

Divorce & Remarriage for Catholics

The discussion of divorce and remarriage among Catholics can be a sensitive issue; there are many misunderstandings of Church teachings in this area. However, few Catholic families remain untouched by the pain and sadness of marital breakup, or the questions raised by marriage annulment.

What is Marriage?

In order to understand what the Church means when it issues a *Declaration of Nullity* (an Annulment), it is helpful to look first at the Church's understanding of marriage. Marriage is a covenant between a man and a woman which establishes a partnership for life. Marriage is a vocation which fosters the good of the spouses and naturally leads to the procreation and education of children. Marriage is a sacrament, as Saint Paul taught in the New Testament (Eph. 5).

A number of elements must come together for the sacrament of marriage to occur. The first is the "*Canonical Form*" of marriage: a Catholic must ordinarily be married within a Catholic church and before a priest or deacon. The requirements for the *Canonical Form* of marriage applies only to Catholic spouses, so we would recognize the marriage of two persons who are not Catholic, even if they did not marry in a church ceremony or religious service.

However, following the proper canonical form of marriage is not all that is necessary for a valid sacramental marriage to take place. The couple must also freely and knowingly choose to enter marriage as the Church understands marriage. This is "*Marital Consent*." A number of intentions must be made by the couple at the time of marriage in order for consent to be valid, that is, in order to establish the unbreakable bond between husband and wife that is a sacramental marriage. The couple must understand what marriage is and they must intend their marriage to be a lifelong partnership which is open to children. They must intend fidelity and the mutual good of one another. They must also have the physical and psychological ability to follow through on these intentions.

When all of the above factors are brought together, a sacramental, indissoluble union is established by God. If a Catholic spouse marries with the proper Canonical Form and with at least the semblance of the necessary intentions given through the marriage vows, we recognize the enduring marriage bond which cannot be dissolved, even if the civil government, through divorce, no longer recognizes that a marriage exists.

When Christians marry in this way, we believe that God has made the two persons one in the sacrament of marriage (cf. Mt. 19:5). Because Jesus taught the indissolubility of marriage—"therefore, let no one separate what God has joined"(Mt. 19:6)—we believe that it is impossible for any human power to break the God-made bond, or sacramental covenant, between husband and wife.

So, What Exactly is an Annulment?

Is it ever possible to enter a second marriage? If a Catholic spouse did not follow the Canonical Form of marriage, outlined above, then a relatively simple process can be followed in order to receive a Declaration of Nullity based on a *Lack of Canonical Form*. But if proper Canonical Form was observed, or if it was not required—for members of other faith traditions, for example—a second type of annulment process examines *Marital Consent*, that is, the intentions and abilities of the spouses at the time of marriage. This process is called a *Formal Case*. It is possible to have two persons legally married, but never actually joined together by God in a sacramental union. The Formal Case process is complex, detailed, and is lengthy—9 to 18 months.

In either the Lack of Form Case or the Formal Case we must be very clear: an annulment is not a "Catholic Divorce." The Church does not have the power to divorce any persons who have been united by God. An annulment states that the enduring bond of the sacrament of marriage was never present from the very beginning of the marriage. If this is decided by a church Tribunal, the spouses are free to marry again.

It must also be made clear that an annulment in no way affects the legitimacy of children of such a previous marriage, and has no bearing on other natural and civil obligations such as child support or custody. A church annulment does not imply that the marriage never existed, but only that it did not have the character of a sacrament. The Church does not seek to assign blame for the marriage breakup to any of the persons involved.

Does a Divorce affect my Status in the Catholic Church?

Please remember that a divorce alone would not affect, or hinder in any way, your participation in the Catholic Church. A divorced Catholic is free to receive the sacraments. However, if you are divorced *and remarried* without an annulment (and your former spouse is still living) a problem does arise. Similarly, if your spouse was previously married and has not received an annulment from a Tribunal, there is a problem. In such circumstances, you may not partake of the sacraments, including the reception of Holy Communion. We respect all marriages, even those which have ended in a civil divorce. Every prior marriage must be examined, since each is presumed to be valid with a lasting and lifelong commitment. Until it is shown otherwise through the ministry of the Tribunal, no person is free to enter into another marriage without the appearance or occasion of serious sin.

If you or your current spouse are divorced, and remarried outside of the Catholic Church, please consider seeking the healing that an annulment can bring to you and which will enable you to return to a full participation in the sacramental life of the Church.

The cost of the process is shared by the Archdiocese of Baltimore and you. The fee requested in a Lack of Form case is \$75, and for a Formal Case the fee is \$500. Your fee is about one half of the actual expenses, which cover secretarial, professional, and operational costs. There are payment plans available and no one is ever denied an annulment because of their inability to pay.

How Would I Begin the Annulment Process?

You should first consult a priest or deacon in your parish. He will help you determine what type of Tribunal case to begin. To begin a Formal Case, call the Tribunal and answer a few questions. You will be instructed to go to the Archdioceses Web site and download the proper form for your case. You will be given further instructions from the Notary when you call the Tribunal.

The wait for a decision from the Tribunal can be frustrating, as the process may take many months. Because of the number of marriage cases pending before the Tribunal and the detailed and careful process with which each one is handled, it is never possible to expedite any one's request for a declaration of nullity, or to promise a definite date of conclusion, or even to promise a favorable decision. Because of this, if you are seeking an annulment with a future remarriage in mind, please know that the priest or deacon assisting you in your preparations is not able, and not permitted, to set even a tentative date for a new marriage until you have a final and favorable decision, in writing, from the Tribunal.

While this process can dredge up painful memories from the past, we have experienced that most persons have found new strength, understanding, and healing by discussing their prior marriage with a person who represents the Church. As a recent petitioner told us, "It was a great healing for me." Another petitioner said, "I understand myself and my marriage now!" All those involved in helping you through this process view our work as a ministry.

We understand and appreciate the effort any person needs to put forth when seeking an annulment. The process could be seen as an obstacle to your full participation in the Catholic church. However, it could also be seen as a means of personal and spiritual growth toward the happiness you were meant to enjoy with God. Please don't allow any questions or doubts to keep you from approaching the Tribunal about a former marriage. May God bless you as you seek to understand God's will and desire for you. If you are divorced, may the Lord's mercy touch the memories of this painful time in your life through the Church. Should you decide to seek an annulment, may it be a source of healing for you.