

Understanding your marriage:

A petition for a declaration of invalidity
of marriage in the Catholic Church.

Tribunal
Diocese of Cleveland

Introduction and welcome

You have this booklet because you are either seeking an “annulment” as a petitioner, are involved in the process as the petitioner’s divorced spouse (the respondent), or are simply curious about the Catholic Church’s “annulment” process.

What is commonly called an “annulment” is better understood as a declaration of invalidity — a statement by the Catholic Church that a prior marriage bond did not exist according to the teachings of the Church.

In order to understand how the Catholic Church can declare a marriage invalid, you must first understand how the Church understands marriage. The Catholic Church uses the word ‘marriage’ in a way that is different from how that word is often used nowadays.

The Catholic Church believes that God is the author of marriage, not civil courts or legislators. Marriage is revealed and established by God in Sacred Scripture and as taught by the Catholic Church under the guidance of the Holy Spirit. Marriage is for life; the bond of marriage is not broken by civil divorce, and the spouses are not free to have another relationship which contradicts the bond of their marriage.

Marriage is brought about by the consent of the couple often expressed by their “I Do’s” at the wedding ceremony. The couple must express this consent according to the law applicable to them: e.g., for Catholics, the consent to marry must be manifested before a priest or deacon and two witnesses. This is called ‘canonical form’ which is required for the marriages of all Catholics unless the bishop has dispensed them from the requirement.

For a valid marriage, the couple must not intend to exclude certain basic elements (“goods”) from their marriage which have been ordained by God as part of the nature of marriage. Both parties must not exclude consent to a marriage that is open to their mutual rights to attempt to have children, which obliges them both to be faithful, and which cannot be dissolved by them. Both parties must enter marriage without placing any condition on their consent. And both parties must be psychologically capable of consenting to marriage and of fulfilling the obligations of marriage.

If any of these was lacking, the marriage was invalid from the beginning. And if sufficient evidence is presented to the tribunal, the marriage can be declared invalid.

Even if a marriage is declared invalid, children conceived or born of the an invalid marriage are still considered to be legitimate. If a marriage is declared invalid, then both parties are free to marry in the Catholic Church.

We hope that this brochure will answer some of the questions you may have and make a difficult legal process in the Church more accessible and understandable to you. If you are a party in a case, either the petitioner or the respondent, this process may open your heart and mind to memories both joy-filled and sad. At each step of this journey, place your faith in God and allow Him to heal your hurts and multiply your joys.

Sincerely yours in Christ,

The staff of the tribunal of the Diocese of Cleveland

Contents

Introduction and welcome.....	2
Contents	3
The Process	5
A note about marriage cases and testimony	5
Getting started.....	6
Preparing the initial petition.....	6
Meeting with a Case Specialist	7
Which tribunal can hear the case?.....	7
Accepting the petition.....	9
Contacting the respondent.....	9
Determining the grounds.....	9
Staff of the tribunal	10
Gathering evidence.....	10
Reviewing the evidence.....	11
Conclusion of the case.....	11
The decision.....	11
Appeals	12
Preparation for a new marriage	12
Grounds.....	13
Common grounds.....	14

Grave defect of discretion of judgment concerning the essential rights and obligations of marriage (canon 1095, 2°).....	14
Incapacity to assume the essential obligations of marriage (canon 1095, 3°).....	14
Deceit (canon 1098)	14
Error determining the will: indissolubility of marriage (canon 1099).....	15
Total simulation of marriage (canon 1101, §2)	15
Partial simulation of marriage: exclusion of ‘the good of indissolubility’ (canon 1101, §2).....	16
Partial simulation of marriage: exclusion of ‘the good of fidelity’ (canon 1101, §2)	16
Partial simulation of marriage: exclusion of ‘the good of children’ (canon 1101, §2).....	16
Reverential fear (canon 1103)	17
Rare grounds.....	18
Lack of use of reason (canon 1095, 1°)	18
Error of person (canon 1097, §1).....	18
Error determining the will: sacramentality of marriage (canon 1099)	19
Partial simulation of marriage: exclusion of ‘the good of the spouses’ (canon 1101, §2)	19
Future Condition (canon 1102, §1).....	20
Force (canon 1103).....	20
Frequently asked questions.....	21
How long does the process take?.....	21
Can I set a tentative wedding date during the process?.....	21
Is there a fee?.....	21
What about the children?.....	21
Is a divorced Catholic excommunicated from the Church?.....	21

The Process

The process to declare a marriage invalid (also known as an “annulment”) follows clear procedural rules. These rules help to guide the search for the truth when a question is raised about the validity of a marriage. They also help to protect the rights of all parties involved, and to ensure that each case before the tribunal is handled fairly and objectively.

The following pages outline the various steps in a marriage trial as prescribed by the Church’s law and the practice of the Diocese of Cleveland Tribunal. It is just a brief summary of the process that we follow.

A note about marriage cases and testimony

The tribunal is not seeking to assign blame for the ‘failure’ of a marriage. Instead, the judges are looking principally at how the marriage began — at the time of the wedding — and not how the relationship ended. The judges gather the facts of the relationship, focusing their attention around the time of the wedding. To do this, the court will ask questions of petitioners, respondents and witnesses, either by personal interviews or through written questionnaires. In all cases, the judges make decisions based on the facts as presented in the evidence.

Some of these facts may seem embarrassing. At times it may be necessary to tell of events that are painful to recall or that seem to indicate blame or failure. And, even though the judges are looking principally at how the marriage began, later events may be relevant and helpful to the judges.

In giving testimony, we ask that parties and witnesses be completely honest and open, allowing the judges to search for the truth of the matter, and not to be concerned about moral or ethical judgments.

Although the information we gather is confidential, this confidentiality is not the same as absolute secrecy. For example, the petitioner and the respondent in a case both have the right to view the evidence under controlled conditions, so that they can supply additional evidence which they believe will help the court to come to the right decision. Information we learn regarding the abuse of minors may be required to be shared with civil officials and Church authorities, according to the applicable civil and canon law.

Getting started

To determine if you need to petition for a declaration of nullity and how to get started, you can do one of the following:

1. Meet with a priest, deacon or lay minister at your parish. If he or she is not able to help you directly, you will be referred to someone who can.
2. Call the tribunal at 216-696-6525 ext. 4000.
3. Fill out a form on the tribunal website, requesting a referral to a Case Specialist: www.dioceseofcleveland.org/tribunal.
4. Attend a presentation given by the tribunal staff.

Preparing the initial petition

1. The first step is to fill out the preliminary forms and answer questions about the marriage under review. The Case Specialist will assist with filling out the forms. The spouse who asks the Tribunal to investigate the marriage is called the petitioner, since he or she is the one who ‘petitions’ the tribunal to hear the case. The other spouse is called the respondent, since he or she ‘responds’ to the petitioner’s initiative.
2. The petitioner gathers the documents which will be submitted with the petition. These must be original or certified documents and include the following:
 - A Baptismal Certificate (if the Petitioner is Catholic, issued within the last six months)
 - The Marriage Certificate and License Application
 - The Judgment Entry of Divorce from the civil court.
3. When all the paperwork is completed, the Case Specialist submits the petition to the tribunal.

Meeting with a Case Specialist

Every person seeking an declaration of invalidity of marriage from the tribunal of the Diocese of Cleveland works with a Case Specialist to prepare the petition prior to submission.

Normally, the Petitioner will meet two or more times with their Case Specialist at a local Catholic parish. The Case Specialist will review the forms and all of the required paperwork. The Case Specialist will also help the petitioner to suggest one or more grounds (reasons) for which the marriage might be declared invalid. Every case must have at least one recognized ground. Together with the Case Specialist, the petitioner will write a one-page statement regarding the proposed grounds, stating why the petitioner believes the ground applies to the marriage.

A **Case Specialist** is a trained person approved by the Bishop of Cleveland to help a petitioner to submit a marriage case to the tribunal, and to support a petitioner (or respondent) throughout the course of the case.

The Petitioner will also submit the names and addresses of several witnesses who have relevant knowledge regarding the marriage, and relevant to the grounds. The best witnesses are persons who knew both parties before and during the marriage. Witnesses may be co-workers, friends, neighbors, or family members. There should be at least one witness who can speak to the respondent's perspective on the marriage. Although it is not required, it is often helpful for the petitioner to speak personally with each witness, to inform them that they will be contacted by the tribunal and to encourage them to reply to the tribunal. Children from the marriage under investigation are not normally used as witnesses.

The Case Specialist will also help the petitioner to read and sign the tribunal Statement of Understanding. This should help the petitioner to know what to expect when submitting a case. If you have any questions, be sure to ask your Case Specialist or call the tribunal.

Which tribunal can hear the case?

A tribunal must have 'competence,' or canonical jurisdiction, over a petition before it can accept it. For a marriage case, a tribunal has jurisdiction if:

- the wedding took place within the territory of the diocese; or

- the petitioner or respondent lives within the territory of the diocese; or
- most of the witnesses or other evidence are found within the territory of the diocese.

The Diocese of Cleveland encompasses the following counties in the State of Ohio: Ashland, Cuyahoga, Geauga, Lake, Lorain, Medina, Summit, and Wayne.

Accepting the petition

Once the case paperwork is received from the Case Specialist, the tribunal reviews the documents, forms and introductory statements to see if the petition can be accepted. The tribunal may need the petitioner or Case Specialist to make clarifications or supply additional documents before the petition can be accepted. The Tribunal will write to the petitioner and to the Case Specialist if and when the petition is accepted.

Rarely, the tribunal will not be able to accept the petition for consideration. If this happens, you will be informed of the reason, and what you would need to do to have the petition accepted.

Contacting the respondent

When the petition is accepted by the tribunal, the respondent is contacted. This step is known as the 'citation of the respondent,' and is a crucial part of the process. The letter citing the respondent is sent at the same time as the petitioner is notified that the case has been accepted.

The respondent's right to participate is very important, and failure to cite the respondent or respect the respondent's rights can result in the tribunal's decision being declared null. Every reasonable effort must be made to contact the respondent and to encourage his or her active participation. The tribunal encourages the respondent's active participation because it allows the judges to hear from both parties of the marriage and come to a better understanding of the events and circumstances of the marriage.

The respondent is notified that the petitioner has submitted a petition regarding the marriage, including the reasons the petitioner is claiming that the marriage is invalid, and the names of the witnesses who have been proposed. The respondent is invited to testify, to name witnesses, and to suggest grounds of nullity of marriage. While the respondent cannot be forced to participate, and some respondents choose not to participate or do not reply at all, the respondent cannot simply prevent the case from being heard.

Determining the grounds

The petitioner initially suggested possible grounds and witnesses on the petition form. This was then sent to the respondent, who was able to state that whether he or she is in agreement with the petitioner's proposed grounds. The respondent may also suggest different grounds.

Once the judges have heard the opinion of the respondent if he or she has decided to participate, the tribunal will determine the grounds. The tribunal may set grounds that neither the petitioner nor the respondent explicitly requested. The tribunal sets grounds based on its assessment of the initial information received up to that time.

The petitioner and respondent are informed of the grounds that will be used to investigate the case. They can object at that time, or can ask at any time that the grounds be changed. However, it is always the tribunal in the case which decides the grounds to be used. The input of the parties is important, but they do not choose the grounds.

Staff of the tribunal

When the grounds are chosen, the petitioner and the respondent are informed of the names of the tribunal officers who will be working on the case. There will be three judges, one of whom will have day-to-day responsibility for the progress of the case; there is an auditor who assists the judge, conducts the interviews, and is usually the one who will speak with the parties by telephone; and the Defender of the Bond.

The Defender of the Bond is obliged to defend the marriage by pointing out for the judges the elements in the case which seem to support the validity of the marriage bond. The defender of the bond has a very important role in safeguarding the process and the bond of marriage.

Gathering evidence

Once the grounds have been chosen, the witnesses will be cited and asked to give their testimony in writing or by contacting the tribunal for an interview. It is helpful if the party who named the witness can encourage them to reply to the tribunal's questions completely and truthfully.

The tribunal normally interviews the petitioner, and invites the respondent to be interviewed if he or she has expressed interest in testifying further or if it seems especially relevant to the case. The evidence-gathering stage of the case is usually the longest part of the case, as the judge reviews the evidence gathered and makes ongoing decisions about how the evidence addresses the grounds, and what additional evidence might be relevant.

Many grounds require a psychologist or similarly trained professional to give insight on how a decision to marry was made and what life experiences may have affected that decision. This person is called an expert witness. Usually the judge will decide if the involvement of such an expert witness

would be necessary after gathering statements from the witnesses, the petitioner, and the respondent. If necessary, the petitioner, and sometimes the respondent, would be asked to arrange an appointment with the expert witness chosen by the judge.

Reviewing the evidence

When the judge believes that all of the available evidence relevant to the grounds has been gathered, the acts (documents used as evidence) are ‘published.’ The petitioner and respondent are informed that they have the right to review the evidence at the tribunal offices and to make additional comments or suggest additional evidence. This is optional; the parties are not required to review the evidence. The purpose of the review is so that the parties can be confident that the tribunal has all the information it needs to make the right decision. If either party lives outside the Diocese of Cleveland, this review may be done at another diocesan tribunal or at another suitable location. The parties may not take copies of the evidence.

Conclusion of the case

After the parties have had the opportunity to review the acts of the case, and after any additional evidence has been gathered, the case is ‘concluded.’ This does not mean that a decision has been made yet; it means that it is now time for arguments based on the evidence gathered in light of the canon law of marriage. The parties and the Case Specialists may write briefs if they choose.

The defender of the bond will write a brief in favor of the bond of the marriage. He or she will point out to the judges all the facts and arguments which suggest that the marriage is valid.

The decision

After the arguments are completed, the case will be considered by each of the three judges in turn, who will write a written opinion. The judges will then meet and discuss the case. If there is doubt, the judges must decide in favor of the bond of the marriage. At the end of the meeting the judges will vote, and make a record of the decision. Then one of the judges will write up the decision in a ‘sentence,’ which uses the facts of the case and the relevant canon law of marriage to explain the decision in the case. When the sentence has been written, the parties will be informed of the decision in writing.

The decision may be *in favor of nullity*—that is, the marriage is proven to have been invalid, and therefore the parties are not bound by the bond of

that marriage. Or the decision may be *in favor of the bond*—that is, the marriage is not proven to have been invalid, and therefore the parties remain obliged by the bond of the marriage.

The parties may contact the tribunal to read the sentence. If the marriage was declared invalid and there was no appeal made within the time limit, the parties will be notified that they are no longer obliged by the bond of the marriage, and are free to consider another marriage if they wish to do so.

Appeals

If a party is dissatisfied with the decision, he or she may appeal against it. Before making an appeal, it is usually a good idea to read the sentence to understand why the decision was made. It is not required to offer additional evidence, but the appellant may wish to consider what additional evidence might persuade the appeal court to come to a different decision. Even-numbered cases are appealed to the Archdiocese of Cincinnati, and odd-numbered cases are appealed to the Diocese of Toledo. The appellant also has the right to choose the Roman Rota as the appeal court.

When a decision in favor of the nullity of the marriage is not sufficiently supported by the evidence, the defender of the bond is obliged to appeal against it.

Preparation for a new marriage

If the tribunal finds in favor of the nullity of the marriage, the parties are free to prepare for a new marriage. In order to ensure that the problems which caused the invalidity of the previous marriage do not affect a future marriage, the tribunal may require special precautions to be made during marriage preparation. This may require individual counselling or couple's counseling with the intended new spouse.

A subsequent marriage in the church should take place in a way which does not cause the community to question the indissolubility of marriage.

Grounds

Every marriage case must consider at least one reason recognized as causing invalidity of marriage. These reasons are called ‘grounds.’ Although the grounds are explained in the Church’s canon law, they are based on our Catholic understanding of what makes marriage.

With the support of the Case Specialist, the petitioner will suggest grounds that may be relevant to his or her marriage. The respondent will have the opportunity to make observations regarding these grounds, and to suggest other grounds which may apply. The tribunal will then decide which grounds appear to be most relevant, based on the information gathered at that time. The parties may object to these grounds if they wish. The grounds form the basis for the ongoing investigation (for example, receiving the testimony of the witnesses, interviewing the parties, and involving an expert witness). As the evidence is being gathered, it may become apparent that a different ground is more relevant. The parties can request that the grounds be changed.

The more common grounds of nullity are listed on the following pages, together with a brief description of the ground and a list of questions to consider. If a person can answer ‘yes’ to most or all of the questions related to that ground, then the ground may be relevant to the marriage. However, additional elements would need to be proven before the marriage could be declared invalid.

If you are beginning a petition to the Diocese of Cleveland tribunal, your Case Specialist will help you suggest grounds for your case. Before meeting with your Case Specialist, you should review all of these grounds and mark those you believe may apply in your marriage. If you are the respondent in a case, your Case Specialist is able to help you understand the grounds. You may use this booklet to help you agree with or object to the grounds proposed by the petitioner and suggest other grounds.

The following list includes some of the more common grounds, and also some more rare grounds which are less likely to apply. Other reasons for nullity of marriage exist but for reasons of space and simplicity, are not listed here.

Common grounds

Grave defect of discretion of judgment concerning the essential rights and obligations of marriage (canon 1095, 2°)

- ✘ To marry, a person must not be affected by psychological or emotional problems which prevent him or her from understanding the marriage he or she is about to enter.

Did either of you suffer from emotional or psychological problems which affected your decision to marry? Have you had lifelong mental health problems? Was the decision to marry impulsive? Was either of you gravely immature? Was your decision to marry caused by some pressing issue (e.g. a pre-marital pregnancy, desire to escape your home life, etc.) which prevented you from making a free decision regarding marriage? Did others express concerns about your decision to marry? Did you see evidence before the wedding which should have told you not to marry, but you ignored it? Did you marry for the wrong reasons?

Incapacity to assume the essential obligations of marriage (canon 1095, 3°)

- ✘ To marry, a person must not be affected by a psychological problem so severe that it was impossible to fulfil the normal expectations of marriage.

Were you or your divorced spouse ever diagnosed with a serious psychological problem? Did either of you suffer from a serious mental illness at the time of your marriage? Did either of you have any addictions at the time of the wedding (alcohol, drugs, prescription drugs, pornography, etc.)? If yes, did the illness or addiction prevent either of you from living out the commitment you made to each other or to your children? At the time of your marriage, did either of you have any serious sexual disorder, serious questions about sexual identity, or homosexual thoughts and actions? If so, did this affect the ability to live out the commitment of marriage?

Deceit (canon 1098)

- ✘ If one of the spouses consents to marriage because he or she was deliberately deceived about some important quality of the other spouse which can seriously affect the married life, then the marriage is invalid. The deceit does not need to be perpetrated by the other spouse; it could be by another person e.g. a family member.

Did you or your divorced spouse intentionally misrepresent or conceal information necessary for the other person to make a well-informed marital decision? Did someone else (a parent or sibling, e.g.) misrepresent or conceal information necessary for a well-informed marital decision? Was the deception done intentionally in order to get the other person's agreement to marry? If the truth had been known, would the wedding have been cancelled? If the deceit was later discovered, did it have an immediate effect on the marriage? Did the separation or divorce occur because the deceit was uncovered?

Error determining the will: indissolubility of marriage (canon 1099)

- ✘ To marry, a person does not need to know that marriage is indissoluble. However, if a person does not know that marriage is indissoluble and this error is the reason for marrying, then the marriage is invalid.

Were you or your divorced spouse reared in a home with no religious practice or belief? Did you or your divorced spouse come from a background with multiple divorces of family and/or friends? At the time of marriage, did you or your divorced spouse believe that you could divorce and remarry for a particular reason or for reasons of your own choice? If you and your divorced spouse had known that civil divorce does not free you to marry again, would you have married? Did you consider your marriage to be a “trial marriage”? Did either of you believe that it was your right to divorce and remarry at will, as a condition of the marriage?

Total simulation of marriage (canon 1101, §2)

- ✘ When someone says “I do” (or similar words) to marry, it is presumed that they mean what they are saying. But if someone deliberately intends not to marry, then the marriage is invalid.

Was either of you told to marry by someone else (such as your parents), against your wishes? Did either of you agree to marry for some reason other than wanting to spend your lives together as husband and wife? Was there some reason you decided to go through a wedding ceremony or have a legal marriage (e.g. to obtain immigration benefits, or for insurance, Social Security, or financial purposes) without really wanting a true marital relationship? Did you separate shortly after the wedding or as soon as the other goal was achieved?

Partial simulation of marriage: exclusion of ‘the good of indissolubility’ (canon 1101, §2)

- ✘ Marriage is invalid if one of the spouses consciously intends to enter a marriage that could be dissolved.

Did either of you reserve the right to end the marriage at any time and possibly remarry someone else? Did either of you intend a ‘trial marriage’ to see if the marriage would be a happy one? Was either of you divorced and remarried before entering this marriage, and you intended to reserve the same right in this marriage? Was there a motive for entering such a temporary or unstable marriage? Did you positively intend to enter a marriage that could be dissolved through divorce or other means?

Partial simulation of marriage: exclusion of ‘the good of fidelity’ (canon 1101, §2)

- ✘ Adultery that happens later in the marriage, but was not intended on the day of the wedding, is not, by itself, a reason to declare a marriage invalid. But if one of the spouses, at the time of the wedding, intends not to be bound by the obligation of fidelity in marriage, then the marriage is invalid.

Did either of you come from a family background that included an acceptance of marital infidelity? Did either you or your former spouse believe you had the right to have other sexual partners during the marriage? If yes, at the time of the wedding did you or your former spouse intend to use this right, should the opportunity present itself? When you and your spouse promised to be true to each other, did either of you not mean it? Was there infidelity during the courtship and/or engagement? Did either of you have another ongoing sexual relationship at the time of the wedding? Did infidelity occur soon after the wedding? Were there many instances of infidelity throughout the marriage?

Partial simulation of marriage: exclusion of ‘the good of children’ (canon 1101, §2)

- ✘ To marry, it is not required to have children, nor even to want to have children. But if one of the spouses intends to deprive the other spouse of the right to attempt to have children; or intends to have no involvement whatsoever in the upbringing of children, then the marriage is invalid.

Did either you or your former spouse believe firmly that you had the unilateral right to determine when and if you would have children? At the time of marriage, did either of you intend to delay or postpone child-bearing until some later time—and when that later time actually arrived, there was another postponement or refusal to have children? Was this decision to deny/delay children made before marriage? If there was a pre-marital pregnancy, was the decision made not to have additional children? If yes to any of these questions, were there definite means used to avoid pregnancy (e.g., contraceptives, barrier devices, abortion, surgical sterilization, etc.), especially against the wishes of the other spouse? Did either you or your divorced spouse express a firm intent to limit unilaterally the number of children in the marriage (e.g., I will marry you, but we must only have one or two children)? Was it non-negotiable? Did either of you have some ulterior motive or external reason to marry, even though children were not wanted?

Reverential fear (canon 1103)

- ✘ If one or both of the spouses chose to enter marriage only because of a grave fear of displeasing a person important to him or her, the marriage is invalid. Acting under reverential fear, one chooses to marry because failure to do so would greatly displease a person important to the party. Circumstances similar to this ground are often addressed under canon 1095, 2°.

Was either you or your former spouse forced or pressured to enter this marriage by someone important in your life (e.g., parents, clergy, relatives, a teacher)? If yes, was the marriage this person's idea and not yours or your divorced spouse's? Was someone making marriage a condition for something else (e.g., an inheritance, a job, the baptism of your child)? At the time of the marriage, was either of you especially dependent on parents or others, and if so, were you deeply afraid of offending them by not marrying? Do you think the marriage would have occurred if you did not have the great fear of offending someone you admired or feared losing their respect?

Rare grounds

These circumstances seem to occur only rarely in the United States in the late twentieth century and early twenty first century. If you think one of these grounds is relevant to your marriage, first check carefully the grounds listed above for a more appropriate ground, then consult with your Case Specialist.

Lack of use of reason (canon 1095, 1°)

- ✘ To enter a valid marriage, a person must have sufficient reasoning ability to understand what he or she is doing at the time of the wedding. Serious conditions, such as more serious learning disabilities, or blackout states caused by e.g. intoxication, drug use, or seizure disorder might prevent a person from possessing or using reasoning ability during the marriage ceremony. If one or both spouses lacked the use of reason on an habitual basis or temporarily during the wedding ceremony itself, this ground can be considered.

Did either of not understand that you were attending your own wedding ceremony? Was either of you seriously intoxicated, ‘stoned,’ or ‘high’ during the ceremony? Was either you or your former spouse ever diagnosed with a very low intelligence or with a serious learning disability, or serious difficulty with the ability to reason? Were either of you ever diagnosed with a mental disability or a mental illness that caused blackout or delusional episodes? If so, did such an episode occur at the time of the wedding ceremony? Did either you or your former spouse suffer a seizure or similar episode just before or during the wedding?

Error of person (canon 1097, §1)

- ✘ To enter a valid marriage, one must know who he or she is marrying. If one spouse had a substantive error concerning the biographic identity of the person he or she was marrying (e.g. a woman married the wrong identical twin; or when the bride’s veil was lifted a man had married the wrong woman) this ground could be considered. The error in question is not about details of personality or behavior, but an error about the physical identity of the spouse.

Did you discover after marriage that the person you married was not, in fact, the person you intended or agreed to marry? Did you believe you were marrying a specific person (Harry, Jennifer, etc.) when in fact you were marrying someone else (Robert, Maryann)? Was someone else substituted for your intended spouse at the ceremony?

Error about a quality of person (canon 1097, §2)

- ✘ It is normal for spouses to discover more about each other after the wedding, including some unwelcome qualities. This does not make the marriage invalid. However, if a person desires a very specific and stable quality in a spouse so strongly that the quality is more important than the person chosen, and in fact that quality was not present, then the marriage is invalid. Such qualities could include a particular profession; virginity; being of a particular religion; fertility; not having children.

Was either of you less interested in the person you were going to marry, and fixated on some specific property of a spouse that was believed to be more important than accepting the whole other person as they truly were? Was this a stable and identifiable aspect of a person? Was this quality in fact not present at the time of the wedding? Would the wedding have been cancelled if the truth had been discovered? Did the married life end as a result of learning the truth?

Error determining the will: sacramentality of marriage (canon 1099)

- ✘ To marry, a person does not need to know that marriage between two baptized people is a sacrament. However, if a person does not know that the marriage is a sacrament and this error is the reason for marrying, then the marriage is invalid.

Were you or your divorced spouse reared in a home with no religious practice or belief? Was the marriage between two baptized persons, but at least one of you did not know that the marriage of two baptized persons is a sacrament? If it had been known that the marriage would be a sacrament, would either of you have chosen not to marry rather than have a sacramental marriage?

Partial simulation of marriage: exclusion of ‘the good of the spouses’ (canon 1101, §2)

- ✘ Marriage is intended to contribute to the general wellbeing of the spouses through their mutual assistance. If a person deliberately intends not to provide this mutual assistance even at the most minimal level, the marriage is invalid. It seems very rare that someone enters marriage with the intention not to promote in any way the good of the spouses.

Was either spouse continuously abusive in the marriage, beginning around or prior to the time of the wedding? Did either spouse have some

ulterior motive for marriage, which completely excluded any form of mutual assistance or partnership of married life? Did either spouse indicate a deliberate intent to treat the other spouse badly?

Future Condition (canon 1102, §1)

- ✘ Marriage must be contracted in the present, not for the future. If a person exchanges consent but with the intention of the marriage coming into effect only if or when some future event happens, the marriage is invalid.

Did either spouse believe that the marriage would not truly exist or be binding until some later event? Was there a doubt that this would occur, sufficient to cause one party to place the condition? Was there a pre-nuptial agreement that gave conditions or terms for the marriage?

Force (canon 1103)

- ✘ A person must willingly choose marriage, or the marriage is invalid. This ground may be considered if one or both spouses entered marriage compelled by some external threat.

Was either you or your former spouse brought to the wedding ceremony against your will? Was the marriage someone else's idea, and not your idea or your former spouse's? Did either of you feel that you had no real choice whether to marry? Were either you or your former spouse deeply afraid that not marrying would cause a serious harm if you did not marry? Was there someone threatening harm or punishment if you did not marry one another? Was either of you motivated not so much by marriage, but by the idea of being free from the threat?

Frequently asked questions

How long does the process take?

There are different types of marriage cases. This booklet deals with only one type of case, the ‘Formal Case.’ A Formal Case often takes around eighteen months or more. Depending on the complexity of the case and the timely response of witnesses, the case may take less time or more time.

Can I set a tentative wedding date during the process?

No. The Church presumes your marriage to be valid and binding for life, according to the teachings of Jesus. The tribunal cannot guarantee that you will receive the decision you want, nor the date when a decision will be given. No priest or deacon may ever discuss wedding dates with you or begin marriage preparation, unless and until you are free to marry.

Is there a fee?

No. There are no fees associated with the process.

What about the children?

It is a common myth that an “annulment” of the parents’ marriage renders children illegitimate. This is not true. Canon law specifically protects the canonical legitimacy of children of marriages which have been declared invalid. Furthermore, a declaration of invalidity in the United States affects the religious aspects of the marriage, and does not affect civil elements such as the legitimacy of children, child support, custody, or visitation rights.

Is a divorced Catholic excommunicated from the Church?

No. Excommunication is a specific and rare penalty in canon law, which no longer applies regarding divorce or attempted remarriage.

Divorce itself does not change one’s status in the Church, since the Church does not recognize divorce as having any effect on the bond of the marriage.

Someone who remains faithful to the bond of the marriage after the divorce can receive the sacraments. But if someone has another relationship incompatible with the bond of the marriage, for example attempting another marriage, then that person cannot receive the sacraments until he or she gives up the relationship incompatible with the bond of marriage.

Please contact us with your questions.

Diocese of Cleveland Tribunal
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