perhaps, they are. It would be dishonest to say that the process is not difficult. It takes some work and can be emotionally trying. The end result, however, is a new start. Since an annulment is a declaration that there was no marriage to begin with (remember, we are not speaking about relationships), the persons are free to begin again.

During the process caring people in the Tribunal assist you, walking you through the difficult parts. The Tribunal's personnel understand their work to be ministry, a ministry of healing and reconciliation and a work of mercy.

So often our suffering and difficulties lead us to greater strength and trust in the Lord. The process described here is a way to do that. By allowing the Lord into the process and by asking Him to walk with us through the difficult parts, people can emerge with a renewed sense of communion with the community of the Church.

HOW DOES THIS PLAY OUT IN THE DIOCESE OF BROOKLYN?

The Diocese of Brooklyn has a Tribunal (the Court of the Bishop of Brooklyn) in Douglaston, Queens and the staff of the Tribunal is at the service of the people of the Diocese. Who can approach the Brooklyn Tribunal? Basically, the answer is simple: anyone who was married in the Diocese or anyone who lives in the Diocese or whose former spouse lives in the Diocese.

The process usually begins on a local level, in a parish. Often persons who want to have their marriage examined by the Tribunal approach a priest or deacon or a pastoral associate in their own parish. These people will be directed to call the Tribunal at **(718-229-8131)** and a letter with information about the process will be sent to them.

Our Diocese has many deacons and others who have been trained to assist people with gathering together information and documents, a task which can often seem quite daunting. However, with the assistance of these dedicated "case instructors," it can be easier. Once all the information is gathered, it is sent to the Tribunal and a case is opened.

What kind of information is needed? Aside from what you might suspect (baptismal and marriage certificates, divorce declaration, etc.) people are asked to provide an "autobiography" which recounts the details of their courtship and marriage. (An outline is provided to facilitate this). Certainly, rehashing these sometimes painfully recalled experiences can be difficult, but the case instructor and Tribunal personnel are always available to assist. You will also need to ask "witnesses" or persons who knew you at the time of the courtship and wedding to provide their view of what happened.

The process which takes place at the Tribunal, then, follows. The ex-spouse will be contacted to offer him or her the opportunity to offer an "autobiography" and to take part in the process. **At no time will the two parties have to have any contact with each other.**

Once all the testimony is collected, the petitioner is invited in for a "hearing" during which the judge will discuss the situation with him or her and clear up anything that is not too clear. The respondent is also invited for a "hearing" at this time, if he or she has agreed to participate in the process. Sometimes an "expert witness" in psychology (a psychologist or psychiatrist) will be asked to examine the evidence to offer information to the judge to assist him in making a decision. Once the investigation is complete and required reviews have taken place, the judge will make a decision on the case. The parties will be informed as to whether the judge determined, with moral certainty, that the marriage was valid or not.