

The Process

- To get more information and you live in the diocese of Alexandria-Cornwall contact the marriage tribunal at 613-933-1138, ext. 32 You will be invited to meet with the director of the tribunal who will review your situation.
- If, based on this preliminary interview, we believe that you have grounds to proceed we will prepare a petition for your signature. The petition formally begins the process.
- Next we notify your former spouse of the petition. Your former spouse is free to participate in the process or not. A decision not to participate does not prevent you from proceeding.
- We proceed to the gathering of the evidence. You will be formally interviewed by a member of the tribunal where you will be asked a number of questions about your family, your growing up years, your dating experience, your courtship and engagement, your wedding and your marriage. You will also be asked similar questions about your former spouse.
- Your former spouse will be invited for a formal interview.
- Next, the witnesses, that you and possibly your former spouse put forward, will be interviewed.
- Once all the evidence has been collected, you and your former spouse will have an opportunity to review it.
- The file is sent for judgement. The judges will study it and give a written decision based on law and fact. If the decision is affirmative, it is automatically sent to the Canadian Appeal Tribunal for a second decision. If that second decision is also affirmative you and your former spouse will be notified that the declaration of nullity has been granted. You will then be free to marry in the Church.

Married love is not merely a question of natural instinct or emotional drive. It is also, and above all, an act of the free will, whose trust is such that it is meant not only to survive the joys and sorrows of daily life, but also to grow, so that husband and wife become in a way one heart and one soul, and together attain their human fulfillment.

It is a love which is total—that very special form of personal friendship in which husband and wife generously share everything, allowing no unreasonable exceptions and not thinking solely of their own convenience. Whoever really loves his partner loves not only for what he receives, but loves that partner for the partner's own sake, content to be able to enrich the other with the gift of himself.

Married love is also faithful and exclusive of all other, and this until death.

From the Encyclical Letter
HUMANAE VITAE
of the Supreme Pontiff
PAUL VI



Diocese of Alexandria-Cornwall

Declarations of Nullity



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Diocese of Alexandria-Cornwall

Annulment, or more properly referred to as declaration of nullity, is a thorny issue in the Catholic Church and one which is widely misunderstood. The following provides an overview of the Church's position on marriage and "annulment".

What is the Catholic Church's view of marriage?

Marriage is a permanent and exclusive relationship between a man and a woman. Together the couple creates an intimate partnership of the whole life and from their union bring forth and educate children. Marriage between two baptized persons is a sacrament, a sign of God's love for humanity and Christ's love for the Church.

What makes a marriage valid?

For the Catholic Church, three sets of conditions must be met for a marriage to be valid.

First, a series of objective conditions concerning the spouses themselves; for example, both spouses must be over 16 years old, they cannot be closely related, they cannot already be married. The lack of such objective conditions is called an impediment.

Second, the marriage must be celebrated according to certain requirements. For non-Catholics, the vows must be exchanged in the presence of qualified witnesses; for Catholics, a qualified minister (usually a priest or a deacon) must also be present.

Third, the consent given by both spouses must meet a minimum threshold. Both spouses must know what they are consenting to, choose freely to give their consent, and possess the human qualities that make them able to fulfill their consent.

What is a declaration of nullity (annulment)?

A declaration of nullity is a formal recognition by the Church that there was **never a validly existing marriage** as defined by the Church.

A declaration of nullity is the correct term for what most people refer to as an "annulment".

Is there a difference between a divorce and a declaration of nullity?

Yes. A divorce is a civil action that **dissolves** a marriage. It does not question the validity of the marriage, it simply puts an end to it.

A declaration of nullity looks at the **validity** of the marriage. If the evidence establishes, that for all its external appearances, the marriage was not in fact valid, then the Church declares the marriage null and void.

While you may be divorced, in the eyes of the Church, you are still considered to be married to your first spouse unless and until the marriage is proven to be null.

But if marriage is permanent how can the Church declare a marriage to be null?

If there were impediments to the marriage (first case) or the proper form was not observed in celebrating the marriage (second case), the marriage is invalid. In these two cases, since we are dealing with facts, it is relatively easy to establish the validity or invalidity of a given marriage. The procedure for a declaration of nullity is relatively quick and straightforward.

If there is a serious problem with the consent of either of the spouses (third case), the marriage is also invalid. However, determining this is much more difficult, since it involves judging the interior knowledge, attitudes and capabilities of

the spouses. This is why a tribunal is formed by Church officials to adjudicate the case and decide if the marriage is invalid.

How does a declaration of nullity affect my children?

This declaration does not affect the legitimacy of children. According to canon law (Canon 1137) "children conceived or born of a valid or putative (i.e. at first considered valid and later found to be null) marriage are legitimate."

Are Catholic marriages the only ones that need to be declared null before a new marriage can take place in the Catholic Church?

The Catholic Church recognizes as valid all marriages, including those of non-Catholics and non-Christians. Therefore, if a couple wishes to marry in the Catholic Church and one or both have previously been married a declaration of nullity is required.

Why do I have to pay for a declaration of nullity?

It is estimated that it costs the Diocese \$2,400 to process each request for a Declaration of Nullity. The largest portion of this expense is borne by the Catholic community as a whole. As the beneficiary of the Tribunal's work, the petitioner is asked to pay one third of the costs - \$800. The right to present a petition for a declaration of nullity is available to anyone who has serious grounds, even if they cannot afford to pay the fee.

For additional information about declarations of nullity visit www.alexandria-cornwall.ca

