Divorce & Remarriage in the Catholic Church for Non-Catholics

If you are reading this document, it is likely that you are interested in marrying a Catholic person, within the Catholic Church. A priest or deacon, or member of the parish staff, has talked to you about your plans, and about your previous marriage which ended in divorce. This may have given rise to some questions in your mind. You may have asked, first and foremost, why the Catholic Church would want to examine your past marriage in order to allow a future marriage to one of its members? This document is an attempt to answer this and other questions which you may have. It is also written to help you to understand the theology of the Catholic Church regarding marriage, and its process which determines whether a person is free to marry again.

What is Marriage?

In order to understand what the Catholic Church means when it issues a *Declaration of Nullity* (an Annulment), it is helpful to look first at the Church's long-standing and beautiful concept 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. We believe that marriage between baptized Christians is a sacrament, regardless of the denomination of the spouses.

The Catholic Church understands that marriage takes place when two persons exchange consent through wedding vows according to the norms of their own faith tradition. In fact, we believe that even marriages involving unbaptized persons come into existence with the exchange of vows according to their beliefs and practices.

Whenever two baptized persons marry in this way, we believe that God has made them 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 being to break the God-made bond, or covenant, between husband and wife.

For the marriage bond between husband and wife to be established by God, a number of intentions must be made by the couple at the time of their marriage. The couple must know what marriage is and they must intend the marriage to be lifelong and open to children. They must intend fidelity and their mutual good. They must also have the physical and psychological ability as well as the personal maturity to follow through on what they have intended.

When all of the above factors are brought together, a sacramental, indissoluble union is established by God. The Catholic Church recognizes, respects, and presumes this type of enduring marriage bond between persons of any faith background (and in a similar way between unbaptized persons), even if the civil government, because of divorce, no longer recognizes that a marriage exists. This is why we respect your previous marriage, even though you are not a Catholic.

So, What Exactly is an Annulment?

Is it ever possible to enter a second marriage? Sometimes we need to question our presumption regarding the presence of a sacramental marriage. The Catholic Church recognizes that there are times when the wedding ceremony was beautiful, the right words were spoken, and even children were born of a marriage but, for a variety of reasons, something necessary for the establishment of the marriage bond was missing. When this is the case, it is clearly possible to have two persons, legally married, but never actually joined together by God in a sacramental union.

To be certain, 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 sacramental bond of marriage was never present from the very beginning of the marriage. If this is decided by the Church, the persons are free to marry again. The Tribunal is the Church Court which decides if this sacramental bond was present in a marriage or not.

With this stated, it must also be made clear that an annulment in no way affects the legitimacy of the children of such a previous marriage. Similarly it has no bearing on other natural and civil obligations such as child support or custody. The Church does not seek to assign blame for the marriage breakup to any of the persons involved.

Every prior marriage must be addressed and evaluated carefully and individually. Therefore, until your previous marriage is reviewed, through the ministry of the Tribunal, you would not be free to enter into another marriage without at least the appearance or occasion of serious sin. To enter into such a union with a Catholic would remove him or her from the sacramental life of the Church, including the reception of Holy Communion.

Some Practical Points

If a formal annulment case is needed you will be asked to complete a brief questionnaire, giving a history of your prior marriage, and then you will meet locally with a Tribunal Case Assessor, who will be able to answer your questions and help you complete the introductory paperwork. The Case Assessor will forward your petition to the Tribunal.

After all the necessary information has been gathered, you will need to wait for a decision of the Tribunal. This wait can be frustrating, as it 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, nor to promise a definite date of conclusion, nor even to promise a favorable decision. In light of this, the priest or deacon working with you is not able, nor permitted to set the date for any future wedding.

The cost of the process is shared by the Archdiocese of Baltimore and you (the petitioner). You are asked to pay a maximum of $500, depending on the type of process the Tribunal must use in your case. Your fee is about one half of the actual expenses, which cover secretarial, professional, and operational costs. There are a variety of payment plans available and no one is ever denied an annulment because of their inability to pay.

A Few Final Comments

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 understand 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 being married within the Church of your spouse. 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. Talk over your concerns with a priest or any other knowledgeable Catholic with which you feel comfortable.

May God bless you as you seek communion with us in the Catholic faith. 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.