

What is an Annulment?

The annulment is an official declaration by the tribunal that what appeared to be a marriage was in fact, not a true marriage as the Church understands it. After a careful and thorough study through the legitimate procedures, the tribunal issues a declaration of nullity when it is proven that the marriage was invalidly celebrated due to the lack of valid consent (e.g. proper intention, sufficient psychological maturity, physical and mental capacity, freedom, knowledge etc.) lack of canonical form for the marriage or due to the Canonical Impediments while exchanging consent at the time of marriage.

Annulment Process

The process begins when a party files a petition with the Tribunal, seeking a declaration of nullity by challenging the validity of the marriage. The individual who initiates the case is designated as the Petitioner, while the other party is identified as the Respondent. The Tribunal then conducts a formal investigation into the circumstances surrounding the time of the wedding to assess whether a valid marital bond, as defined by the Catholic Church, was ever formed. If it is determined that such a bond was lacking from the beginning, the marriage is declared invalid. A declaration of nullity does not dissolve an existing marriage bond; rather, it states that a valid bond was never existed from the beginning.

Following are the steps of an annulment process:

Step 1: The Petitioner Submits a Petition to the Tribunal

The application form is available on the official website. The following documents must accompany the application: a copy of the marriage certificate, a certified final decree of civil divorce, and a letter of recommendation from the Petitioner's Father Vicar. Once completed, the application may be submitted via email to the official Tribunal address: tribunal@syromail.com. Upon receipt, the application is reviewed by an Auditor to verify that all required documentation has been provided and to determine whether the Tribunal has the competence (jurisdiction) to hear the case.

Subsequently, a virtual interview is conducted by the Auditor, who assists in identifying the appropriate ground on which the case may proceed. The Petitioner is then asked to submit a brief written summary of the relationship. This narrative (in one or two paragraphs) should outline, in the Petitioner's own words, the reasons they believe the marriage was invalid from the beginning, in accordance with the Church's teaching. Then the petition is formally accepted by the Tribunal.

The burden of proof lies with the Petitioner; that is, it is the Petitioner's obligation to demonstrate that the marriage is invalid. Under Church law, every marriage is presumed valid until the contrary is proven. To substantiate the petition, the Petitioner must name three witnesses who were well-acquainted with both parties during the courtship and early years of marriage and who are capable of providing objective, credible, and substantive testimony. If the Respondent chooses to participate, they will also be invited to name witnesses.

The signed pages of the application and accompanying documents must be sent to the Tribunal by mail for the case to proceed.

Step 2: The Respondent is Contacted

At the beginning of the annulment process, the Respondent must be cited. As a party to the marriage, he/she must be aware of the investigation. The Petitioner must provide a current address of the Respondent. It is recommended that the Petitioner alert the Respondent that a petition against the validity of the marriage has been submitted. The Tribunal communicates with the Respondent regarding everything else of the case.

The Respondent has a right to:

- Participate
- Have an advocate from the Tribunal staff
- Object to the grounds for self defense
- Provide testimony
- Provide witnesses
- Read the testimony at the tribunal office

- Receive a copy of the Sentence
- Appeal the decision of the tribunal in given time limit

Step 3: Evidence Gathering

At this stage, the Allocated Judge (the ponens) will conduct a virtual interview with the Petitioner, the Respondent and the named witnesses, in the presence of the Defender of the Bond and the Notary. In addition, formal questionnaires are sent to the named witnesses and to the Respondent. The Tribunal then awaits the return of the completed questionnaires.

It is important to note that delays in the process frequently occur due to the failure of witnesses to respond in a timely manner. If the testimony provided is deemed insufficient or lacking in substance, an Auditor may be appointed to further investigate the case and to gather supplemental evidence. This additional investigative step, while sometimes necessary, can result in significant delays in the progression of the case.

Step 4: Publication of the Acts and Conclusion of the Case

Once all evidence has been gathered, the acts of the case are published. The publication of the acts does not imply that the evidence becomes part of the public domain. Rather, it signifies that the Petitioner, the Respondent and their respective advocates are granted the right to review the entire body of evidence submitted in the case.

This review is a one-time opportunity conducted under supervision at the Tribunal Office. During this session, no copies of the evidence may be made, nor any notes be taken. Following the publication of the acts, the Petitioner or Respondent may submit additional evidence or observations, if they wish to do so. After this the tribunal pronounces the conclusion of the case.

Step 5: Defender of the Bond

After the evidence gathering phase and publication of the Acts has been concluded, the Defender of the Bond (a member of the tribunal designated to protect the marriage bond) evaluates the case and presents all significant reasons that would agree in favor of a valid marriage and against a declaration of nullity. The Defender of the Bond also makes sure that other members of the Court followed proper procedures in processing the case.

Step 6: Decision

At this stage, the Judges, in consultation with the Defender of the Bond, examine the collected evidence to determine whether the stated grounds for nullity have been sufficiently proven. In all matrimonial nullity cases, the marriage is presumed valid in accordance with canon law until the contrary is established.

To render a declaration of nullity, the Judges must attain moral certitude-a standard of proof requiring a firm and unwavering conviction based on the evidence presented. The Tribunal will then issue either an Affirmative or Negative decision. An Affirmative decision signifies that the Tribunal has determined the marriage to be invalid from the beginning. A Negative decision indicates that the marriage is either valid or that insufficient evidence was presented to overturn the presumption of validity.

Following this discussion, the Judges issue a formal written judgment articulating the rationale for their decision, whether Affirmative or Negative.

Step 7: Effects of the decision and appeal

If the Judges render an Affirmative decision, it means that the marriage is invalid and the Petitioner and Respondent are free to conduct a sacramental marriage in the Catholic Church. This judgment has no civil effects. The Sentence is sent to both the Petitioner and the Respondent.

However, it is possible for the aggrieved party or the Defender of the Bond to appeal the decision to the appellate tribunal/ tribunal in the second instance if they do not agree with the decision of the Judges. If there is an appeal within the prescribed time limit, the Sentence is suspended and the parties are not free to marry until the appeal has been heard. If the first instance judges render a “Negative” decision, the Church still considers these parties as married. The party aggrieved by the sentence may appeal this decision to the appellate tribunal.