

## An Update On the Church's Teachings on Marriage, Divorce, and Nullity

1. ***Why does the Church teach that marriage is permanent?***

Marriage is permanent because God's love is permanent. God's love is never taken back. A couple should reflect seriously upon the meaning of their commitment, and take on those responsibilities only if they are prepared to do so and intend to do so.

2. ***Must two people remain in a marriage at all costs?***

Church law states that if either of the spouses causes "serious danger of spirit or body to the other spouse or the children, or otherwise renders common life too hard," the spouses may separate (c1153.1).

The Church is always concerned that human life must be protected from things that would destroy it. If the marriage relationship is threatening the life or well being one of the parties or the children, or if the continuation of the relationship has truly become intolerable, then the Church reminds us of our responsibility to protect human life in all its form, and allows for the separation of the spouses.

3. ***Does the Church accept the results of a civil divorce?***

The church teaches that no human power can dissolve the sacramental bond of marriage. Therefore, the Church does not recognize any civil authority over the marriage bond. However, in order that a person's civil rights can be protected and so that any children of a marriage can be provided for in an adequate manner, the Church teaches that divorce can be tolerated, if it is the only way that a person's rights can be protected.

*(The Catechism of the Catholic Church, n.2382)*

4. ***What is the status of a divorced catholic in the church?***

Those who divorce are still considered members of the Church in good standing. Divorced persons (as long as they have not remarried) can still receive the Eucharist and the other sacraments. Moreover, Pope John Paul II has urged all the faithful to help those who have divorced so that they do not consider themselves separated in any way from the Christian community. *(see The Christian Family in the Modern World, n.83)*

5. ***What is the status of a divorced catholic who marries outside the church?***

A divorced Catholic who marries outside the Church is still considered a member of the Catholic Church; there is NO EXCOMMUNICATION for such an action. However, Church practice has been that a catholic who marries outside the church may not receive the sacraments of Eucharist and Reconciliation. This is for two reasons: first according to Church law, Catholics must marry before a priest and two witnesses in order for the marriage to be recognized by the Catholic Church. Second, but more importantly, the Church teaches that marriage is a sign of the unbreakable bond of love between Christ and His Church. By establishing a new union, the person is no longer giving witness to that unbreakable bond of love. Therefore, objectively they are living in a way that contradicts the Church's teaching about the sacramentality of marriage.

6. ***What about a Catholic who marries a divorced person?***

The same answer would apply. The Catholic party is not excommunicated, but Church practice has been that the person cannot receive the sacraments of Eucharist and Reconciliation.

7. ***What is the status of a catholic who marries outside the church for the first time?***

A Catholic who marries outside the Church is still considered a member of the Catholic Church; there is NO EXCOMMUNICATION for such an action. However, Church practice has been that a catholic who marries outside the church may not receive the sacraments of Eucharist and Reconciliation. According to Church law, Catholics must marry before a priest and two witnesses in order for the marriage to be recognized by the Catholic Church. In order for a catholic to receive the sacraments, the civil union must be convalidated or "blessed" by the Catholic Church.

8. ***How can I have my current civil marriage blessed?***

Call the Parish Life Center and make an appointment with Laura Myers, 626.5671 x110.

9. ***How does a divorced person re-marry in the Catholic Church?***

There are two principal ways that a person may re-marry in the Catholic Church: if the previous marriage is dissolved by death, or if it is declared null from the beginning.

10. ***What is a Declaration of Nullity?***

A declaration of nullity (which is the more precise name for what most people call an "annulment") means that something essential to the marriage was lacking at the time the parties exchanged consent. Thus, while the parties believed they were giving valid consent to their marriage, something was missing which prevented a true marriage bond from being formed. In finding a marriage null, the Church does not cast blame on either party. The annulment process is simply a search for truth.

11. ***What is the different between and divorce and an annulment?***

An annulment is not a "Catholic Divorce." A divorce is a civil judicial act that states that a civilly valid marriage is officially broken or ended by the decision of one or both parties. An annulment is an ecclesiastical judicial determination whereby what was believed to be a valid marriage is declared *never to have been a marriage in the first place*. An annulment does not say that a serious relationship did not exist between the parties, or that the parties were "living in sin," or that the children of the union are illegitimate. It states that at the time of consent, there was something essential missing in one or both parties "I do." Another way of looking at it is that divorce destroys something that was; annulments recognize that something never was.

12. ***What could be missing in the parties consent?***

For members of the Catholic or Orthodox Churches, it could be that the proper manner of celebrating the marriage was missing; in other words, the parties did not marry according to their own church laws. In other situations, it could be that the parties' consent itself was lacking in some way. This means that one or both parties might not have had the necessary maturity or the psychological capacity for marriage. In still other situations, it could be that an essential element of marriage was lacking in the person's consent. That is, at the time of the marriage, the person did not intend permanence, fidelity, or children as part of their marital commitment. Finally, it could be that a person's understanding of marriage itself or the person they were marrying was lacking, such that they truly did not have sufficient knowledge about what they were doing. These are called "grounds" for the case.

13. ***How does a person apply for a declaration of nullity?***

The process begins at the parish level by calling the Parish Life Center and making an appointment with Laura Myers, 626-5671 x110. As the process develops, the person applying for a declaration of nullity (the petitioner) will be asked to submit written testimony regarding the relationship in question and the family back grounds of each party. The petitioner will also be asked to supply the names of witnesses who would be willing to answer a written questionnaire concerning their knowledge of the marriage in question

14. ***Does the other party have to know about this?***

Yes. There are no exceptions to this, unless the whereabouts of the other party is unknown. Since a declaration of nullity affects a person's status in the Church, the other party has a right to know about the proceedings and to participate in them. This does not mean that the petitioner will have any interaction with the respondent. The Tribunal will contact the other party and ensure confidentiality.

15. ***Does the other party have to participate in the proceedings?***

No. The Tribunal must inform the other party of his or her right to participate. This includes the right to submit testimony, the right to name witnesses, and the right to be represented by an advocate. Moreover, both parties have a right to review the material in the case and to read the decision once it is reached. However, the Tribunal cannot force a person to exercise his or her rights; the exercise of right in the Church is up to the individual.

16. ***If a declaration of nullity is given, does it mean that a relationship never existed?***

No. A Relationship obviously existed in a certain way. A declaration of nullity means that what did exist between the parties was not what the Church means when it speaks of marriage. That is, the relationship which existed fell short of what the Church teaches a valid marriage must be.

17. ***If a declaration of nullity is given, are both parties free to marry?***

Yes. However, the Tribunal often recommends or requires counseling before subsequent marriage, to ensure the problems experienced in the pervious marriage do not carry over into a new union.

18. ***If a declaration of nullity is given, does it mean the children are illegitimate?***

NO. This is one of the biggest misconceptions about the effect of a declaration of nullity. Legitimacy is a creation of the law, so people are legitimate if a law says they are legitimate. Church law specifically provides (c 1137) that even if a marriage is declared null, the children born of the marriage are still considered legitimate.

19. ***Is there a cost involved in petitioning for a declaration of nullity?***

In the Archdiocese of New Orleans, there is a set fee for the processing of the case. This includes legal fees, salaries, fees for expert testimony, etc. It costs the Archdiocese about \$1000.00 to handle a case from start to finish. The person petitioning for the declaration of nullity is asked to assume \$500.00 this cost, if possible. No one is ever refused the services of the Tribunal because of an inability to "pay their part" to the Archdiocese for the cost of the case. Also, it should never be assumed that the Church makes money off of this process. The petitioner's portion offsets some of the cost, but the Tribunal operates in the red.

20. ***Does a previously married non-catholic have to receive a declaration of nullity before marrying in the Catholic Church?***

Yes. The Church teaches that a valid marriage is created by the consent of the two parties. If the parties are baptized Christians, that valid consent is also considered sacramental; that is, it is a sign given to the Christian community of God's faithful, fruitful, enduring love for them. While members of the Catholic and Orthodox Churches have certain rules to follow regarding where they marry, the Church recognizes the marriages of all others, regardless of where the parties exchanged their consent.

**Any additional questions? Please call Laura Myers at 985.626.5671 x115**