The Catholic Church teaches that Christ instituted the Sacrament of Marriage. By doing so He enhanced the dignity of an institution already made holy in God’s creation. Marriage is an enduring and exclusive partnership in which husband and wife establish a loving and life-giving relationship. For this reason the Church views divorce very seriously. The Church does not accept that divorce can sever the actual bond of a valid marriage. Church law, in fact, presumes that a marriage is valid once it is entered, a presumption which remains in force unless and until the contrary is proved.

For those who have been baptized, a valid marriage is at the same time the sacrament of Matrimony. The Church believes that every valid, sacramental marriage that has been consummated is indissoluble. This is the law of God according to the evidence found in the Scriptures and the tradition of the Church. Although not every marriage is a sacrament, all marriages (Catholic, Orthodox, Protestant, Jewish, non-Christian, non-believer) are presumed to be valid. The good of all concerned (spouses, children, in-laws, society, the Church, etc.) demands this presumption. Every marriage is presumed to be valid. In every presumption, the opposite may be true. If sufficient evidence shows that a particular marriage is invalid, the original presumption no longer holds. Of particular importance to our study is the quality of the parties’ consent given at the time of the marriage. When it can be proved that a specific marriage is not valid or not a sacrament or not consummated, there is a possibility that the Church will dissolve or declare it invalid. Not every marital relationship meets the standard that Christ established for marriage – a standard which requires certain intentions and capabilities on the part of the husband and wife. When these intentions and capabilities are seriously deficient, a marriage does not have the kind of enduring bond which Christ taught was indissoluble (unbreakable). In other words, while a marriage relationship may exist between the parties and have certain consequences, it is not necessarily the type of marriage bond which can be broken only by the death of one of the parties.

THE NATURE OF AN ANNULMENT
The purpose of a nullity process is to determine whether or not an indissoluble marriage bond was created when the parties entered their marriage. It must be proved clearly and without doubt that this enduring bond was not established in order to declare the marriage null. This proof must focus on grounds of nullity recognized by Church law and must apply to the marriage from its very beginning.

A Diocesan Tribunal handles the nullity process. This office of the Diocese works under a set of procedures and laws established as part of the universal law of the Church. Church law calls for the existence of a Tribunal in every diocese of the world. The Office of the Tribunal is the judicial branch of the Diocese, responsible for the administration of justice. The primary function of the Tribunal is the review of petitions for ecclesiastical declarations of nullity. This involves an investigation of facts and a possible rendering of a decision concerning the nullity of a particular marriage.
The Tribunal of the Diocese of Charlotte, under the direction of the Bishop, is supervised by his delegate, the Judicial Vicar. He, together with a staff of specially trained and experienced priests, religious and lay persons offer assistance to those who request that the Church study a marriage in order to determine whether or not there is a possibility of a declaration of nullity. This study is an investigation to determine whether or not there is a ground in church law that would invalidate a marriage and whether or not this particular ground can be proved with moral certitude to have lawfully existed at the time marriage was entered.

**HOW DOES THE TRIBUNAL DETERMINE IF A MARRIAGE IS INVALID?**
The guidelines used by the Tribunal are the gospel teaching of Our Lord, Jesus Christ, and the law of the Catholic Church. Pope Pius XI defined the work of the Tribunal in these words: “to care for the dignity of marriage, to work for the good of persons.” The Tribunal works toward this end by diligently protecting the rights of a man and a woman in a specific marriage, as well as the rights of the Church which has been charged by Jesus Christ to be the guardian of the sacrament of Matrimony. Therefore, the Tribunal upholds the presumption of the validity of a marriage until the contrary is proved.

**HOW DOES ONE BEGIN A STUDY?**
Either spouse may initiate the study by first contacting a priest, deacon or pastoral associate (preferably one in the local parish), who will assist in the completion of a two-part introductory form entitled a “Request for Tribunal Study.” The first part of this form requires basic biographical information, while the second part requires a more extensive personal and marital history narrative. When this entire Request has been completed, it must be signed by the parish person who assisted. That person, who becomes the sponsor of the case, will then forward the Request to the Tribunal for an initial evaluation. Within 30 days, the Tribunal will notify the sponsor and the applicant as to its acceptance or rejection for an investigation. If the case is accepted, a formal petition will be sent stating the grounds of the investigation. Also, a trained member of the Tribunal staff will be named as Advocate for each spouse to assist in the presentation of the case. Each case will be assigned a case name and protocol number which are to be used in all subsequent correspondence and phone calls to our office so that the case may be easily identified.

Once the Tribunal decides to accept a petition for a declaration of nullity, the other spouse will be notified by the Tribunal in writing. He/she will be offered the opportunity to present his/her history of the marriage, as well as to introduce any witnesses he/she chooses. The law of the Catholic Church requires this so that the rights of the both parties are protected. Each party is to have the opportunity to present his/her testimony concerning the marriage. Moreover, in some cases, no decision can be given without the cooperation of both parties. It is important for the Tribunal to have an accurate, current address of both parties. If this is not available for a former spouse, the Tribunal must have the last known address, or the address of a family member through whom contact may be made. If no address is made available, a complete explanation for its absence must be given. Please note that the Tribunal will make the formal contact with the former spouse, who will be allowed 30 days in which to reply. A Respondent is not permitted, however, to delay a case unreasonably. The Respondent’s cooperation is not essential and, in the event of non-cooperation, the case can proceed, recognizing that the grounds of the case must still be proved.

In the ordinary course of events, both the Petitioner and the Respondent will be given the opportunity to review each other’s written testimony, as well as any statements by witnesses which are not protected by the seal of confidentiality. The Petitioner should take all this into consideration at the beginning of the process, to assess whether he/she has an objections to this procedure.
ARE WITNESSES REQUIRED?
Marriage is never a totally private relationship. It creates profound effects on the family, society and Church. Witnesses then, are required by Church law to assist the Tribunal so as to gain a deeper understanding of each spouse, this particular marriage and its failure. Witnesses will be asked to write statements according to a set of guidelines that will be provided. These statements are to be mailed directly to the Tribunal by the witnesses. The Petitioner is expected to inform witnesses that they will be contacted by the Tribunal, and request their prompt cooperation. Each witness is sent a questionnaire based on the grounds in the case and a cover letter explaining how to proceed. Witnesses are encouraged to be as complete as possible in their answers. The testimony is to be given under oath, and witnesses have the option of signing the completed questionnaire before a Catholic priest or pastoral minister or before a notary public. Sometimes doctors, psychiatrists, psychologists, professional counselors, priests, ministers, rabbis, etc., are consulted before or during a marriage in order to assist a person or a couple. If it is warranted, the Tribunal will provide a release form to be signed so that one or more professionals may provide us with confidential information that may be of great value in the study of the marriage.

TIMING
The length of time involved varies from case to case and depends on many factors, most of which are beyond the control of the Tribunal. The Petitioner will be informed of the average length of time for the type of case presented. It should be understood that this is simply an average and by no means guarantees that the case will be completed in that time or that the final decision will be favorable. For this reason, the parties are cautioned against making any plans regarding a future marriage until the entire tribunal process is complete and the final decision rendered.

When all the information has been gathered from all who are willing to cooperate, an evaluation will be made by the Tribunal staff as to whether or not the case should proceed to formal hearing. If the case is to proceed to a formal hearing, those officials assigned to the case will discuss the entire matter. These persons are: the Advocates; the Defender of the Bond of Marriage, who safeguards the bond of marriage and guarantees that the rights of all the parties have been protected; and, the Judge(s), named by the Judicial Vicar, who will hear the case. After the members of the court discuss the case, a date will be set as soon as possible for a formal hearing. Two weeks advance notice will be given before someone is asked to be present at the Tribunal. Cases are heard in the order in which they are received on the first possible date. Generally, this hearing is private, that is, between the individual and the Judge. However, at times the Advocate or Defender of the Bond may need to be present. Similarly, one may choose to invite one’s parish priest to be present. Some or all of the witnesses may also be asked to be present. If so, they will be notified directly by the Judge. In these cases, each person is heard privately. If the other spouse chooses to participate at the formal hearing, he/she will be asked to be present at a different appointment time.

Following the formal hearing, the Defender of the Bond and the Advocates offer their arguments on them merits of the case. After a review of all the material, the Judge(s) will render a decision. If either party of the Defender of the Bond is not in agreement with the decision, the law provides for an appeal. All affirmative decisions must be reviewed by the action of the Appellate Court. This requires additional time, which may be substantial depending on the kind of case. This is another reason why a Petitioner should make no plans for a marriage until the process is finally complete. Upon completion, the Petitioner is notified and sent a copy of the final decree. A similar communication is sent to the Respondent unless he/she has indicated to the contrary or has waived the right of notification either expressly or tacitly earlier in the process.
ARE THERE ANY CIVIL EFFECTS TO A CHURCH DECLARATION OF NULLITY?
There are absolutely no civil effects to a Church annulment in the United States. It does not affect in any manner the legitimacy of children, property rights, inheritance rights, names, etc. An Ecclesiastical Declaration of Nullity is a statement by the Catholic Church that a particular union, presumably begun in good faith and thought by all to be a marriage, was in fact an invalid union as the Church defines marriage. There is no attempt in this study to impute guilt or to punish persons. On the contrary, the purpose of the annulment procedure is to serve one’s conscience and spirit and to reconcile persons to full sacramental participation in the community of the Church.

IS REMARRIAGE IN THE CATHOLIC CHURCH ALLOWED?
If an annulment is declared and there are no restrictions attached, the usual procedure for preparing for marriage in the Catholic Church may be started at the local parish level. In certain cases, a marriage may be declared null, but a restriction may be placed on one or both parties which prohibits immediate remarriage. This restriction may be prompted by behavior patterns in the first marriage that are destructive towards others or completely incompatible with the institution of marriage. Should causes such as these be present in the opinion of the Judge(s), a second marriage obviously cannot be permitted until it has been demonstrated that the causes which invalidated the first marriage have been remedied. Please note that permission to remarry in the Catholic Church can in no way be guaranteed before the completion of the entire process of study and the final decision. Only an affirmative decision, with no restriction, ratified by a Court of Appeal enables one to begin marriage preparations. No priest or deacon may provide even a tentative date for a future marriage in the Catholic Church until this process has been completed. The Tribunal will not be responsible for arbitrary promises or guarantees made by any priest, religious or lay person.

IS THERE A FEE FOR TRIBUNAL SERVICES?
The Diocese subsidizes the Tribunal. To keep the subsidy within manageable limits, each Petitioner is assessed a fee. The Diocese of Charlotte incurs costs of approximately $1,000 in processing a case. The Petitioner is asked to assume a portion of the cost, which involves ordinary office expenses, telephone calls, fees for psychiatric experts, appellate court costs, etc.

POINTS TO CONSIDER
- The Charlotte Tribunal accepts cases or petitions for review only after the civil divorce process has been completed. All Tribunal matters are guarded by strict and sacred confidence. No information can be transferred to or have any effect in any civil process.
- A declaration of nullity by the Church has no civil effects in the United States. It does not, therefore, affect rights in regard to matters such as property, inheritance, visitation of children, and the like. It has no effect on any children born of the union, in regard to rights or legitimacy, either in secular law or in Church law.

ANNULMENT CONTACT INFORMATION

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