

Office of the Tribunal
Diocese of Phoenix

Annulments

The Catholic Church believes in the sanctity and permanence of the marriage bond. This bond is created by God at the time of marriage, if the marriage matches the criteria of commitment as defined by the teachings of Christ and His Church. This bond is normally created at the time of marriage, and prevents a person from entering into a similar bond while their first spouse is still alive. In the annulment process the Church evaluates the validity of the marriage bond, to determine whether it truly came into existence at the time of the marriage.

Frequently Asked Questions

What is the difference between a divorce and an annulment?

In the eyes of the Catholic Church, a civil divorce is an agreement between two married people to legally separate, to divide their common property, and to determine the care and custody of any children that might be in the marriage. If a true marriage bond exists, it is created by God and any decision of the Civil Authority cannot undo the action of God. A Church annulment is a process by which the Church determines if the bond was created at the time of the marriage. If the bond exists, then it is a “marriage made in heaven” and only God can end it. If the bond is proven not to exist, then this marriage was created by the Civil Authority, and the Civil Authority has the power to declare that the marriage is ended.

What is the procedure for obtaining an annulment of a marriage?

You should contact your local parish who will assign a person to assist you in preparing your request for a possible annulment. This request is then sent to the Diocesan Tribunal. This Tribunal will make a thorough study of the marriage to determine if the bond was created at the time of the marriage. If no bond was created, then the parties are free to attempt to create that lifelong bond with another.

Does the annulment process apply to the marriages of non-Catholics?

Yes. If a person who is not a Catholic, was previously married, and wish to marry a Catholic, they too must present their marriage to be examined by the Tribunal.

Are witnesses required for this process?

Marriage is taken extremely seriously in the Catholic Church. Should you wish to obtain an annulment; the Church does not feel it can merely take your word for what happened. Your statement must be supported by other proofs, usually the statements of at least two witnesses.

Who can be witnesses?

Normally, witnesses should have knowledge of you and your former spouse both before and during the marriage. These witnesses may include parents, siblings, close friends, and even ex-in-laws. Witnesses who did not know the parties at the time of the marriage are almost useless, nor are the children of a marriage appropriate witnesses. With the proper legal release, counselors may be asked to supply a report of any treatment the couple or one of the individuals received. However you have no obligation to contact your former spouse yourself. Any contact is handled by the Church.

Must my former spouse be contacted?

Marriage involves two equal parties. Church law is quite strict on the requirement that both have a right to know what is being done. Thus, the other party must be given a opportunity to give their own testimony, name witnesses and be informed of the outcome of the process.

What happens if I do not know the location of my former spouse?

An ancient principle of Church law is, “no one is obliged to do the impossible.” If it is impossible to contact your former spouse, then the case may proceed, but this impossibility must be proven. A good faith effort must be made to locate the former spouse, and the failure of the search documented.

What if my former spouse refuses to cooperate?

Your former spouse must be given an opportunity to participate, if this is possible, but if they refuse to cooperate, this does not delay the case. The Tribunal will declare that they have absented themselves from the process and order that the case proceed.

Is there an advantage in having the former spouse cooperate?

Yes, as marriage involves two people, hearing the story from both perspectives gives the court a clearer picture of the truth.

How long does the annulment process take?

It is difficult to give an exact time table, because no two cases are alike. Some cases are very complicated and involve multiple personal interviews by a Tribunal staff that has a heavy case load. Obviously, these difficult cases take the longest. If you submit good testimony to the court and your witnesses respond promptly and well, then the case could be done sooner. A good rule of thumb is to expect the case to take 18-24 months, although this is an average. Some cases are done more quickly, others take much longer.

Is an annulment always granted?

No, in many instances the validity of the bond is upheld because it cannot be proven that there was a flaw in the consent from the beginning of the marriage.

Does the annulment affect the legitimacy of children?

As stated above, the annulment does not question the existence of the former marriage, only its character as binding for life. Thus the children are considered the product of a valid, civil marriage and are legitimate.

Does the Phoenix Tribunal make the final decision?

No, marriage is treated so seriously by the Catholic Church, that after a local court has made a decision, a second court must review the work and make a final confirmation of the decision. The appeal court for the Diocese of Phoenix is the Archdiocese of Santa Fe. Once they rule on the case affirmatively, the annulment is granted.

Does the annulment have any civil effects?

No. This is a purely religious matter, not recognized by the Civil Authorities in the United States.

If the annulment is granted, am I free to marry?

Normally, yes you are, but if evidence has come to light that indicates the problems from the previous marriage could threaten a new one, the court can order extra counseling to prevent future problems.

Can I set the date for my new marriage while this case is in process?

No, Diocesan policy forbids setting the date for a wedding while the annulment is in process. This prevents the painful problem of setting a date and discovering that the annulment cannot be done in time. While no date can be set, there is no problem with starting preparation for a future marriage through your local church, as long as not "tentative" dates are set.

Is there a fee for the annulment?

There is a processing fee for the annulment that amounts to about quarter of what the process actually costs the diocese. It is only fair that those who can afford it help the Church with its expenses. However, the church never holds up a case over money. In appropriate cases pastors can authorize payment from parish funds or request a waiver. As of July 2002 the processing fee for a formal case is \$500. This can be paid at the time of filing by check or credit card. Alternatively, a \$100 can be paid initially with monthly payments for the remaining \$400.

For more information contact your parish nullity minister