

Ten Myths about Annulment in the Catholic Church

MYTH: A Catholic who divorces is excommunicated and no longer a part of the Church.

TRUTH: This penalty was withdrawn in 1884. A divorced Catholic who has not remarried outside the Church remains a Catholic and may participate fully in the Church and receive Communion under the usual conditions. Even though this person may not be planning to remarry, he/she may still apply for an annulment to have peace of mind and to put closure to that painful stage of his/her life.

MYTH: A Catholic who divorces and remarries, without an annulment, is excommunicated.

TRUTH: Catholic Church law permits a second marriage if a declaration of invalidity of the first marriage is granted. A divorced Catholic who remarries outside the Church is not excommunicated, still remains an active member of the Church, and may still attend Mass, but may not receive Communion until a declaration of invalidity is granted for the previous marriage and the present union is convalidated. (This also applies to a Catholic who marries a person who was previously married and whose former spouse is still alive.)

MYTH: If a declaration of invalidity (an annulment) is granted by the Tribunal, this decision implies that the person never had a marriage. In other words, the marriage never existed and the children are illegitimate.

TRUTH: The Church does recognize the civil aspects of the marriage, and holds the basic presumption that the couple entered a valid marriage. The Church is very clear in its protection of the legitimacy of children. A declaration of invalidity determines that, at the time of the wedding, the marriage lacked an element(s) that the Catholic Church teaches is essential to marriage and especially to a sacramental marriage. The absence of this essential element(s) eventually caused the breakdown of the marriage.

MYTH: One has to pay a large sum of money in order to obtain an annulment.

TRUTH: Most Tribunals charge a nominal fee and provide reductions of the fee for those who need them. No petitioner will be turned away if he/she is unable to contribute toward the expenses incurred by the Tribunal.

MYTH: If an annulment is granted by the Tribunal, it allows only the Petitioner to remarry.

TRUTH: An affirmative decision ordinarily frees both parties to remarry in the Church. However, based on the circumstances of each individual case, the Tribunal may recommend or require that a party seek pastoral and/or psychological counseling or some type of treatment prior to entering another marriage. This is done so that the same destructive patterns that caused the breakdown of the previous marriage will not be repeated. Also, a party who has not abided by the civil court provisions for payment of child support will be prohibited from remarrying in the Church until those obligations are fulfilled.

MYTH: For every previous marriage the long, formal Tribunal process (8 months to 1 year in the Diocese of San Diego) will be required.

TRUTH: Not every situation requires the formal process. By Church law, Catholics must be married in the presence of a Catholic priest or deacon and two witnesses (canonical form). A marriage entered into by a Catholic before a Justice of the Peace or before a non-Catholic minister (without a dispensation) is, by Church law, invalid due to lack of canonical form. The Tribunal process utilized in this case to determine invalidity is a much shorter process in which documents (baptism certificate of the Catholic party, civil marriage license, and final divorce decree) are the only proofs required.