Questionnaire on Divorce & Annulments

Answers

For questions 1 – 27 answer True or False (T/F)

1. **T** If a Catholic wants to get married to a non-Catholic in the Catholic Church, the Bishop must give permission.

2. **F** If a marriage is annulled, that means the children are illegitimate as far as the Church is concerned.

3. **T** It generally takes up to one year but can take longer to get an annulment.

4. **F** Every request for an annulment is granted.

5. **T** A Decree of Divorce must be granted before you can request an annulment.

6. **F** Any Tribunal anywhere can accept and investigate my petition for an annulment.

7. **F** Getting a divorce is always a sin for Catholics.

8. **F** A divorced Catholic cannot receive Holy Communion until an annulment is granted.

9. **F** A Catholic who gets a divorce is automatically excommunicated.

10. **T** Marriages of non-Catholics are considered valid by the Catholic Church (whether they take place in a civil ceremony or before a non-Catholic minister).

11. **T** The Catholic Church does not believe in divorce.

12. **F** An annulment will not be granted unless the former spouse agrees to it.

13. **T** An annulment means there never was a sacramental marriage.

14. **F** You cannot get an annulment if the marriage lasted a long time.

15. **F** I have a right to be granted an annulment.

16. **T** If children were born to a marriage, it can still be annulled.

17. **F** If I know someone who works in the Tribunal, it will help me get an annulment.

18. **T** If either I or my intended spouse has already been married and divorced, an annulment needs to be granted before we can get married in the Catholic Church.

19. **F** I cannot seek an annulment unless I intend to marry again.

20. **F** A marriage is declared invalid by the decision of only one Tribunal. Requires a decree of confirmation from a second tribunal.

21. **F** If an annulment is granted, it benefits only me, not my former spouse.

22. **T&F** All the information gathered during the annulment process is kept absolutely confidential forever. (See answer to question 36)

23. **T** Even if an annulment is granted, a person can still be prohibited from marrying in the Catholic Church.

24. **F** A Catholic cannot validly marry a person who has not been baptized in some Christian Church.

25. **F** It costs thousands of dollars to get an annulment, and if you can’t afford it you won’t get one.

26. **T** A non-Catholic who has been married before must get an annulment before
he/she will be allowed to marry in the Catholic Church.

27. **F** An annulment is really just a “Catholic divorce.”
   
   Answer: Divorce = there was a marriage, now there isn’t by decree of a civil court.
   Annulment = there was a marriage, but it did not measure up to what the Church believes God
   intends for a valid and therefore binding marriage.

**Question and Answers**

28. What is the difference between an “annulment” and a “declaration of invalidity?”
   
   Answer: “Declaration/Decree of Invalidity” = the marriage is declared invalid, and therefore no
   longer binding. “Annulment” is the popular/common word used for the same thing. We normally
   just use the word “annulment” since most people will have at least a general understanding of what
   it means (even though it is really an imprecise definition/description).

29. Why is an annulment necessary, and under what circumstances?
   
   Answer: Any time there has been a previous marriage and someone wants to marry in the Catholic
   Church, the question of the validity/binding nature of that prior marriage must be investigated. This
   is necessary because the Church sees the marriage of two baptized persons as a Sacrament – a
   graced gift from God, which must be revered and protected. The Church does not recognize civil
   divorce as sufficient in such a case, since marriage is more than just a “natural” arrangement. If a
   particular previous marriage is investigated and found to be valid, the person is not free in Church
   law to enter a new marriage.

30. How long should I wait after the divorce before seeking an annulment?
   
   Answer: There are mixed opinions on this. Some recommend starting the process as soon as possible
   after the divorce, while things are “still fresh in your mind.” There is certainly some wisdom in that;
   witnesses will also have a more recent memory of the events. On the other hand, a particular person
   may need a period of healing, a buffer between going through the difficulties involved in divorce
   proceedings and bringing all that up again in the annulment process. Basically this boils down to
   the individual person’s circumstances and emotional needs.

31. What documents will I be asked to provide for the annulment process?
   
   Answer: Marriage Certificate, Decree of Divorce, and Certificate of Baptism for those who have
   been baptized. If there has been any professional counseling or therapy, records of those sessions
   might also be requested (permission will be needed from the person/persons/involved in the
   counseling).

32. Is it necessary to obtain information from anyone other than the former spouse as part
   of the annulment process?
   
   Answer: The testimony of witnesses is vitally important. The two spouses to the former marriage will
   each tell their side of the “story” of the marriage from their unique individual perspective. Witnesses
   are asked to testify to help “fill in the blanks” by people who have a more objective point of view.
   Witness testimony helps to verify the truthfulness (or not) of the testimony of the two parties.

33. What does it mean to say there must be “moral certitude” that a particular marriage
   was in fact invalid?
   
   Answer: In the most simple terms, it means the judge must be convinced in his/her conscience – in
   other words, looking God in the eye) that the marriage is invalid. This does not totally eliminate the
   possibility that he might be wrong; this is not equivalent to absolute certitude. But it is also more
   than just an educated guess or a hunch.
34. What is the difference between a wedding and a marriage?
   Answer: A wedding is a ceremony that takes place on just one occasion. A marriage is the living out in daily life, for a lifetime, the promises made when the spouses exchanged consent.

35. What is a Tribunal in the Catholic Church?
   Answer: A tribunal is a fancy word for a Court in the Church. This is the office of the Church, working under the authority of the Bishop, which handles all judicial matters, matters of justice. For the most part, tribunals are involved almost exclusively in working with marriage cases.

36/22. Who are the people who might see the testimony gathered during the annulment?
   Answer: # 22 would have to be answered T and F. The people who see the testimony and documents gathered during the annulment process are first and foremost the people actually investigating the status of the previous marriage. In addition, petitioner and respondent both have the right to see all the testimony, as a part of presenting their own understanding of what happened in the marriage. This must be done at the Tribunal office (exceptions can be made in case of distance, etc), and only once. The person must sign a sworn statement that he/she will not share the information with anyone else, and will not use the information for any other purpose than the annulment process – for example, in a civil court case. Witnesses may request that certain parts (but not all of it) of their testimony not be shown to one party or the other.