

CHURCH ANNULMENTS

A STATEMENT OF POLICY AND PROCEDURE FOR THE PETITIONER

As you begin the paperwork petitioning the Tribunal of the Diocese of Length of Scranton to declare your former marriage null, we urge you to consider the following information carefully before completing the enclosed questionnaire. By sending this packet of material to the Tribunal, you are making a formal petition to the Catholic Church to declare the marriage in question null according to its teachings. This introductory information is designed to help you in understanding the annulment process and in completing the preliminary paperwork in order that your petition can be accepted by the Tribunal.

At the outset, in order to accept your case, the Tribunal must establish its competence according to Church law. If the marriage in question was celebrated within the territory of the Eparchy of Saint Maron of Brooklyn or if your former spouse resides here, we can accept your case without qualification. If neither possibility applies to your case, we may be able to accept the case on the basis of your residence provided that conditions governed by canon law are met.

We are required by Church law to notify your former spouse. Therefore, the respondent (former spouse) will be sent a letter as soon as we receive the completed questionnaire and accompanying paper work from you. We will encourage his/her participation in our investigation of the case. If your former spouse chooses to participate in the annulment proceedings, he/she will receive the same questionnaire you have. There is more about the rights of your former spouse in the following pages.

If, through these proceedings a declaration of nullity (annulment) is granted, it will not affect the natural or civil obligations (i.e., child support, visitation rights, property settlement, alimony, etc.) created by this marriage. Moreover, according to the Catholic Church, an annulment does not affect the legitimacy of any children born to this marriage. Please remember that this process is conducted exclusively for religious purposes in order to determine the validity of your former marriage (and hence, your freedom to marry) in the view of the Catholic Church.

As your case progresses, there may be times when you would like to communicate with the Tribunal. All contacts with regard to your case should be made in writing in order to safeguard confidentiality and to provide a written record for your file.

The Result of this Process

We hope that the result of this process will be a healing experience for you. For some people, this can be a healing of memories or simply peace of mind. For a divorced and remarried Catholic, a declaration of nullity will allow you to resume a full sacramental life in the Church. For a non-Catholic, an annulment will enable your present or intended spouse to have your marriage blessed by his or her Church. With regard to any previous marriage, a non-Catholic should be aware that the Catholic Church presumes that any marriage entered into by a man and woman is valid until the contrary can be proven. Therefore, a later marriage cannot be recognized by the Catholic Church until the first marriage has been declared null.

The potential benefits of a successful outcome of this process should not cause you to overlook certain realities, however. Essentially an annulment requires the demonstration of certain facts which indicate, when seen in relation to the Catholic Church's understanding of marriage, that a particular marriage was not valid. The annulment process seeks to discover whether there were any factors present at the time you exchanged marital consent which would have made it impossible to fulfill this commitment. Such factors could include immaturity, poor or mistaken judgment, family problems, alcohol or drug abuse, emotional difficulties, conflicts, disagreements, an unwillingness to compromise, an inability to share or communicate, etc. This process, therefore, involves the search for and demonstration of the truth. An affirmative decision indicates that a person's petition for a declaration of nullity has been proven according to the laws and teachings of the Catholic Church; a negative decision would indicate that the petition was not able to be established to the satisfaction of the judges.

The Rights of the Parties

The annulment process is governed by specific laws of the Church which protect various rights of the parties, the Church, and the institution of marriage. Clearly, the Tribunal is under a most serious obligation to ensure and protect the following rights of your former spouse:

1. To be notified about your request for an annulment;
2. To be allowed to participate by giving testimony and or offering the names of witnesses;
3. To know the basis for your petition, the names of your witnesses, and the grounds on which the nullity of the marriage will be alleged;
4. To know the content of the case, even to review the testimony at a Tribunal office;
5. To challenge or refute your testimony or that of the witnesses;
6. To know the content of and reasons for the decision;
7. To challenge the decision by a complaint of nullity or an appeal to a higher Church tribunal.

It should be noted that, as the petitioner, you have rights similar to the above. Therefore, know that the information provided to us by either party or their witnesses may be accessible to the petitioner and respondent, if they so choose and if the Tribunal concurs.

Special Situations Concerning Your Former Spouse

If your former spouse is not willing to cooperate or simply ignores the letter of notification, the proceedings will continue. If the whereabouts of the respondent is genuinely unknown, the case can continue. However, documentation will be required to demonstrate that his or her location is truly unknown. In this regard, you must provide us with the last known address you have for your former spouse and/or the name and address of someone (such as a relative) who may know his or her present location.

If the respondent was violent or abusive, this must be fully documented by court records, police reports, sworn testimony, etc. Even in such situations, however, the law of the Church views the respondent's "right of defense" as one which must be taken seriously because it is a natural right. Consequently, our failure to notify a respondent could result in the reversal of an affirmative decision by a higher Church tribunal.

If you cannot agree with the requirement of canon law that we notify your former spouse, it may not be possible for you to pursue the resolution of your marital situation with the Tribunal, at least at this time. If you are concerned about the notification of your former spouse, it will be best to discuss this directly with the Tribunal.

Witnesses

An ancient principle, evident even in the scriptures, states that two witnesses are required in any question or dispute brought before the church community. Anyone who has known you well for a long period of time can serve as a witness. It is most helpful if the person knew your former spouse as well. The best witnesses are those who have known you both since your courtship. Usually, parents, brothers or sisters, or other relatives make good witnesses. We prefer, however, that you not involve your children in the proceedings.

At times, there may be someone you presume would not be an acceptable or knowledgeable witness. Certainly there are some things about a marriage that no one would know about except the former spouse. Nevertheless, please allow us to evaluate the suitability of a witness. It is not always necessary that someone know the intimate details of your life: that they have known you well and were at least acquainted with your former spouse is often more than enough.

The witnesses whose names and addresses you provide will be sent a questionnaire similar to (but shorter than) the one you have completed. This will be sent when we receive your paperwork. You should encourage a prompt response. Many cases are significantly delayed because of witness problems. In some cases, the Tribunal may want your witnesses interviewed.

Confidentiality

The Tribunal functions as the official way a person can resolve a problem or regularize his or her status in the Church: This is considered to be the external forum: it is a public, official, and formal way to address certain situations in the Church. In terms of the divorced, it is the public, external and official way that a person can have a subsequent marriage validated by the Catholic Church. Therefore, there are certain features which make this a "public" process. Nevertheless, any information gathered by the Tribunal is for the exclusive use of the Catholic Church in determining the validity of a marriage according to its teachings. Because such information is personal and sensitive, the Church is concerned that no one is harmed in any way as a result of this process. Therefore, the Tribunal may require an oath of secrecy from the parties in the case in order to protect a person's privacy, good name or reputation. Such an assurance of confidentiality from the parties is also necessary in order that the Church may conduct its internal affairs freely in our society.

Be assured, however, that only those persons who have a right or a need to know about the specifics of a case have access to this information. Obviously, in the first place, this right applies to the parties themselves (you and your former spouse). The need to know applies to the officials and employees of the Tribunal who are under a strict obligation of secrecy. Others who may need to be informed about the details of a case are officers of other Church tribunals or professionals whom we engage for their expert opinion.

Often, after a decree of nullity is issued, certain issues need further clarification before permission to marry will be given by the Church. In those situations, a professional counselor will need to be informed about the background of those areas needing clarification.

Financial Agreement

The Eparchy of Saint Maron of Brooklyn underwrites the actual expenses involved in running the Tribunal. At present, we ask the petitioner to pay less than the actual cost per case; \$600.00. We ask that it be paid when you send in the initial paper work. However, you may arrange a different schedule of payment if necessary. In cases of genuine need, the fee can be reduced and, in urgent situations, even waived. No one should hesitate to file a petition for an annulment because of a financial difficulty. Please see the last page of the petitioner's formal questionnaire for further information. If, at some point during the process, you need to modify your financial arrangement, please so inform us.

Discontinuing payments without explanation is generally viewed as a sign that you do not wish to pursue the case further.

Release of Counseling Records

Often the professional opinion of a counselor helps the Tribunal in understanding the problems within your former marriage. Any information provided to the Tribunal by a counselor is confidential. You must authorize the release of such information. It is understood that any report you release from a following right counselor or agency will be for the exclusive use of the Tribunal.

If you engaged the services of a professional for individual or marital counseling, we ask that you request that counselor or agency to provide the Tribunal with a report. To make such a request, please read carefully and complete fully the form provided at the end of the questionnaire. The Tribunal will send your release(s) to the appropriate address. If you were counseled by more than one professional, you must complete a release for each one. You may duplicate the form for this purpose.

Length of the Process

When you complete the enclosed questionnaire and submit it with the required supporting documents, you are beginning a lengthy process. Ideally, the Code of Canon Law asks that such cases at the diocesan level be finished in twelve months and, at the next level (for us, in Newtown, Mass), in six months. With the availability of qualified personnel to work in the

Tribuna!, we hope to come to a decision in these cases well with these Ideal time frames, If not before.

However, some cases are delayed by insufficient information or by a lack of cooperation from the petitioner or witnesses. Hence, you should present the preliminary information as thoroughly as possible. It would be advisable to speak to your witnesses beforehand and obtain their assurance that they will respond promptly. The longest delays in a case often arise when witnesses do not respond.

Preparing for Another Marriage

In evaluating the testimony in a marriage case, the Tribunal often learns a great deal about the parties and their marriage. In most cases, some of this Information can be used to help the parties prepare more thoroughly or realistically for a future marriage. Moreover, there may be some questions about what led to the problems, in the former marriage.

The Church is very concerned that a future marriage be as happy and healthy as possible. In many cases, special marriage preparation will be required for you and an intended spouse before another marriage will be permitted in the Church. Such special preparation can include one of the following requirements:

1. Informing the priest or deacon preparing a future marriage or convalidation about specific {pastoral questions or concerns to be discussed with you and an intended spouse;
2. A series of sessions with a marriage and family therapist --at a local office of Catholic Social Services to discuss specific concerns or questions and to evaluate the future marriage;
3. Referral to a qualified professional (i.e., an alcohol or drug counselor, psychologist, other mental health professional) to assess and/or discuss certain specific areas of concern.

All of these types of post-annulment referrals are meant, not as a penalty but, as a help to you and your future spouse. Often many couples see such an experience as a real benefit to their marriage.

If the second or third possibility is needed, it is understood that you will be responsible for the professional fees Involved. Because a declaration of nullity involves a legal process which resolves the question of your marital status in the Catholic Church, it must be completed definitively (one way or the other) before you can begin to prepare for another marriage in the Church. To avoid confusion, anger, embarrassment and hurt, no date can be set for another marriage (or for the convalidation of an existing marriage) before a final and favorable decision is rendered in your case. If you are a catechumen or a candidate for reception into full communion with the Church, your baptism or reception into the Church may also be delayed until your marital status is clarified. If you have questions about this, please speak to your parish priest.

Since the Church mourns the loss and pain which accompany any divorce, and to avoid question and any possible scandal, your future marriage should be celebrated simply and with little or no publicity.

The Tribunal as a Ministry of Service

The Tribunal exists to help people participate more fully in the sacramental life of the Catholic Church. Within the limits set by the Church's law, we will do all that we can to assist you. The information detailed above is designed to be clear about what is necessary for you to present a well-founded petition for a declaration of nullity to the Tribunal.

If you need further information, you may wish to speak to your parish priest. However, please do not hesitate to contact the Tribunal directly with any specific questions you may have about the process or its requirements. You may refer further inquiries to:

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