

FREQUENTLY ASKED QUESTIONS

What is canon law?

Canon Law is the Church's system of law which regulates the Church and its members. The [Code of Canon Law](#) can be found online and Catholics are encouraged to make themselves familiar with it. Those who go to university and obtain professional degrees in this law are called "canon lawyers".

What is a tribunal?

This office functions as the local church's legal department of religious affairs. The purpose is two-fold: the first is to safeguard the rights of all the Catholics in the diocese, from the Bishop to the catechumen. The second is to act as a trial court for disputed matters, including challenges to the validity of marriages.

What is an annulment?

"Annulment" is a poorly chosen word that has become popular in English. The preferred term is "declaration of nullity". The Church's tribunal does not attempt to make a marriage null but, when appropriate, to declare that it is null and has been from the start. Nullity can arise if one of three essential things was missing: commitment to fulfilling the obligations of marriage; intention to enter marriage as the Church understands marriage; knowledge of both marriage itself and the other person.

What is the difference between a divorce and a declaration of nullity?

A divorce is a statement issued by civil authority (and some non-Catholic Churches) which states that a marriage, which occurred, has irreparably broken down and is over. A declaration of nullity states that a true marriage never existed.

Do I need a divorce to approach the tribunal?

Yes. Church law requires the tribunal to be sure that the spouses will not reconcile; one way to do this is by ensuring a civil divorce has been granted.

Does a declaration of nullity mean my children are illegitimate?

No. At the time the children were born, it was presumed this marriage was valid and thus the children are legitimate in both canon law and common law. A declaration of nullity cannot retroactively change this fact.

Are there any civil effects to a declaration of nullity?

In British common-law countries such as Canada there are no civil effects to tribunal proceedings.

If I apply for a declaration of nullity, does my former spouse have to be notified?

Yes. Both parties have the right to challenge or defend the marital bond. Once the tribunal

accepts a case, the former spouse will be invited to participate. If he or she refuses, the case can proceed with this input, but if the former spouse does provide evidence, it is always helpful.

What if I don't want my former spouse to be involved?

Your former spouse also has rights in canon law, including the right to participate in determining the truth about the marriage. He or she may refuse to be involved, but cannot be excluded.

Will everything I tell the marriage tribunal remain confidential?

Yes. Confidentiality is a cornerstone of the tribunal and all its personnel sign oaths of secrecy. However, if your former spouse chooses to participate, he or she has rights to know what the tribunal has learned about the marriage. This gets complicated and we can discuss with you the ways you can be protected if need be.

Can family members act as witnesses?

Absolutely. Any relative or friend who was old enough at the time of the wedding to observe the nature of the relationship can provide useful evidence.

What happens if there are no witnesses?

If there are no witnesses it will be very difficult for a case to proceed as the judges will not have the required evidence to achieve certainty. This is sometimes the case with very old cases. If there are no witnesses some form of strong documentary evidence would be required.

Can I use a witness in another country?

Yes. We can often use tribunal personnel in the witness's home area to conduct the interview for us. If not, we can explore other options for collecting the testimony without ever asking the witness to travel.

What if someone doesn't speak English?

We will make every effort to find someone to translate or interpret as need be.

My ex-spouse committed adultery. Isn't that grounds for nullity?

The Church recognizes the pain and suffering that occurs in marital breakdown, especially in cases of adultery. However, a declaration of nullity is not a reward for good behaviour or a punishment for immoral behaviour. It is a statement that there was a fundamental problem in the marital relationship. In some cases, adultery may indicate immaturity or an attitude against fidelity. In other cases, it may be something which occurs some time into a marriage that was established freely, prudently, and with the correct intentions.

How long will the process take?

This question is common and truly depends on the nature of the case. Major delays can occur when witnesses are not cooperative or forthcoming. A typical case may take a year or more. If the tribunal's decision is appealed to a higher tribunal, the timeframe will be extended. An appeal to Rome may add several years to the process.

Didn't Pope Francis say annulments should only take a couple of months?

The new *processus brevior* (ie. shorter process) can only be used in certain cases. First, the invalidity of the marriage must be manifestly obvious. An extreme example is someone forced to marry at gunpoint. Second, your ex-spouse has to either participate or at least agree to the petition. If he or she is not locatable, refuses to work with us, or disagrees with the petition, it is impossible to use this process. Third, the proof showing that the marriage is invalid must be readily available. Then the diocesan bishop himself must judge the case. If he is not able to achieve moral certitude that the marriage was null, the case will be submitted to the ordinary process.

But I already booked a hall, can't you rush my case?

We can't delay justice for those who applied for our help before you did. The only circumstance where a case can be given priority is in situations of terminal illness. **No dates** should be set for a new marriage until the tribunal communicates its final decision to you.

How much does it cost?

The marriage tribunal is a ministry of the diocese and, as such, is subsidized by the diocesan budget. However, those who benefit from this ministry are encouraged to offer financial support towards tribunal operations. This will be discussed with you at the time of your application. However, no members of the faithful will be turned away due to lack of funds.

I've never been married, but my non-Catholic fiancé was. Do we need to do anything?

Marriage is a natural reality created by the proper consent of the couple and, as such, all marriages between non-Catholics are presumed by the Church to be valid and binding until proven otherwise. We investigate those cases when necessary.

Why would a person want a declaration of nullity?

People usually approach the tribunal because they wish to get married in the Church and are prohibited due to a prior marriage, although others seek the ministry of the tribunal to find a sense of closure on their former marriage.

So, when the tribunal declares my first marriage null, I'm free to marry again?

If you have been married more than once, the others may need to be investigated by the tribunal too.

In certain circumstances the tribunal may place a warning or prohibition on one or both parties, slowing down the rush to remarry. This may happen, for example, when a marriage was invalid due to a psychological issue. In these circumstances, your priest will contact the tribunal to find out what issue requires pastoral attention, to reduce the risk of repeating past problems.

I already have an annulment from the Orthodox Church. What do I need to do?

The practice of the non-Catholic Eastern Churches is very diverse regarding annulments. While some of these are very similar processes to what is done by the Catholic Church, in most cases these are ecclesiastical divorces. As a result, you still need to approach a Catholic tribunal to

have your marriage examined for its status in the Catholic Church. While in some cases your Orthodox decree could be accepted by the Catholic Church, in some cases you would need to undergo the ordinary tribunal process.